



“When You Talk - We Listen!”



TOWN OF COLLINGWOOD

JUDICIAL INQUIRY

Before:

Associate Chief Justice Frank Marrocco

Held at:

Collingwood Town Hall

Council Chambers

97 Hurontario Street

Collingwood, Ontario

September 12th, 2019

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APPEARANCES

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

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| 3  | 1545             | Affidavit of S. Almas - 12 Sept. 2019 |          |
| 4  | 1546             | TOC0189964                            |          |
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1 --- Upon commencing at 10:09 a.m.

2

3 MR. JOHN MATHER: The next witness is  
4 Sara Almas.

5

6 SARA JANE ALMAS, Sworn

7

8 EXAMINATION-IN-CHIEF BY MR. JOHN MATHER:

9 MR. JOHN MATHER: Good morning, Ms.  
10 Almas.

11 MS. SARA ALMAS: Good morning.

12 MR. JOHN MATHER: Welcome back. Just  
13 as a reminder, you are currently the clerk of the Town  
14 of Collingwood?

15 MS. SARA ALMAS: That is correct.

16 MR. JOHN MATHER: And this is a  
17 position you've held since 2007?

18 MS. SARA ALMAS: That is correct.

19 MR. JOHN MATHER: You gave evidence in  
20 part 1 of the Inquiry with respect to the Collus share  
21 sale?

22 MS. SARA ALMAS: I did.

23 MR. JOHN MATHER: For part 2, you've  
24 provided with -- the Inquiry with a sworn affidavit.  
25 Is that correct?

1 MS. SARA ALMAS: That is correct.

2 MR. JOHN MATHER: I'd ask that we  
3 please pull up AFF-13.

4

5 (BRIEF PAUSE)

6

7 MR. JOHN MATHER: Ms. Almas, this is  
8 an unsworn version of the affidavit that you have  
9 sworn and we are currently loading into the system.  
10 Is that correct?

11 MS. SARA ALMAS: That is correct.

12 MR. JOHN MATHER: Can you confirm that  
13 the affidavit is true and accurate, to the best of  
14 your ability?

15 MS. SARA ALMAS: It is true and  
16 accurate to the best of my ability.

17 MR. JOHN MATHER: Are there any  
18 changes you wish to make to the affidavit?

19 MS. SARA ALMAS: No, there isn't.

20 MR. JOHN MATHER: We'll proceed with  
21 some questions we have arising from the matters  
22 discussed in the affidavit, starting with paragraph 3.  
23 In this section of your affidavit, you discuss your  
24 time on the executive management committee, which was  
25 established by -- which you state was established by

1 Mr. Houghton at the time he was appointed as acting  
2 CAO of the town of Collingwood.

3 In paragraph 3, you state that:

4 "The purpose of the EMC was to  
5 assist Mr. Houghton to fulfil his  
6 duties as CAO."

7 You go on to state that:

8 "There was no formal terms of  
9 reference governing covering the  
10 EMC's roles or how it should  
11 operate."

12 With that in mind, what was your  
13 understanding about how the EMC would operate when you  
14 were appointed to the committee?

15 MS. SARA ALMAS: Generally, we were  
16 put together to have a collaborative discussion about  
17 various municipal administrative issues that we we're  
18 dealing with. Obviously, Mr. Houghton was extremely  
19 busy with all of his other responsibilities, and it  
20 wasn't stated at the beginning, but it generally was  
21 that we operated by a consensus. If -- if a -- if a  
22 member said something, or didn't agree with something,  
23 then we would have a pretty detailed conversation, but  
24 generally, things wouldn't proceed unless there was a  
25 consensus.

1 MR. JOHN MATHER: You mentioned that  
2 Mr. Houghton was busy with his other responsibilities.  
3 We understand that at this time, Mr. Houghton was the  
4 CEO of Collus, and what would become Collus  
5 PowerStream. He also served as the Executive Director  
6 of Public Works.

7 Were there any other responsibilities  
8 that you are aware of that Mr. Houghton had at this  
9 time?

10 MS. SARA ALMAS: Mr. Houghton was  
11 always involved in a number of associations. So he  
12 was very active in these associations. So between  
13 that and his duties at Collus, and with the Public  
14 Works and engineering department, he was quite busy.

15 MR. JOHN MATHER: You mentioned that  
16 the EMC made decisions by consensus. I want to know  
17 more about that, but first, I want to understand what  
18 sorts of decisions was the EMC tasked with making?

19 MS. SARA ALMAS: Basically, we -- we  
20 met regularly as a department head team, so the entire  
21 senior leadership group. But the four (4) of us met  
22 informally just to discuss any significant issues that  
23 were coming up that maybe Mr. Houghton wasn't fully  
24 briefed on items surrounding that event, or item, or  
25 project, or program, or initiative. And basically we



1 discussed those matters. And if there was any matters  
2 that needed to be brought to Council's attention, then  
3 Ed would do that, as he was the appointed acting CAO.

4 MR. JOHN MATHER: Was it the case that  
5 decisions that had previously made -- sorry, decisions  
6 that had been previously made by the CAO independently  
7 were now made based on when consensus was achieved  
8 within the EMC?

9 MS. SARA ALMAS: I believe Mr.  
10 Houghton made decisions on his own, as well as matters  
11 that we discussed.

12 MR. JOHN MATHER: Can you explain to  
13 me when you say that decisions were made by consensus,  
14 how was that consensus achieved?

15 MS. SARA ALMAS: Certainly. There  
16 wasn't any sort of formal vote. There was a sense of  
17 trust between us. So basically, if there was no  
18 objection, it was deemed that basically, we were all  
19 in support of whatever item that we're talking about  
20 was.

21 MR. JOHN MATHER: Prior to August  
22 27th, 2012, when the decision is made with respect to  
23 the Sprung structures, were there any instances where  
24 a decision was not made because consensus could not be  
25 reached?

1 MS. SARA ALMAS: Not that I recollect.

2 MR. JOHN MATHER: Was there any  
3 instance that you can recall where a decision was made  
4 because, for instance, a majority of the EMC thought a  
5 certain approach should be taken, and one (1) member  
6 thought it should not be -- be taken, but since the  
7 majority was in favour of that approach, that was the  
8 decision that was made?

9 MS. SARA ALMAS: Yes, that happened.

10

11 (BRIEF PAUSE)

12

13 MR. JOHN MATHER: So if we can scroll  
14 down.

15

16 (BRIEF PAUSE)

17

18 MR. JOHN MATHER: So paragraphs 5 and  
19 6 talk about how Mr. Houghton was busy during this  
20 time, and that as a result, that you took on many of  
21 the public-facing functions of the CAO's office.  
22 Similarly, in paragraph 6, you also say that more  
23 generally, you and Ms. Leonard, the treasurer, took on  
24 many of the CAO's duties.

25

Can you provide the Inquiry a sense of

1 what -- what these additional responsibilities were  
2 and what they involved?

3 MS. SARA ALMAS: Certainly. Since I  
4 was the most accessible member of the EMC at the Town  
5 Hall, I was regularly called upon whenever individuals  
6 come into the Town Hall that want to meet with CAO, if  
7 they had complaints, if there was a program or  
8 initiative that they wanted to bring to our attention.  
9 Basically because Mr. Houghton did not utilize the  
10 CAO's office here at the Town Hall, I would have  
11 meetings actually in his office or in my office,  
12 because he had a greater meeting -- actually a meeting  
13 boardroom table in there as well.

14 If members of Council had any sort of  
15 issues or concerns, obviously I'm aware of a lot of  
16 the operational administrative matters, being the  
17 clerk, that I would be able to assist. If there's  
18 anything of significance that I felt that I should  
19 maybe collaborate with Marjorie, since Marjorie -- Ms.  
20 Leonard was the treasurer and also in the Town Hall,  
21 then I would seek to have her input on -- on anything.  
22 But if -- again, if it was something significant, then  
23 the EMC would have that conversation.

24 MR. JOHN MATHER: So was it the case,  
25 then, that if something needed to be done, that the

1 CAO would typically do, whether that's talk to someone  
2 who would come to Town Hall, or make a decision that  
3 needed to be made in a -- in the short term, and Mr.  
4 Houghton wasn't available, those decisions came to you  
5 and Ms. Leonard?

6 MS. SARA ALMAS: Yes.

7 MR. JOHN MATHER: When you were  
8 appointed to the EMC, was this something you -- was  
9 this a position you expected to find yourself in?

10 MS. SARA ALMAS: I was not appointed  
11 to this committee. Not necessarily did I think I  
12 would be taking on so much responsibility.

13 MR. JOHN MATHER: You made point of  
14 saying that you weren't appointed to this committee.  
15 How did you come to be a member of the committee?

16 MS. SARA ALMAS: I was asked to  
17 participate on the committee by Ed.

18 MR. JOHN MATHER: At that point in  
19 time, I take it you agreed to join the committee?

20 MS. SARA ALMAS: Yes, I -- I worked a  
21 lot. I spent a lot of time trying to grow my career.  
22 I looked up to Ed. He was a very influential  
23 individual. I was very excited to -- I've seen this  
24 as, you know, a potential growth in my -- my career to  
25 have the opportunity, even though I wasn't compensated

1 extra. So I was -- I was excited for the -- the new  
2 challenge.

3 MR. JOHN MATHER: During this time  
4 period, you continued to have your responsibilities as  
5 clerk and overseeing the clerk's department, as I  
6 understand it. Is that correct?

7 MS. SARA ALMAS: That's correct.

8 MR. JOHN MATHER: As a member of the  
9 EMC, was it your understanding that Town staff outside  
10 of the clerk's department now reported to you, either  
11 directly or in conjunction with Mr. Houghton?

12 MS. SARA ALMAS: That was never my  
13 understanding, and I don't believe that was -- staff  
14 believed that either.

15 MR. JOHN MATHER: As -- as a member of  
16 the EMC, did you take on any management  
17 responsibilities for staff, again outside of the  
18 clerk's department?

19 MS. SARA ALMAS: No.

20 MR. JOHN MATHER: When Mr. Houghton  
21 was appointed acting CAO, how long did you understand  
22 that appointment was supposed to be?

23 MS. SARA ALMAS: At the time, it was  
24 indefinite. So I -- I didn't -- I didn't know how  
25 long it would -- it would go on for.

1 MR. JOHN MATHER: Did you have any  
2 sense or were you given any sense of how long Council  
3 intended to have Mr. Houghton in that role even though  
4 it was indefinite?

5 MS. SARA ALMAS: I -- I know that  
6 Council was satisfied with the work that Mr. Houghton  
7 did. Mr. Houghton always got action, so I think they  
8 were -- they were generally satisfied with him, so I  
9 don't know if it was their understanding that it could  
10 evolve into a permanent CAO or they were going to  
11 recruit a new CAO, so it wasn't -- wasn't known to me.

12 MR. JOHN MATHER: The Inquiry heard  
13 evidence in the first part that at the outset Mr.  
14 Houghton's appointment was supposed to be for a  
15 limited period of time, a matter of two (2) or three  
16 (3) months.

17 Was that something that you were aware  
18 of at the time?

19 MS. SARA ALMAS: I believed at first  
20 that it would be a limited amount of time, yes.

21 MR. JOHN MATHER: After Mr. Houghton's  
22 appointment, were you aware of any steps Council took  
23 to find a permanent CAO?

24 MS. SARA ALMAS: Sorry, can you repeat  
25 the question?

1 MR. JOHN MATHER: Certainly. After  
2 Mr. Houghton was appointed as acting CAO -- maybe I'll  
3 put it this way. What did Council do, to your  
4 knowledge, to find a permanent CAO?

5 MS. SARA ALMAS: They -- they didn't  
6 pursue anything until Mr. Houghton stepped down.

7 MR. JOHN MATHER: Other than what  
8 you've described about Council being pleased with Mr.  
9 Houghton's performance, do you know any other reason  
10 why Council didn't take any steps to find a permanent  
11 CAO before Mr. Houghton stepped down?

12 MS. SARA ALMAS: We had been through a  
13 number of CAOs. I think at that point I had been with  
14 the municipality for seven (7) years, and I think we'd  
15 been through four (4) CAOs. I think at that point  
16 that Ed provided some consistency.

17 He understood the town, he understood  
18 the vision of Council at that time, and there was a  
19 lot of items that the Council wanted to see gets  
20 completed or see achieved during that -- that period,  
21 and I think that they believed that Ed could assist  
22 them with that process.

23 MR. JOHN MATHER: Looking at paragraph  
24 6 of your affidavit, you write that you found working  
25 on the EMC as a unique opportunity but very stressful

1 at times.

2 Can you explain what about working on  
3 the EMC you found to be very stressful?

4 MS. SARA ALMAS: Certainly. So the  
5 first few months we were busy looking at the various  
6 tasks that Council wanted to see achieved. Obviously  
7 at that point there was a lot of conversation about  
8 the rec facilities within the Town of Collingwood.  
9 The information was presented before the previous CAO  
10 left from the Central Park Steering Committee, so that  
11 was -- that was very busy. However, I wasn't too  
12 involved in the recreation facilities.

13 At that point I took as part of the  
14 leadership team one of the items that Council wanted  
15 to see achieved, was an organizational review, so I  
16 was tasked and I undertook an entire enterprise  
17 corporate-wide organizational review and provided a  
18 service level document, it was over two hundred (200)  
19 pages, on -- on the various programs and services that  
20 the municipality provided, whether they were mandatory  
21 or discretionary, and so I was busy with that.

22 That wasn't too stressful, but  
23 obviously whenever this report came through on the end  
24 of August and the public outcry, it became very  
25 stressful because at that point I was still doing the



1 service level review. We had the casino discussions  
2 going on, we had this discussion. Obviously I'm the  
3 public facing person here at the town hall, there's a  
4 lot of enquiries, I had a young family, so there was  
5 points that was very stressful.

6 MR. JOHN MATHER: You mentioned in  
7 your answer a report came through in August. Are you  
8 referring to the report recommending proceeding with  
9 the Sprung Structures?

10 MS. SARA ALMAS: That's the report.

11 MR. JOHN MATHER: You mentioned an  
12 email exchange in this paragraph, so I'll ask if we  
13 can pull up Exhibit A.

14

15 (BRIEF PAUSE)

16

17 MR. JOHN MATHER: Scroll down. It's  
18 not an email exchange, I should say it's an email from  
19 you. So this is an email from you to the other  
20 members of the Executive Management Committee. One  
21 (1) of the things you say in the second sentence is:

22 "If an EMT is desired, regardless  
23 the Chair would be presumed -- would  
24 be the presumed CAO in the public's  
25 perception and staff's."

1                   And then you go on to say:

2                   "I'm not certain if I can commit  
3                   more than what I am doing now. I'm  
4                   trying so hard to keep up with  
5                   everything and cannot afford any  
6                   mistakes as the Clerk, and for my  
7                   family, as everyone is replaceable.  
8                   I really appreciate Ed's role as the  
9                   acting CAO. Ed has been so  
10                   important."

11                   In this email you appear to be  
12                   describing some of the things you've already told the  
13                   Inquiry about.

14                   Can you just explain the circumstances  
15                   that led you to send this email at this point in time?

16                   MS. SARA ALMAS: I can't remember the  
17                   specifics to this one at this time frame in January --  
18                   January 29th, 2013. I know that we were still in the  
19                   -- hold discussions with the casino. We had all this  
20                   information going back and forth about the rec  
21                   facilities and the process, about getting them  
22                   constructed, I was still involved in, and I felt that  
23                   I didn't have any support.

24                   And as you heard in my -- my previous  
25                   witness statements, I have a -- I had a huge portfolio

1 at that time, so I was extremely busy and then  
2 complicated with all this and then not feeling like I  
3 had the support, was -- was difficult.

4 MR. JOHN MATHER: When you say you  
5 didn't have the support, what do you mean by that?

6 MS. SARA ALMAS: Like, I -- I felt I  
7 was doing -- I was -- I felt I was doing more than my  
8 share on the EMC than others were.

9 MR. JOHN MATHER: You mention in this  
10 email that one of the -- or one of the things you say  
11 you cannot afford any mistakes as the Clerk.

12 How did being a member of the EMC  
13 affect your role, which continued as the Town Clerk?

14 MS. SARA ALMAS: I take my  
15 responsibilities as Clerk very serious, and along with  
16 that comes great responsibility, and I did not -- I  
17 couldn't afford to make any mistakes. I was the bread  
18 winner for my family as well, so I was concerned  
19 because obviously I'd just seen the termination of the  
20 previous CAO that I was shocked about at the time, and  
21 so I couldn't risk being in a compromised position  
22 that would afford something to cause me to lose my  
23 job.

24 MR. JOHN MATHER: So this email you  
25 send on January 29th, 2013 -- if we could go back to

1 paragraph 7 of the affidavit.

2

3

(BRIEF PAUSE)

4

5 MR. JOHN MATHER: As you stated here,  
6 you -- you step down from the EMC in May 2013.

7 Understanding what you've already told us this  
8 morning, why at this point in time did you make the  
9 decision to step down from the EMC?

10 MS. SARA ALMAS: At this time, Ed had  
11 finally decided he was going to step down in April.  
12 It was the three (3) of us, and it -- it wasn't  
13 productive. It wasn't a good use of our time. I felt  
14 again frustrated that I was taking on more  
15 responsibility, nothing was happening for a position  
16 of CAO, so I felt that Council would just carry on  
17 with an EMC and -- and if I step down, that would  
18 hopefully spark an interest to get the process going  
19 again on -- on appointing a CAO.

20 MR. JOHN MATHER: Was it the case then  
21 that when Mr. Houghton stepped down as CAO, or at  
22 least was it your understanding, that the EMC now  
23 would take on all of the responsibilities that were  
24 held by the CAO's office?

25 MS. SARA ALMAS: I didn't think of us

1 at that time as being the CAO, but we were the most  
2 senior group of individuals talking about anything,  
3 and again there wasn't a Terms of Reference for our  
4 group. We were basically just managing day to day as  
5 best we could.

6 MR. JOHN MATHER: Moving to the next  
7 section of your affidavit, so if we could scroll down  
8 to see paragraphs 8 and 9.

9 You discuss the purchasing bylaw that  
10 was in place during the 2010 and 2014 Council term --  
11 term, as well as an unsolicited proposals guideline  
12 that was in place.

13 In 2012, what was your understanding of  
14 the purpose of the unsolicited proposals guideline?

15 MS. SARA ALMAS: If -- if an  
16 individual, an organization, or company had something  
17 unique and they wanted to bring it to our attention  
18 and have it considered and knowing it -- it could be a  
19 proprietary interest, that there was a process or a  
20 guideline, it wasn't a formal bylaw, however, it was  
21 this guideline that was established, together when we  
22 received -- actually, the purchasing bylaw, both of  
23 those came, I believe, simultaneously, I think, in --  
24 in 2006.

25 But, basically, it provided a process

1 that you could follow if you received such a proposal.

2 MR. JOHN MATHER: In 2012, how  
3 familiar were you, as clerk, about the contents of the  
4 purchasing bylaw and the unsolicited proposals  
5 guideline and what they mandated?

6 MS. SARA ALMAS: I wasn't -- I was  
7 familiar as -- I was a department head, so I was  
8 responsible for the various limits within it. So,  
9 every department head was responsible for their  
10 acquisitions within their department.

11 The -- the bylaw actually spoke to  
12 having a purchasing manager. And in 2006 we didn't  
13 have a purchasing manager, so that was kind of an odd  
14 -- an -- an odd definition to have in there.

15 However, at 2012, we had hired a fleet  
16 facilities and purchasing manager even though the  
17 corporate administration of purchasing, the purchasing  
18 function, was within the Treasury Department. The  
19 individual that was tasked as purchasing manager  
20 actually reported to Mr. Houghton, as the Executive  
21 Director of Public Works and Engineering.

22 MR. JOHN MATHER: And so, was that  
23 individual David McNalty?

24 MS. SARA ALMAS: Yes. Yes. Further,  
25 my -- my knowledge with the purchasing bylaw, the

1 clerk, as maintaining all the corporate records, I was  
2 responsible for -- I attended -- I received all bid  
3 submissions.

4                   Between myself and my deputy, we would  
5 have public bid openings. So, I would go to the  
6 openings to be present to record the information.  
7 Also in the bylaw I was responsible for -- to  
8 participate in listening to any sort of conflict  
9 resolution discussions if a bidder was not happy.

10                   I had never participated in one (1).  
11 We didn't have any at that time. And in the piece  
12 regarding sole sourcing, I had -- I had a  
13 responsibility that I would be responsible to rece --  
14 you could proceed with sole sourcing if I -- the clerk  
15 received authorization either verbally or written --

16                   MR. JOHN MATHER: I want to ask you a  
17 few --

18                   MS. SARA ALMAS: -- based on criteria,  
19 sorry.

20                   MR. JOHN MATHER: So, I want to ask a  
21 few questions about what -- what you just said there--

22                   MS. SARA ALMAS: Yeah.

23                   MR. JOHN MATHER: -- beginning with  
24 sole sourcing. You said that a sole source could  
25 proceed if you received verbal or written

1 authorization.

2                   What -- can you explain what you meant  
3 by that?

4                   MS. SARA ALMAS:   That's actually the  
5 wording that's from the bylaw.  So, I had never been  
6 involved in a sole source prior, so I wasn't  
7 intimately familiar with this piece moving forward.

8                   MR. JOHN MATHER:   Did you understand  
9 who could give you verbal or written authorization?

10                   MS. SARA ALMAS:   I would believe it to  
11 be the department head or the CAO.

12                   MR. JOHN MATHER:   I take it from your  
13 answer though that -- that never transpired prior to  
14 2012?

15                   MS. SARA ALMAS:   That's correct.

16                   MR. JOHN MATHER:   Okay.  So, I  
17 understand from your answer your -- your  
18 responsibilities as clerk with respect to the  
19 purchasing bylaw included opening tenders when they  
20 came in a procu -- competitive procurement acting in  
21 some sort of dispute resolution capacity, having a  
22 certain authoriza -- a certain ability to authorize a  
23 sole source if you got authorization.

24                   Did you have any other roles, as you  
25 understood it, in 2012 under the purchasing bylaw or



1 the unsolicited proposals guideline?

2 MS. SARA ALMAS: Just my  
3 responsibility as a department head, as well, with the  
4 various levels of procurement that department heads  
5 were responsible to do.

6 MR. JOHN MATHER: In 2012, was there  
7 any individual or department at the town that was  
8 responsible for ensuring that purchased proceeded in  
9 accordance with the purchasing bylaw and the  
10 unsolicited proposals guideline?

11 MS. SARA ALMAS: Since the oversight  
12 function is within the Treasury Department, I would  
13 say that it would be within -- within the Finance  
14 Treasury Department.

15 MR. JOHN MATHER: And was that what  
16 you understood to be the case in 2012?

17 MS. SARA ALMAS: Yes.

18 MR. JOHN MATHER: Generally speaking,  
19 when the town was looking at a procurement or -- or  
20 preparing for procurement in 2012, who would be  
21 responsible for overseeing and operating a specific  
22 procurement?

23 MS. SARA ALMAS: So, in accordance  
24 with the bylaw, it is the department head together  
25 with the purchasing manager. So, at that time, we had

1 -- Mr. McNalty helped assist through the RFP process.

2                   So, the bylaw also included templates  
3 for an RFP and tenders. And, basically, the  
4 department head would work with the purchasing manager  
5 to undertake any sort of acquisition that was needed.

6                   MR. JOHN MATHER: In 2012, was it your  
7 impression that, as a general matter, procurements  
8 were proceeding in accordance with the purchasing  
9 bylaw or something being referred to as procurements  
10 proceeded?

11                   MS. SARA ALMAS: Did I think that it  
12 was being complied with the bylaw?

13                   MR. JOHN MATHER: Yeah, as a general --

14                   MS. SARA ALMAS: Yes.

15                   MR. JOHN MATHER: Yeah.

16                   MS. SARA ALMAS: Yes.

17

18                   (BRIEF PAUSE)

19

20                   MR. JOHN MATHER: During a procurement  
21 or any purchasing decision, if staff wanted to consult  
22 with legal counsel about the procurement, was that  
23 something that was available to them?

24                   MS. SARA ALMAS: Yes.

25                   MR. JOHN MATHER: How would a staff

1 member go about seeking legal advice if that's  
2 something they wanted?

3 MS. SARA ALMAS: Most often, myself,  
4 as clerk, would coordinate a lot of the legal  
5 consultation or advise. So, it would either be  
6 through myself, or a department head would ask me if  
7 there was any concern. And then they could contact  
8 them directly, as well.

9 And then the CAO always had the -- the  
10 ability to contact the legal on their own if they  
11 wanted to see -- or seek advice.

12 MR. JOHN MATHER: Was it common for  
13 legal advice to be sought when a procurement decision  
14 or decisions were being made?

15 MS. SARA ALMAS: No.

16

17 (BRIEF PAUSE)

18

19 MR. JOHN MATHER: Do you know why not?

20 MS. SARA ALMAS: I think we -- we  
21 spent thousands of thousands of dollars on our  
22 purchasing bylaw, so I think that everybody was pretty  
23 satisfied with our -- the process.

24 And there was rarely any sort of  
25 anomalies that came up that would require further

1 legal advice.

2 MR. JOHN MATHER: Looking at paragraph  
3 9 of your affidavit, and it's something you've already  
4 mentioned, which is, prior to 2012, you weren't -- at  
5 least you do not recall the town proceeding by way of  
6 a sole source procurement.

7 You've already spoken about a certain  
8 authorization that could be granted to you for a sole  
9 source. Other than that, in 2012, what was your  
10 understanding of when the town could proceed with a  
11 procurement by way of sole source?

12 MS. SARA ALMAS: I'm -- I was fa --  
13 familiar with the 2006 bylaw, so the -- it lays out --  
14 I believe there's approximately seven (7) or eight (8)  
15 specific items that you could do sole sourcing for, so  
16 whether they're the only known supplier, whether it's  
17 an emergency purchase, whether there's an opportunity  
18 to do a joint or cooperative purchase with another  
19 public entity.

20 There's a number of items that are  
21 specific in that bylaw.

22 MR. JOHN MATHER: So, continuing  
23 through your affidavit, and now looking at paragraphs  
24 10 and 11. And in these paragraphs you talk about --  
25 first, you -- you mention that you were not actively

1 involved in the work of the Central Park steering  
2 committee other than that you had a general sense that  
3 cou -- council's concerns about the multi-use  
4 recreation facility that the steering committee had  
5 proposed.

6                   And in paragraph 12, you go on to say  
7 that you first became aware that council may not head  
8 down that path when you received an email from Mr.  
9 Houghton, who was forwarding a request from Deputy  
10 Mayor Lloyd seeking -- asking Mr. Houghton to get a  
11 price for a fabric cover.

12                   So, I think we should open the exhibit  
13 you reference here, which is that email chain. So, if  
14 we could pull up Exhibit D. And scroll to the bottom  
15 of the email chain.

16                   So, at the bottom of the email chain we  
17 have the email from Mr. Lloyd on June 12th in which he  
18 asks Ed to get a fabric cover to completely go over  
19 the Centennial pool and built it into Heritage Park,  
20 as well as the cost of a fabric cover to cover the  
21 outdoor ice rink.

22                   Mr. Houghton forwards that email to you  
23 with some commentary about why nothing is ever easy.  
24 And then if you scroll up, you respond:

25                   "He really shouldn't be directing

1                   you to do this either. What a  
2                   pickle."

3                   And then scrolling up further, Mr.  
4 Houghton responds. Then you say -- you suggest that -  
5 - or you say to Mr. Houghton:

6                   "Could he ask Rick to ask council to  
7                   make this request -- sorry, ask --  
8                   make this request in an email to all  
9                   council in Marta.

10                  And then, if no one objects, Ron,  
11                  Dave, or Dennis could go out and get  
12                  a couple of prices."

13                  Starting with your first email to Mr.  
14 Houghton, why did you tell him at that point in time  
15 that Deputy Mayor Lloyd shouldn't be directing him to  
16 make that sort of request?

17                  MS. SARA ALMAS: Because a member of  
18 council shouldn't be directing staff to undertake  
19 something, especially without anybody having an idea  
20 that that's happening.

21                  MR. JOHN MATHER: When you sent that  
22 email, was that a principle that you thought Mr.  
23 Houghton was aware of? Do you...

24                  MS. SARA ALMAS: I know that he was  
25 aware of. But I purposely sent that email to remind

1 him that he shouldn't be doing that, as well.

2 MR. JOHN MATHER: And why did you  
3 believe that Mr. Houghton needed a reminder, or you  
4 thought it would be useful to provide a reminder?

5 MS. SARA ALMAS: Again, Mr. Houghton  
6 was really busy. He was very active, as we can see.  
7 And so, I -- I felt that it was a good reminder to  
8 bring it to his attention that, you know, he shouldn't  
9 be going out on his own doing something that wasn't --  
10 that wasn't -- wasn't a council direction.

11 MR. JOHN MATHER: Were you aware of  
12 Mr. Houghton in the past ever of acting on a direction  
13 from an individual member of councillor (sic)?

14 MS. SARA ALMAS: I'm sure I was;  
15 hence, the reminder.

16 MR. JOHN MATHER: In your response --  
17 subsequent respond to Mr. Houghton, you suggest that -  
18 - either that, if -- if the email was sent to all  
19 council and Marta, I assume Marta is Mr. Proctor?

20 MS. SARA ALMAS: Correct.

21 MR. JOHN MATHER: That -- and there's  
22 no objections that Ron or Dave or Dennis could get a  
23 couple of prices. Who are Ron, Dave, and Dennis?

24 MS. SARA ALMAS: So, Ron Martin was  
25 our deputy chief building official. And I believe he

1 had the title project manager at that time, or shortly  
2 thereafter.

3 Dave McNalty was our fleet facilities  
4 purchasing manager. Dennis Seymour was responsible  
5 for rec facilities, I believe the pool, as well as the  
6 arena, but definitely the arena.

7 MR. JOHN MATHER: And why did you  
8 suggest that it be one (1) of them who go out and get  
9 prices if there's no objection?

10 MS. SARA ALMAS: Honestly, I didn't  
11 believe that a price would be so difficult. I thought  
12 it would be just phone them up, say this is kind of  
13 what we have, give us the approximate value of what --  
14 what they're -- what they're at.

15 I didn't think it was going to be a  
16 big, complex task. So, I thought it was something  
17 that, you know, someone a little bit more junior could  
18 be tasked with.

19 MR. JOHN MATHER: As opposed to Mr.  
20 Houghton?

21 MS. SARA ALMAS: Correct. And,  
22 obviously, they're more familiar with -- with the  
23 facilities themselves and the requirements and needs.

24 MR. JOHN MATHER: If we could go to  
25 paragraph 159.



1 THE HONOURABLE FRANK MARROCCO: Ca --  
2 can I just -- before you do that, can you put the  
3 email back on the screen, please?

4

5 (BRIEF PAUSE)

6

7 THE HONOURABLE FRANK MARROCCO: Just  
8 if I can refer you to the email. You -- you say  
9 you're -- you're asking Mr. Houghton to ask Rick, Rick  
10 is Rick Lloyd --

11 MS. SARA ALMAS: The deputy mayor.

12 THE HONOURABLE FRANK MARROCCO: -- to  
13 ask you in an email that all council sees. Why did  
14 you put that in there?

15 MS. SARA ALMAS: I think it was  
16 important that council knew what he was doing rather  
17 than going out on his own trying to direct staff to  
18 undertake something because, obviously, we had already  
19 received the presentation on the rec facilities and  
20 what's happening.

21 We were -- I believe it was around that  
22 time, as well, that there was a whole conversation  
23 about the next steps from that steering committee  
24 recommendation.

25 So, I thought to go out and -- and do

1 something that was the opposite of what we'd been  
2 discussing, someone should be aware of it.

3                   And I thought, you know, it could be a  
4 good idea because I know that there -- I knew how much  
5 money the proposed plan was going to be and maybe this  
6 was something that might be a reasonable alternative.  
7 However, people need to know.

8                   THE HONOURABLE FRANK MARROCCO:    And  
9 why did you want Marta Proctor to see the email?

10                   MS. SARA ALMAS:    It was --  
11 Your Honour, she was the director of leisure services  
12 of the time, and recreation facilities are her -- are  
13 her responsibility and her priority.

14                   Even the -- like the development or  
15 redevelopment or renovation of any facility was under  
16 her portfolio. So Ed shouldn't be going around doing  
17 something without Marta being aware of it.

18                   THE HONOURABLE FRANK MARROCCO:    And  
19 you say if -- so -- and you say if no one objects,  
20 then ask those people to get a couple of places. So  
21 was the idea that perhaps there might be an objection  
22 from somebody for the reasons that you just mentioned?

23                   MS. SARA ALMAS:    Correct. And I  
24 didn't think we needed to waste staff resources and  
25 time exploring something that -- that somebody or

1 people would have an issue with.

2 THE HONOURABLE FRANK MARROCCO: At the  
3 point where you become aware of the request of the  
4 deputy mayor and -- did that appear to you -- had you  
5 a reason to believe that was coming, or was it  
6 something out of the blue or...

7 MS. SARA ALMAS: It was out of the  
8 blue.

9 THE HONOURABLE FRANK MARROCCO: All  
10 right. Thank you.

11

12 CONTINUED BY MR. JOHN MATHER:

13 MR. JOHN MATHER: So if we could pull  
14 up paragraph 159 in the Foundation Document.

15

16 (BRIEF PAUSE)

17

18 MR. JOHN MATHER: So the email that we  
19 were looking at on -- just previously was dated  
20 June 12th, 2012.

21 This is an email dated June 14th, 2012  
22 or it's describing an email from Deputy Mayor Rick  
23 Lloyd to Mr. Houghton copying members of Council,  
24 Margaret Proctor, and the EMC in which he makes a  
25 request for prices for covering the pool and the

1 arena.

2 Do you recall receiving a copy of this  
3 email when Mr. -- when Deputy Mayor Lloyd sent it?

4 MS. SARA ALMAS: I would have received  
5 it, but I don't recollect specifically at this point.  
6 But obviously, my suggestion worked.

7 MR. JOHN MATHER: Do you know what  
8 happened after the email was sent?

9 MS. SARA ALMAS: Only through the  
10 Foundation Documents did I, you know, recollect that  
11 some members had responded saying that's, you know, a  
12 good idea. Or I think there was -- I think there was  
13 some positive reaction, but I don't recall. I don't  
14 recall if there was any objection. I don't think  
15 there was.

16 MR. JOHN MATHER: Do you know if  
17 anyone from staff after this email was sent went and  
18 looked into pricing for fabric buildings?

19 MS. SARA ALMAS: I -- I believe that  
20 this kind of initiated, you know, the conversation  
21 with -- with Sprung.

22 MR. JOHN MATHER: If we can go to  
23 paragraph 157. So just to orient you in time, Deputy  
24 Mayor Lloyd emailed Mr. Houghton on June 12th, and  
25 then Mr. Houghton forwarded it on to you. We've seen

1 the email on June 14th from Deputy Mayor Lloyd to all  
2 of Council, Ms. Proctor, and the EMC.

3 This paragraph describes an email  
4 exchange between a Sprung representative Pat Mills and  
5 Mr. Houghton on June 13th. As part of this email  
6 chain, Mr. Houghton writes that he's been asked by a  
7 member of Council to get a rough estimate for the  
8 installation of two (2) fabric buildings and asked if  
9 it can be discussed.

10 Were you aware at this time that  
11 Mr. Houghton had had this email exchange with a  
12 representative from Sprung?

13 MS. SARA ALMAS: I was not aware.

14 MR. JOHN MATHER: At any point, did  
15 Mr. Houghton inform you that he had sent this email or  
16 had this email exchange with a representative from  
17 Sprung?

18 MS. SARA ALMAS: Not that I recollect.

19 MR. JOHN MATHER: At this point in  
20 time -- June 2012 -- what did you know about what a  
21 fabric building was?

22 MS. SARA ALMAS: I didn't have very  
23 much experience. I -- I grew up on a farm, so I knew  
24 what a coverall building was. But I -- I wasn't too  
25 familiar with -- with a fabric structure.

1 I knew at Blue Mountain, they had a  
2 fabric structure where their tennis courts -- so it  
3 wasn't -- it's wasn't a big popular structure around  
4 this area.

5 MR. JOHN MATHER: To your knowledge  
6 prior to this point in time, had the Town ever  
7 considered fabric structures for any form of  
8 construction?

9 MS. SARA ALMAS: I believe around this  
10 time and a little bit earlier was the whole  
11 conversation that was being had with the Pretty River  
12 Academy and their structure that they were  
13 investigating for over their soccer pitches.

14 And that was the only other opportunity  
15 that I had heard about such structure.

16 MR. JOHN MATHER: So Deputy Mayor  
17 Lloyd sends his initial request to Mr. Houghton on  
18 June 12th, 2012.

19 What we see in the Foundation Documents  
20 is the day before that -- so June 11th, 2012 -- there  
21 was a meeting of Council that has been called the  
22 strategic planning session or a strategic planning  
23 workshop where Council members were given the  
24 opportunity to speak about options for recreational  
25 facilities and what they might like to see.

1                   Did you attend that meeting on  
2 June 11th, 2012?

3                   MS. SARA ALMAS:     Yes.

4                   MR. JOHN MATHER:     Do you recall how  
5 that meeting came to be?

6                   MS. SARA ALMAS:     Actually, I reviewed  
7 a lot of documents in preparation for this, and I --  
8 honestly, I -- I can't specifically recollect that  
9 event.

10                  I believe that there was discussions  
11 facilitated through, I believe, the CAO, and I believe  
12 Marta played obviously a role in that as well. But I  
13 don't have a very strong memory of that meeting.

14                  MR. JOHN MATHER:     Do you recall if the  
15 concept of a fabric structure or fabric building was  
16 raised at that meeting?

17                  MS. SARA ALMAS:     I cannot recall, but  
18 it -- it could have been.

19                  MR. JOHN MATHER:     If we could return  
20 to your affidavit in paragraph 12.

21

22                                   (BRIEF PAUSE)

23

24                  MR. JOHN MATHER:     So this portion of  
25 your affidavit talks about the July 16th, 2012 Council

1 meeting in which the outcome of the meeting is Council  
2 directs staff to pursue the construction of a single  
3 pad arena or looking into the construction of a single  
4 pad arena as well as covering the outdoor pool with a  
5 fabric cover.

6                   In paragraph 12 of your affidavit, you  
7 describe two (2) -- sorry -- you describe a document  
8 that was presented to Council in advance of the  
9 meeting which contained a summary of potential  
10 resolutions that Council could consider with respect  
11 to recreation facilities.

12                   The resolutions, as you describe it, is  
13 divided into two (2) categories. The first category  
14 is a series of resolutions that Council could pass if  
15 it was to continue or pursue the recommendations of  
16 the Steering Committee. And then the second category  
17 is resolutions that Council could pass if it was  
18 seeking to pursue other options.

19                   So if we could open that document,  
20 which is Exhibit E. So this is the document you refer  
21 to in that paragraph of your affidavit. If we could  
22 scroll to near the bottom of the document. Continue  
23 scrolling. Scrolling. Stop on this box here, if we  
24 can scroll to have the whole box on the screen. Thank  
25 you.



1                   So this is a resolution that's  
2 presented in direction B which is other options  
3 Council consider, and there's a list of ten (10) paths  
4 that Council could direct staff to pursue.

5                   You say in your affidavit that you  
6 don't recall how this specific list was generated, but  
7 I do have some questions for you about two (2) of the  
8 items on this list or really one (1) item.

9                   But first with reference to the first  
10 option, it says "Construct a Single Pad Arena," and  
11 then -- which is one of the selections that's taken.  
12 And then if we look at item 8, it says, "Enclose the  
13 Outdoor Pool with a Fabric Building."

14                   Do you know why when it came to  
15 enclosing the outdoor pool that the option of a fabric  
16 building was the only option that was presented?

17                   MS. SARA ALMAS:    No, I do not.

18                   MR. JOHN MATHER:    Were you aware of  
19 any discussions prior to the July 16th meeting or any  
20 research that was done in terms of what construction  
21 options would be available if Council wanted to cover  
22 the outdoor pool?

23                   MS. SARA ALMAS:    I don't specifically  
24 recollect.  Obviously, I was aware that the deputy  
25 mayor had asked for prices on fabric structure, but

1 I -- I don't know all the considerations and why this  
2 was chosen and not another one was chosen.

3 MR. JOHN MATHER: If we could go back  
4 to paragraph 14 of your affidavit.

5 So paragraph 14 introduces an excerpt  
6 from the minutes of this July 16th Council meeting,  
7 and if we scroll down, we see the motion that was  
8 carried at the meeting. It's the -- it's a similar  
9 box to the one we were looking at in the -- and  
10 Council's made two (2) selections with respect to  
11 items 1 and 8.

12 When Council directed staff to pursue  
13 construction of a single pad arena and enclosing the  
14 outdoor pool with a fabric building, what did you  
15 understand that direction to entail?

16 MS. SARA ALMAS: I -- I believed it to  
17 be what was -- what was resolved in this resolution,  
18 that they would come back with a timeline and some  
19 estimates on the two (2) different items that they had  
20 chosen.

21 MR. JOHN MATHER: And what were you --  
22 and with staff directed to come back with timelines  
23 and estimates, how did you expect staff would go about  
24 doing that?

25 MS. SARA ALMAS: I think, like,

1 obviously having the conversation with individuals  
2 that could review the needs of what was needed at the  
3 arena or at the pool and determine costing, determine  
4 a project timeline, how soon construction could start,  
5 when the items would be completed because the  
6 community had big aquatic and ice needs.

7           So I think that there was a sense of  
8 importance because obviously a lot of time was spent,  
9 too, with the Steering Committee on reviewing options  
10 to increase these recreation facilities. So I knew  
11 that both of those were important.

12           And obviously before they could  
13 potentially proceed on -- on the recommendation of the  
14 Steering Committee, if Council thought that these were  
15 more -- a better value option, then they would need to  
16 see that information before agreeing or not agreeing  
17 with the Steering Committee's recommendations.

18           MR. JOHN MATHER: I just want to make  
19 sure. So what I understand from your answer is that  
20 you expected that staff would go out, look into cost  
21 and timelines for these options, and that would then  
22 serve as information Council could use to determine  
23 whether or not it wanted to proceed with the Central  
24 Park recommendation, or one of the -- or one (1) of  
25 the options, or both of the options identified here?

1 MS. SARA ALMAS: Correct.

2 MR. JOHN MATHER: Okay.

3 MS. SARA ALMAS: Sorry, I didn't  
4 articulate that as well.

5 MR. JOHN MATHER: I just wanted to  
6 make sure that I understood what you said.

7 You mentioned getting information about  
8 cost; you mentioned getting information about  
9 timeline. Was there anything else that you recall  
10 Council wanting to know about these two (2) options?

11 MS. SARA ALMAS: No. I didn't really  
12 contemplate it at the time. I knew it wasn't -- it  
13 wasn't something I was doing because I'm not familiar  
14 with construction of buildings or facilities or -- or  
15 recreation needs or construction contracts or  
16 anything.

17 MR. JOHN MATHER: Was it your  
18 expectation at this point in time that on -- by  
19 August 27th when staff reported back to Council they  
20 would be making a recommendation in terms of whether  
21 or not to pursue one of these options or continue with  
22 the Central Park Steering Committee?

23 MS. SARA ALMAS: In hindsight, I would  
24 change a lot about that report, but at that time, I  
25 felt that we would be coming back with a timeline and

1 pricing, and Council would make a decision whether  
2 they wanted to go out with an RFP, or whether they  
3 wanted to pursue the recommendations of the Steering  
4 Committee.

5 MR. JOHN MATHER: Do you know how the  
6 August 27th, 2012 date was decided as the date for  
7 staff to report back?

8 MS. SARA ALMAS: I know that there was  
9 initially a conversation about having it for the next  
10 meeting that month, and obviously, we're in the middle  
11 of summer. We're extremely busy. That's when we're  
12 closing all the -- the documents for the hydro sale,  
13 that there is positively no way that July 30th, I  
14 think was the proposed original date, would have  
15 worked. So then it was agreed upon -- well actually,  
16 I don't know even who said the August 27th timeframe,  
17 but regardless, that was still an extremely tight  
18 timeline to get this much information, especially in  
19 the summer months.

20 MR. JOHN MATHER: So you meant -- you  
21 said that it was an extremely tight timeline in the  
22 August 27th date. Was that -- I take it that was a --  
23 a view you held.

24 Do you know if other members of staff  
25 also saw this as a tight timeline?

1 MS. SARA ALMAS: I believe I was not  
2 alone in that thought.

3 MR. JOHN MATHER: Did anyone on staff  
4 express any concerns to Council about the timeline  
5 that had been given?

6 MS. SARA ALMAS: I don't specifically  
7 recall, but I know that there was -- there was  
8 pressure to have that information sooner than later.

9 MR. JOHN MATHER: What do you mean  
10 when you say there was pressure to have that  
11 information sooner than later?

12 MS. SARA ALMAS: I -- I know the  
13 deputy mayor was -- was really keen on -- on moving  
14 forward, and so I believe that that specifically was  
15 probably most likely a date that he settled with once  
16 we said that July 30th date wasn't going to work.

17 MR. JOHN MATHER: Did you know why the  
18 deputy mayor was keen on moving forward?

19 MS. SARA ALMAS: I -- I think there  
20 was just a sense of moving forward with these rec  
21 facilities. They obviously wanted to see some action.  
22 They wanted to see these buildings constructed or  
23 renovated before, obviously, their next -- the next  
24 Council election. And there was a lot of community --  
25 as I said, community desire to have improved aquatic

1 opportunities, and additional ice pad, because I know  
2 it was -- time demands were crunched here at the Eddie  
3 Bush Arena. Different teams were going and scheduling  
4 practices at other -- other municipalities.

5 MR. JOHN MATHER: Did you ever have  
6 any conversations with Mr. Houghton about the  
7 timeframe that had been set for reporting back to  
8 Council?

9 MS. SARA ALMAS: No, because I knew it  
10 wasn't going to be me. I -- I didn't -- I didn't  
11 realize it would be a report that would come back that  
12 said EMC on it, for one, and I didn't -- if -- if he  
13 felt that he could achieve that timeline, and then  
14 good for him, but it wasn't -- it -- I -- I really  
15 didn't think too much of it at the time.

16 MR. JOHN MATHER: I take it from that  
17 answer, it was your understanding that it was Mr.  
18 Houghton who was going to be responsible for  
19 fulfilling this -- this request of Council?

20 MS. SARA ALMAS: Between Ed and Marta  
21 as the director.

22 MR. JOHN MATHER: Were you ever in  
23 discussions with Ms. Proctor about the timeline that  
24 had been -- that --

25 MS. SARA ALMAS: I'm sure I did at the

1 time. I don't specifically recollect. I know that  
2 she had scheduled two (2) weeks of holidays in August,  
3 so that would have been a significant concern.

4 MR. JOHN MATHER: Was there any  
5 discussion that you're aware of about this timeline,  
6 with reference to the fact that Ms. Proctor, the  
7 director of Parks and Recreation, would be away for  
8 two (2) weeks during this time period?

9 MS. SARA ALMAS: I -- I don't think  
10 whenever Council made the decision for the August  
11 27th, I wasn't aware that she was taking two (2)  
12 weeks. Regardless, it is the summer months. But I  
13 wasn't aware at the time.

14 MR. JOHN MATHER: I appreciate the  
15 comments you've already made about this essent -- from  
16 what I understood, not being the prod -- a project you  
17 were going to oversee, but in your role as clerk, did  
18 you have any expectation about what -- what you would  
19 provide to this project, or what your role would be in  
20 any capacity?

21 MS. SARA ALMAS: No. In the  
22 documents, too, which shows that I believe the end of  
23 July the 1st -- or the first few days of August, there  
24 was a meeting with Sprung. I was invited to that  
25 meeting, but I didn't attend that meeting, so I --



1 even though it says, the EMC met with the  
2 representatives, I wasn't part of that discussion. I  
3 didn't have any conversations with any members of  
4 Sprung. And I was busy working away at all my other  
5 responsibilities, and the service-level inventory that  
6 I was tasked from the EMC to do. So I didn't have too  
7 much focus on -- on that whole conversation of the rec  
8 facilities.

9 MR. JOHN MATHER: And if we could pull  
10 up paragraph 16 of your aff --

11 THE HONOURABLE FRANK MARROCCO: Just  
12 before you that, it says in -- I've got the resolution  
13 in front of me on the screen. I -- I think you do  
14 too. It's -- it says that:

15 "Council directs staff to pursue the  
16 following recommended options."

17 I -- I don't know how much -- what the  
18 importance of a particular word is, but how did a  
19 fabric building become a recommended option at this  
20 stage when nobody -- nobody made any inquiries yet?

21 MS. SARA ALMAS: So this resolution  
22 went to Council on July 16th. So the -- the only  
23 reference that I have that could justify why it was  
24 put in there was that email from the deputy mayor in  
25 June that brought the notion of having a fabric

1 building, and seeing no objection, that could be why  
2 it was included on this list. But again, that's an  
3 assumpt -- an assumption. I -- I don't --

4 THE HONOURABLE FRANK MARROCCO: Well -  
5 - well, would you expect that a Council member, seeing  
6 it referred to as a recommended option would -- would  
7 you expect that they would assume that there'd been  
8 some preliminary determination that this was a rec --  
9 recommended?

10 MS. SARA ALMAS: I think purely the --  
11 the terminology of having recommended in the  
12 resolution was the -- this was just -- was just a -- a  
13 pool of -- of ideas. And then when they picked the  
14 two (2) that they want, that was the Council's  
15 recommended options.

16 I -- I don't believe that -- that staff  
17 necessarily recommended, you know, these ten (10)  
18 items yearly.

19 THE HONOURABLE FRANK MARROCCO: All  
20 right. Who -- who actually drafted this particular  
21 resolution? Do you know?

22 MS. SARA ALMAS: So generally, I have  
23 assistance in providing help with doing resolutions or  
24 the motion preparation, so it wouldn't surprise me  
25 that I helped with this. No, because when we provide

1 options, we kind of put it out that way, so I could  
2 have been assisting in that wording, but the items  
3 under it, I had no participation with.

4 THE HONOURABLE FRANK MARROCCO: All  
5 right. All right.

6

7 CONTINUED BY MR. JOHN MATHER:

8 MR. JOHN MATHER: And so if we could  
9 turn up paragraph 16 of Ms. Almas's affidavit.

10

11 (BRIEF PAUSE)

12

13 MR. JOHN MATHER: So in paragraphs 16  
14 and 17, you describe that what you had already  
15 mentioned, that you were invited to an early meeting  
16 with Sprung, and you cannot attend. At -- in  
17 paragraph 17, that Mr. Houghton, Marjory Leonard, and  
18 David McNalty were primarily responsible for preparing  
19 the report, and they were acting under Mr. Houghton's  
20 direction.

21 In paragraph 18, you go on to discuss  
22 Ms. Proctor. You say that you recall that she was  
23 less involved in preparing for the August 27th meeting  
24 as she had been with Central Park. You say that it's  
25 -- your belief was that she was frustrated about the

1 decision to disregard the work of the Steering  
2 Committee, and -- and not to proceed with the  
3 recommendations, and also that she was frustrated --  
4 or you believed she was frustrated with Mr. Houghton's  
5 control and involvement in recommendations for  
6 recreation facilities, as they were her  
7 responsibility, and was not Mr. Houghton's expertise.

8           Can you just expand on what you -- what  
9 you meant by -- by this?

10           MS. SARA ALMAS:   Certainly.  Marta was  
11 intimately involved in the process with the Central  
12 Park Steering Committee, together with the whole  
13 conversation about potential next steps, market  
14 sounding, the strategic discussion, and I think that  
15 once Ed really got involved, you know, there was a  
16 sense of frustration.

17           I think at that -- at that time, I  
18 accepted Ed's role in helping with the project because  
19 Marta was so intimately involved, so if these other  
20 options were feasible, was Marta too set in the  
21 original recommendation to not be able to, you know,  
22 objectively look at alternatives that might get us to  
23 the same outcome with an additional ice pad, an  
24 additional pool of opportunities?  Would she be  
25 objective or not?

1                   So I think that's why Ed was involved,  
2 but Ed -- Ed took complete control, and -- and I think  
3 that was extremely hard for her, because again she was  
4 the one with the expertise and she's kind of blindly  
5 providing as much information as she can on costing,  
6 needs, operational costs, staffing, so there was a  
7 frustration.

8                   MR. JOHN MATHER:    Did you have  
9 conversations with Ms. Proctor about these  
10 frustrations?

11                  MS. SARA ALMAS:    Yes. Ms. Proctor and  
12 I would -- would have conversations.

13                  MR. JOHN MATHER:    About -- about  
14 what's discussed in this paragraph?

15                  MS. SARA ALMAS:    Generally I had a  
16 good relationship with all the senior management  
17 group, and so I -- I knew this was -- was a  
18 frustration, so I tried to help the -- you know, kind  
19 of a peacemaker between my colleagues as well, because  
20 I think equally there was a sense of frustration from  
21 Mr. Houghton about Ms. Proctor as well, you know, him  
22 trying to get the information, knowing that it's  
23 rushed -- rushed off, knowing that Marta is -- is  
24 pretty focused on the original recommendation of the  
25 Steering Committee. You know, I think he's -- he was

1 feeling that he might be hitting roadblocks, as Marta  
2 was feeling the same about Mr. Houghton, so I think  
3 there was a sense of frustration probably on both  
4 ends.

5 MR. JOHN MATHER: I take it from what  
6 you've written here and what you've said that at least  
7 your understanding of Ms. Proctor's view was that Ed  
8 was -- was taking too much control and had too much  
9 involvement in the process.

10 Was that a view you shared?

11 MS. SARA ALMAS: I thought he was  
12 taking a significant amount of time and control on  
13 this. There was a lot of energy that they were  
14 putting into this -- this research and report and the  
15 emails flying around, and the requests for  
16 information, and determining the needs. That -- that  
17 month of August was extremely busy.

18 MR. JOHN MATHER: I guess my question  
19 is, it appears that, at least from what we can see  
20 here, that Ms. -- Ms. Proctor's view, at least the  
21 sense you got, was that -- that it was inappropriate  
22 or that Mr. Houghton was taking too much -- the level  
23 of involvement was not what would be expected.

24 Is -- do you agree with that?

25 MS. SARA ALMAS: I completely agree

1 with that. Actually in preparing for this, I actually  
2 reviewed the job description of the Director of  
3 Leisure Services at this time in 2012, because now  
4 it's -- the position has evolved differently, and at  
5 that time it specifically -- I think it's -- one (1)  
6 of the -- I think it's the very first item within the  
7 job description, the Director is responsible for the  
8 strategic development of recreation facilities,  
9 renovations, or -- it's worded along that line. So it  
10 was Marta's job to do this; it wasn't Ed's job to do  
11 this.

12 MR. JOHN MATHER: Did you raise this  
13 with Mr. Houghton at the time?

14 MS. SARA ALMAS: No.

15 MR. JOHN MATHER: Why not?

16 MS. SARA ALMAS: I -- I guess I wasn't  
17 intimately familiar, number one, with the job  
18 description, but in knowing the whole -- the pressures  
19 of -- like, I know Marta was set with her thoughts on  
20 the recommendations from the Steering Committee and I  
21 think that he was -- Ed was trying to do -- you know,  
22 look at these other options as well, because he didn't  
23 bel -- I -- I feel that he didn't think that Marta  
24 would be able to get the prices and get that  
25 information objectively because she was -- she was

1 very supportive of the Steering Committee's  
2 recommendation, if that makes sense. Sorry.

3 MR. JOHN MATHER: Did you -- and I  
4 guess my question is, at the time as a member of the  
5 EMC, did you turn your mind to whether or not Mr.  
6 Houghton was taking on responsibilities that properly  
7 fell to Ms. Proctor?

8 MS. SARA ALMAS: I don't recollect at  
9 that time feeling that way. After the fact,  
10 absolutely.

11 MR. JOHN MATHER: Did you have an  
12 understanding of why Mr. Houghton was -- was more  
13 involved was more involved in this project than --  
14 than might have been anticipated?

15 MS. SARA ALMAS: No, but I see now.

16 MR. JOHN MATHER: If we can pull up  
17 TOC0189964.

18

19 (BRIEF PAUSE)

20

21 MR. JOHN MATHER: Scroll down to the  
22 bottom of the email chain. Just for your ref -- just  
23 to understand what you're looking at, Ms. Almas, this  
24 is a -- a fairly lengthy email chain, as between the  
25 members of the EMC and Dave McNalty. It starts with



1 Marjory Leonard writing an update on what Mr. McNalty  
2 was doing with WGD, which was an architectural firm.

3 Just as a starting point, did you have  
4 any involvement in WG -- WGD's work with respect to  
5 preparing for the August 27th meeting?

6 MS. SARA ALMAS: No, I did not.

7 MR. JOHN MATHER: So I just wanted to  
8 bring you to the first email to orient you. If we  
9 scroll up, there are several emails back and forth, in  
10 which you're copied, about planning WGD's work, what  
11 is happening, what is -- what -- what staff is going  
12 to do.

13 And if we continue to go up, Mr.  
14 Houghton writes to Mr. McNalty, and Mr. McNalty writes  
15 back. Continue going up.

16 And so at the end of the email chain,  
17 Mr. Houghton sends just Mr. McNalty an email, and in  
18 that email he says:

19 "The last point I should make is  
20 that I will be the context pers -- I  
21 will be the contact person with  
22 Sprung. The Def -- the Deputy Mayor  
23 made that perfectly clear with me on  
24 the weekend."

25 You're not copied on this email, but at

1 this point in time was it your understanding that Mr.  
2 Houghton was to be the contact person with Sprung?

3 MS. SARA ALMAS: Yes.

4 MR. JOHN MATHER: And how did you come  
5 to form that understanding?

6 MS. SARA ALMAS: Just from his basic  
7 involvement in the staff report, the original email,  
8 and -- and conversation between him and the Deputy  
9 Mayor. I -- I don't think necessarily -- did I think  
10 that only he could speak to -- to Sprung actually?  
11 Just for clarification, I think he was telling Dave  
12 McNalty, because Dave McNalty was a more junior  
13 position, that he as the acting CAO and Executive  
14 Director would be making that -- that call.

15 But now with the ability to see all the  
16 information that's come out, I actually, when I seen  
17 this in the Foundation Documents, looked at it and --  
18 and thought to myself, well it's probably because he  
19 didn't want the conversation to come up about Green  
20 Leaf's involvement in it.

21 MR. JOHN MATHER: And I'm just  
22 interested in your understanding at the point in time  
23 when you were a clerk and a member of the EMC at this  
24 point.

25 Did you know if anyone else other than

1 Mr. Houghton had interactions with Sprung prior to  
2 August 27th, 2012?

3 MS. SARA ALMAS: I'm not aware.

4 MR. JOHN MATHER: Prior to the August  
5 27th meeting, were you aware of the company BLT  
6 Construction Services?

7 MS. SARA ALMAS: Oh sorry.

8 MR. JOHN MATHER: Sorry?

9 MS. SARA ALMAS: I knew that BLT and  
10 Sprung worked together. I wasn't intimately familiar  
11 of what the difference was and that one (1) was  
12 actually the -- the contractor and one (1) was  
13 actually the -- the -- the producer of the structure.

14 MR. JOHN MATHER: Can we go to par --

15 THE HONOURABLE FRANK MARROCCO: Just  
16 before you do that, can I just take you to that email,  
17 the last email, "the last point I should make." I  
18 appreciate you weren't copied on it.

19 But consistent with what you told me  
20 before, I assume the Deputy Mayor ought not to be,  
21 assuming the Deputy Mayor did, directing that all  
22 contact with Sprung goes through a specific member of  
23 staff.

24 MS. SARA ALMAS: Absolutely. That --  
25 that -- that is inappropriate.

1 THE HONOURABLE FRANK MARROCCO: Did --  
2 did -- did you know or did you form any view at the  
3 time, what's the big -- what's the real rush?

4 I -- I appreciate what you've said,  
5 that -- you know, that you have the arena and -- and  
6 that teams are going elsewhere. I understood that.  
7 But at the same time, it takes time to build any kind  
8 of a structure.

9 Did -- did you have any sense of what  
10 suddenly created, or what created this pressure to  
11 deal with this in such a short period of time, back  
12 then?

13 MS. SARA ALMAS: I -- I knew it was --  
14 it was rush, but I didn't understand -- I didn't  
15 understand what -- what -- what the rush or the  
16 pressure was about.

17 THE HONOURABLE FRANK MARROCCO: Did  
18 you find it odd that it was suddenly rushed or that it  
19 was rushed?

20 MS. SARA ALMAS: To this extent, yes,  
21 especially when the original conversation was to have  
22 the time lines and the estimates by July 30th from a  
23 July 16th meeting. So then they came up with the  
24 August 27th date and I thought, well, at least that's,  
25 you know, some breathing space, but I think the

1 initial conversations too, whenever they were dealing  
2 with Sprung, was to have -- have this and have  
3 construction and have these projects completed,  
4 actually one of them I think before even the end of  
5 the year. So it was just -- there was a real desire  
6 that -- that Council wanted the public seeing them  
7 taking action, and that's -- that's the only thing I  
8 can think of.

9 THE HONOURABLE FRANK MARROCCO: And  
10 that's speculation on --

11 MS. SARA ALMAS: Yeah.

12 THE HONOURABLE FRANK MARROCCO: -- on  
13 your part. Thank you.

14

15 CONTINUED BY MR. JOHN MATHER:

16 MR. JOHN MATHER: If we can pull up  
17 paragraph 331 of the Foundation Document.

18

19 (BRIEF PAUSE)

20

21 MR. JOHN MATHER: While that's being -  
22 - actually, just pull it up.

23 So this is an email from August 18th,  
24 2012, that Mr. Houghton -- paragraph -- if we could  
25 scroll up.

1 I need to confirm my paragraph number,  
2 and on that, I think -- we could -- I'm happy to look  
3 it up now or it might be a good time for a break and  
4 then --

5 THE HONOURABLE FRANK MARROCCO: We'll  
6 take the morning break.

7

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

9 --- Upon resuming at 11:40 a.m.

10

11 CONTINUED BY MR. JOHN MATHER:

12 MR. JOHN MATHER: Ms. Almas, you were  
13 speaking earlier today about a organizational review  
14 that you were responsible for overseeing or  
15 conducting.

16 We saw reference in the first  
17 Foundation Document to an organizational review that  
18 KPMG was brought in to assist with an individual named  
19 Bruce Peever.

20 Is that the same organizational review?

21 MS. SARA ALMAS: How the process  
22 started was we undertook a service level inventory  
23 review. And the basis of that document would be what  
24 would allow us to judge how we were going to move  
25 forward with the organizational review piece.

1                   Originally, at that point, it was  
2 something that we contemplated undertaking internally.  
3 But as the -- the craziness unfolded, by the time that  
4 hit in, I believe, March of 2013 is when we -- we  
5 brought in KPMG to actually undertake the full  
6 organization review, and it was in three (3) phases.

7                   MR. JOHN MATHER:     At the time KPMG was  
8 brought in, what had been done with respect to the  
9 organizational review?

10                  MS. SARA ALMAS:     Basically, just this  
11 compilation of information of the programs and  
12 services, the department, structure review. There was  
13 a summary document put together of our boards and  
14 committees because this organization review was also  
15 taking a look at the governance piece, as well.

16                  So, all the preliminary work was what I  
17 had been working on as part of my role with the EMC  
18 before then.

19                  MR. JOHN MATHER:     Thank you.

20                  THE HONOURABLE FRANK MARROCCO:     And --  
21 and did you prepare a report outlining the preliminary  
22 review that -- or the preliminary work that you had  
23 done?

24                  MS. SARA ALMAS:     I don't recall  
25 specifically. I know we went to council to get

1 authorization to go forward with KPMG. So, there  
2 would have been something within that that provided  
3 that background to council.

4 And that document was available to all  
5 staff and members of council of the information that I  
6 had prepared. I don't know how that was formally  
7 presented. I can't recollect specifically.

8 THE HONOURABLE FRANK MARROCCO: Okay.

9

10 CONTINUED BY MR. JOHN MATHER:

11 MR. JOHN MATHER: If we could pull up  
12 paragraph 373 of the Foundation Document.

13

14 (BRIEF PAUSE)

15

16 MR. JOHN MATHER: This is a par --  
17 this describes an email from August 21st, 2012, from  
18 Mr. Houghton to the EMC dec -- discussing a  
19 conversation that he had with Sprung and BLT about  
20 their pricing.

21 Stepping back from this specific email,  
22 at this point in time, I appreciate you weren't in  
23 contact with Sprung and BLT, but did you know -- or  
24 have a sense of how frequently Mr. Houghton or others  
25 were meeting and speaking with Sprung and BLT?



1 MS. SARA ALMAS: I had a sense that it  
2 was quite frequent because I know how they were  
3 struggling to get numbers and information. And --  
4 and, obviously, the -- we couldn't get appropriate  
5 estimates and quotes without having an understanding  
6 of, you know, the -- the needs and the concerns, for  
7 example, with the pool, you know, what the specific  
8 dimensions were and -- and, I guess, the -- the --  
9 basically, the -- the life cycle of that asset right  
10 there, so there was a lot of analysis that was going  
11 on.

12 So, there was a lot of conversation  
13 even though I wasn't directly involved.

14 MR. JOHN MATHER: And in this email  
15 that we have on the screen, it appears, at least from  
16 the email, that the topic of conversation that Mr.  
17 Houghton's reporting on is he prices that BLT is going  
18 to charge with respect to the Sprung structures.

19 Was your understanding -- or do you  
20 recall that -- at the time, that one (1) of the  
21 matters being discussed with BLT and Sprung was their  
22 pricing?

23 MS. SARA ALMAS: I would have assumed  
24 so because council's resolution indicated that they  
25 wanted cost estimates, so pricing would be needed from

1 the various suppliers.

2 MR. JOHN MATHER: Something you  
3 mentioned in your affidavit is that it was your  
4 expectation up until the final versions of the staff  
5 report, which we'll get to, but it was your  
6 expectation that any -- any decision to proceed with  
7 building recreational facilities would proceed by way  
8 procurement, do I have that right, by an RF -- request  
9 for proposal --

10 MS. SARA ALMAS: Yes.

11 MR. JOHN MATHER: -- and a competitive  
12 procurement?

13 MS. SARA ALMAS: That's -- that's  
14 correct. And that's how the initial reports were  
15 drafted.

16 MR. JOHN MATHER: Do you remember if  
17 there was any concern with yourself or anyone on staff  
18 at this point in time about whether or not the nature  
19 of the discussions with Sprung and BLT would in any  
20 way impede Sprung or BLT's ability to participate in a  
21 procurement if one (1) went forward?

22 MS. SARA ALMAS: I did not contemplate  
23 that at the time. However, following this in our  
24 changes to our purchasing policy, I'm intimately  
25 familiar now of not having contractors that are going

1 to be bidding on the work participate.

2                   There's specific rules and -- and  
3 requirements now. But at that time, I wasn't -- I  
4 wasn't too familiar with -- with that public  
5 procurement piece.

6                   MR. JOHN MATHER: Was that a principle  
7 you knew of at all at that point in time?

8                   MS. SARA ALMAS: I think generally,  
9 yes. However, for this instance and learning through  
10 this whole process that they had the -- you know, one  
11 (1) of a kind type of product, that that gave them the  
12 ability to be the only one to be consulted on -- on an  
13 estimate.

14                   MR. JOHN MATHER: And do you remember  
15 if you were aware of anyone on staff identifying this  
16 as something that needed to be considered?

17                   MS. SARA ALMAS: I don't recollect.

18                   MR. JOHN MATHER: I'm now going to ask  
19 some questions about the staff report that was  
20 prepared. And we've already looked at the portion of  
21 the affidavit that says that you were not actively  
22 involved in drafting the staff report.

23                   What level of involvement did you have?

24                   MS. SARA ALMAS: I think I was asked  
25 at one point to look at the -- the resolution, what

1 would form the -- the basis of the resolution piece to  
2 is, but I was not actively reviewing it.

3 MR. JOHN MATHER: If we could pull up  
4 paragraph 331 of the Foundation Document.

5

6 (BRIEF PAUSE)

7

8 THE HONOURABLE FRANK MARROCCO: Just  
9 while they're pulling it up, it -- it said in the  
10 document that was previously on the screen that Sprung  
11 was -- had been asked to make a presentation.

12 Do you know why they would be asked to  
13 make a presentation about their product or -- or how  
14 that normally would take place?

15 MS. SARA ALMAS: In thinking back at  
16 that time, I believe that most people were unfamiliar  
17 -- were -- were not familiar with, or unfamiliar with,  
18 the fabric structures that was being talked about.

19 So, for the members of public and  
20 council to have a better understanding of what their  
21 product is, it'd be best for them to -- to come and  
22 present and demonstrate the --

23 THE HONOURABLE FRANK MARROCCO: But --  
24 but what I guess I'm having some trouble is who asks  
25 you to do that? Would -- wouldn't the council ask for

1 them to make a presentation, or -- or would somebody  
2 else?

3 MS. SARA ALMAS: Generally, if there  
4 is a presentation that is some sort of operational  
5 need or something that's being looked at, there  
6 wouldn't be a reason why a department head couldn't  
7 ask someone to come in to present if they were more of  
8 an expert matter or expert on the subject.

9 THE HONOURABLE FRANK MARROCCO: Okay.

10

11 CONTINUED BY MR. JOHN MATHER:

12 MR. JOHN MATHER: So, I now have  
13 paragraph 333 of the Foundation Document in front of  
14 you. This paragraph describes that, on August 18th,  
15 Ms. Leonard sent a draft staff report which, from what  
16 the Inquiry has seen, is the first draft of what  
17 ultimately becomes the staff report recommending  
18 proceeding with the two (2) Sprung structures.

19 My question at this point in time is,  
20 do you recall whether you reviewed the first draft of  
21 the staff report that Marjory Leonard circulated?

22 MS. SARA ALMAS: I don't. I think I  
23 would have seen it. I don't recall that I did any  
24 sort of thorough review of any of the versions of the  
25 staff report until it got to the very end.

1 MR. JOHN MATHER: What do you mean,  
2 "Until it got to the very end"?

3 MS. SARA ALMAS: So, the agenda  
4 packages are delivered and distributed to -- to  
5 council and the public on Thursdays. This report  
6 wasn't even finished at that point. And I think the  
7 final version, as you can see, came from Dave McNalty  
8 at, I think, quarter to -- quarter to midnight.

9 And then there was a conversation the  
10 next morning reviewing the entire report. So, when we  
11 reviewed the entire report as -- was basically the  
12 first time I was intimately aware of what was going  
13 on.

14

15 (BRIEF PAUSE)

16

17 MR. JOHN MATHER: And I'll have more  
18 questions in a moment. But when you received that  
19 version of the report from Mr. McNalty, at that point,  
20 did you read the full report?

21 MS. SARA ALMAS: Not on my own. As  
22 you can see from my affidavit, I was supposed to be on  
23 vacation starting that Friday into the next week. So,  
24 I -- I wasn't actively even looking at my emails on  
25 that Thursday night.

1 I knew that a request had come through  
2 to me to review the final versions since nobody -- we  
3 hadn't got -- received it yet. So, I believe when I  
4 came in on Friday morning, that I just printed the  
5 copies, start having a look at it, because I had a  
6 conversation with Ms. Leonard at that time saying, did  
7 you realize that the recommendation no longer says  
8 RFP.

9 And then we went into our meeting. And  
10 then we were kind of brief on the -- the whole  
11 document at that point.

12 MR. JOHN MATHER: So, if we could pull  
13 up paragraph 22 of your affidavit.

14

15 (BRIEF PAUSE)

16

17 MR. JOHN MATHER: So, this relates to  
18 what I -- I believe you were just describing. So,  
19 looking first actually at paragraph 21. You describe  
20 that you were scheduled to take vacation on --  
21 beginning on August 24th, 2012.

22 And on August 23rd you receive a  
23 version of the staff report from Marjory Leonard, or a  
24 revised version. And this version of the staff report  
25 contemplates that any -- that the decision to proceed

1 will go by way of an RFP or competitive procurement.

2                   At 5:59 p.m., Mr. McNalty emails that -  
3 - and advises that he's working on another draft of  
4 the report; it's the same information but with a  
5 different approach.

6                   Pausing there, did you understand what  
7 he meant when he sent that -- when he said that at --  
8 in that email at that point in time?

9                   MS. SARA ALMAS:     Sorry, that he was  
10 further revising the report?

11                  MR. JOHN MATHER:    What he meant by  
12 same information but a different approach.

13                  MS. SARA ALMAS:     No.

14                  MR. JOHN MATHER:    Did you have any  
15 understanding of what approach he was going to take?

16                  MS. SARA ALMAS:     No, I did not.

17                  MR. JOHN MATHER:    Then we see that Mr.  
18 McNalty sends a revised a version of the report at  
19 11:45 p.m. and that this version of the revised report  
20 did not mention proceeding by way of competitive  
21 procurement.

22                  I'm going to ask some questions about  
23 these emails. Before I do that, you had already  
24 mentioned that staff reports are due on the Thursday  
25 before the Monday, which, in this case, would have



1 been August 23rd.

2                   You're receiving a version at 11:45  
3 p.m. on the 23rd. Do you know why this staff report  
4 was late?

5                   MS. SARA ALMAS: They didn't have the  
6 information. I'm not sure. It's similar to why the  
7 staff report was late for the sale of the Collus  
8 shares. It went out on the Friday, too.

9                   MR. JOHN MATHER: And -- and when you  
10 say, "Similar," what do you mean by that?

11                   MS. SARA ALMAS: Both those reports  
12 were being rushed to be finished, and that we've set a  
13 way stronger or stringent deadline on reports now.  
14 And it's very rare that we would issue any sort of  
15 addendum for this very reason.

16                   MR. JOHN MATHER: In this instance, do  
17 you remember if there was any discussions about either  
18 advising council or finding a way to advise that the  
19 report wouldn't be prepared on time, and so either  
20 deferring the matter or providing more time for staff  
21 to get the report to council, and then have council  
22 have the opportunity to review?

23                   MS. SARA ALMAS: I -- I believe that  
24 Ed was pretty adamant that we would meet that time  
25 line of August 27th. So, as you can see, a lot of

1 staff were pretty dedicated and -- and spent a lot of  
2 time, like, into the night, quarter to midnight, a  
3 report is going out.

4                   It was -- it was a struggle to get that  
5 information.

6                   MR. JOHN MATHER:    And did you have any  
7 understanding at the time why Ed was adamant that the  
8 August 27th date had to be met?

9                   MS. SARA ALMAS:    I -- I think he just  
10 felt a sense of, you know, wanting to satisfy  
11 Council's direction.   Council's direction was I wanted  
12 the report back, not later than August 27th.   So we  
13 were going to meet that deadline.

14                   MR. JOHN MATHER:    Did you ever have a  
15 conversation with Mr. Houghton about -- as this  
16 deadline approached and the report wasn't ready about,  
17 you know, what we've been discussing whether it should  
18 be deferred or pushed back so there's more time to  
19 complete the report?

20                   MS. SARA ALMAS:    I don't recollect  
21 having a specific discussion around that.

22                   MR. JOHN MATHER:    You mentioned --  
23 when I asked why the report was late, you indicated  
24 that it might have been that certain information was  
25 available -- or sorry -- certain information was not

1 available. Is that something you have a recollection  
2 of? And what -- if so, what is it?

3 MS. SARA ALMAS: My recollection was  
4 when Marjory -- and I think it was back in one of  
5 those emails -- through her version seeing, like, this  
6 is as far as I can get 'cause I don't have the numbers  
7 yet.

8 So I knew -- I knew that they were  
9 waiting on getting various numbers. I don't know  
10 specifically what the numbers were and who was holding  
11 up on -- on getting those numbers. But I knew that  
12 there was a lot of discussion happening behind the  
13 scenes that we weren't privy to and hence why it got  
14 down to the wire.

15 MR. JOHN MATHER: So if we could open  
16 Exhibit I, which is referenced here in paragraph 23.

17

18 (BRIEF PAUSE)

19

20 MR. JOHN MATHER: Scroll down to the  
21 bottom of the email chain. So we see at the second  
22 email, it's the email that you quote in your affidavit  
23 at just about 6:00 p.m. that Mr. McNalty is working on  
24 a new draft with same information, a different  
25 approach.

1                   If we scroll up, you then write

2 Mr. McNalty, and you say:

3                   "Do you want me to still work on a  
4                   couple recommendation scenarios?"

5                   Do you recall what you had done up  
6 until that point of time with respect to  
7 recommendations?

8                   MS. SARA ALMAS:    I don't recollect.

9                   MR. JOHN MATHER:    Do you know at this  
10 point what recommendations staff was considering?

11                  MS. SARA ALMAS:    It was my  
12 understanding still the RFP, like doing a competitive  
13 process, but I wasn't -- I -- I believe at this point,  
14 I knew quite strongly that the recommendation would be  
15 moving forward with a BLT/Sprung-type structure.

16                  Sorry. Can you repeat the question?

17                  MR. JOHN MATHER:    My question was:  
18 What did you understand at this point in time about  
19 what staff was going to recommend or what the  
20 discussions were in terms of what the staff  
21 recommendation would be?

22                  MS. SARA ALMAS:    I -- I knew from the  
23 research that had been done and the information's been  
24 shared with everyone that I knew that it was going to  
25 come forward with a recommendation based on the -- the

1 Sprung/BLT structure, but I thought it was going to be  
2 through recommending there be an RFP process for it.

3 MR. JOHN MATHER: And when you say  
4 that, do you mean that there would be an RFP -- an RFP  
5 looking for bids on building a fabric-type structure  
6 or a structure akin to what Sprung builds?

7 MS. SARA ALMAS: Correct.

8 MR. JOHN MATHER: When we -- when we  
9 talked about the July 16th meeting, you said at that  
10 point that your expectation was that staff was going  
11 to come back to Council with information about the  
12 two (2) recommended options so that Council could  
13 decide between those options or proceeding with the  
14 Central Park Steering Committee.

15 It sounds from their recommendation --  
16 it sounds like from your answer at this point in time,  
17 it has been decided that there will -- the  
18 recommendation will not be to proceed with the second  
19 Central Park Steering Committee but the recommendation  
20 will be to go ahead with the two (2) other options.

21 Do you remember how that decision came  
22 about?

23 MS. SARA ALMAS: No. So, like, at  
24 this point -- so the email here at 6:49 about working  
25 on the recommended scenarios, I -- I knew that up

1 until that point for a place saver, the whole  
2 conversation was to -- having a competitive process.

3 So as for scenarios, it would be, you  
4 know, revert back to the original Steering Committee  
5 recommendation, or a modification of that, or proceed  
6 with doing a competitive process for the Sprung  
7 structures. That would be what I would be  
8 contemplating at this point.

9 MR. JOHN MATHER: Okay. When we spoke  
10 about an RFP, you were talking about an RFP as between  
11 bidders proposing a form of fabric structure.

12 One thing we see in the documents is  
13 staff also looked into or did some -- did some  
14 research into other forms of construction with respect  
15 to the arena, specifically pre-engineered steel.

16 Do you recall how the decision was made  
17 to recommend a fabric-type structure or proceed with a  
18 fabric-type structure as opposed to a pre-engineered  
19 steel structure or any other form of construction  
20 material?

21 MS. SARA ALMAS: I believe it was  
22 through their analysis that they undertook, and the  
23 costings that they received, and the timelines they  
24 were looking at.

25 And together with the alternative and

1 the timelines and the cost, it just seemed much more  
2 appealing.

3 MR. JOHN MATHER: And how did you come  
4 to understand that was what -- who held that view, or  
5 who had come to that conclusion?

6 MS. SARA ALMAS: As Ed was taking the  
7 lead role, I believe it was based on Ed's review  
8 'cause he was reviewing all the information as it was  
9 coming in and being prepared 'cause -- because  
10 Dave McNalty and Ms. Leonard were, you know, working  
11 basically under Ed's direction on this report, and he  
12 was the key contact.

13 So I believe ultimately it was Ed's  
14 analysis that -- that recommended moving forward in  
15 this way.

16 MR. JOHN MATHER: If we can continue  
17 up this email chain. So Mr. McNalty replies to your  
18 question about continuing on recommended scenarios  
19 with: "I would wait."

20 Scrolling up. And then we see that the  
21 next email is from Mr. Houghton to the EMC, and he  
22 says:

23 "Thanks, Dave, and thanks for our  
24 call earlier."

25 Do you know what telephone conversation

1 Mr. Houghton is referring to in this email?

2 MS. SARA ALMAS: No, I do not.

3 MR. JOHN MATHER: August 23rd, 2012,  
4 did you have any phone conversations with Mr. Houghton  
5 about the rec facilities on that day?

6 MS. SARA ALMAS: I -- I do not  
7 recollect. I don't think so, but I don't recollect.

8 MR. JOHN MATHER: Did you ever have  
9 any conversations with Mr. McNalty about any  
10 conversations he had with Mr. Houghton on August 23rd?

11 MS. SARA ALMAS: I don't believe so.

12 MR. JOHN MATHER: If we could back to  
13 your affidavit at paragraph 23.

14

15 (BRIEF PAUSE)

16

17 MR. JOHN MATHER: So at the end of  
18 paragraph 23, it says:

19 "Mr. McNalty's revised report did  
20 not mention proceeding with a  
21 competitive procurement."

22 Then you say:

23 "I do not recall if I reviewed  
24 Mr. McNalty's emails on  
25 August 23rd."



1                   But that -- you were then asked to come  
2 in for August 24th to discuss the staff report.

3                   You mention earlier that you do recall  
4 at some point reading Mr. McNalty's revised report.  
5 You mention that you took note of the fact that it no  
6 longer contemplated a competitive procurement.

7                   Was there anything else that you recall  
8 observing or taking note of when you reviewed  
9 Mr. McNalty's report?

10                  MS. SARA ALMAS: I don't think I spent  
11 any real time reviewing their figures and their  
12 numbers because I wasn't involved in that, so it  
13 didn't mean that much to me.

14                  Obviously, my concern was, you know,  
15 the framing of what the recommendation was going to be  
16 and, in hindsight, why there was a report that was --  
17 said it from the EMC.

18                  There was never a report ever that was  
19 presented that was from the EMC before 'cause we  
20 weren't a recognized group. So why didn't it have  
21 whose names it was that was actually putting it  
22 forward and not my name? I -- I didn't speak up at  
23 the time when I seen that, and I regret that.

24                  MR. JOHN MATHER: Why do you regret  
25 that?

1 MS. SARA ALMAS: Because of all the  
2 issues that have arisen from it. You know, because if  
3 I'm going to put my name to something, I should have  
4 my name on it because I full -- full fledged agree  
5 with everything, and I've done my due diligence as  
6 best I can, and I can fully support it.

7 At that point, I hadn't dedicated the  
8 energy into that because I was too busy with  
9 everything else. And I wish I had of spoke up more.

10 MR. JOHN MATHER: Do you have a sense  
11 of what you would have said if you had the -- if you  
12 had spoken up at that time?

13 MS. SARA ALMAS: I -- I would say -- I  
14 would say, don't put my name on it because I haven't  
15 done -- done my appropriate research on it.

16 I did my own personal research  
17 obviously whenever this came about because we had all  
18 been circulated the information of the email address,  
19 so we had reviewed it.

20 I was in awe by the facilities and  
21 the -- the diagrams they had and the sample of the  
22 structure. Still to this day when I go into the pool  
23 facilities, there's individuals that come up and say  
24 what an amazing facility it is.

25 So do I believe that it was ultimately

1 the right decision? Yes. But with the in -- like  
2 right now, was it a good decision? Yes, it was a good  
3 decision. But I didn't thoroughly review bricks and  
4 mortar buildings, steel structure buildings.

5 I -- I wouldn't have recommended not  
6 proceeding without a competitive process. I wouldn't  
7 have had any of my conversations with -- with a  
8 company that we're actually going to be requesting  
9 RFPs from getting that information.

10 So a lot of things I would have done  
11 differently.

12 MR. JOHN MATHER: When you received  
13 the version of the staff report that didn't  
14 contemplate a competitive procurement, appreciating  
15 what you just said, what was your reaction to that at  
16 the time?

17 MS. SARA ALMAS: I was shocked, for  
18 one, because I wasn't -- I think that goes back to the  
19 question of it being -- the staff report being late.  
20 I wasn't too concerned because I thought we were still  
21 looking at potential scenarios and, you know, going  
22 through a competitive process in which Council would  
23 still have to award the final contract for -- for an  
24 RFP.

25 So then all of a sudden now, we have a

1 late staff report, and it's recommending something,  
2 you know, flat out.

3 MR. JOHN MATHER: So your affidavit  
4 contemplates that after you receive the report, there  
5 was a meeting scheduled that morning with the EMC and  
6 Mr. McNalty to discuss it.

7 At paragraph 25, you mention that  
8 before the meeting you had a conversation with  
9 Marjory Leonard about Mr. McNalty's version or a  
10 revised version of the staff report.

11 What can you tell us about that  
12 conversation?

13 MS. SARA ALMAS: Just I knew that  
14 Ms. Leonard writes very detailed and thorough staff  
15 reports, and I knew how much time that she had put  
16 into doing the staff report, that I -- I wanted to  
17 bring to her attention that, do you see that they've  
18 changed it?

19 So I remember that conversation. I  
20 don't think it was a very long conversation because I  
21 came in enough time to print off the report so I could  
22 start taking a look at it, then Marjory came in, and  
23 then we, I believe, had our -- our meeting.

24 MR. JOHN MATHER: Do you remember what  
25 Ms. Leonard said to you during that conversation?

1 MS. SARA ALMAS: I don't specifically  
2 recall.

3 MR. JOHN MATHER: Did you have a sense  
4 that Ms. Leonard was aware about -- aware of the  
5 changes that had been made?

6 MS. SARA ALMAS: I didn't believe that  
7 she was aware.

8 MR. JOHN MATHER: If we could pull up  
9 paragraph 399 of the Foundation Document.

10 THE HONOURABLE FRANK MARROCCO: You're  
11 going on to something a little different, I guess,  
12 right?

13 MR. JOHN MATHER: No. It is  
14 related --

15 THE HONOURABLE FRANK MARROCCO: Go  
16 ahead.

17 MR. JOHN MATHER: -- it is related to  
18 this.

19 THE HONOURABLE FRANK MARROCCO: Go  
20 ahead.

21 MR. JOHN MATHER: Just give me a  
22 moment.

23

24 (BRIEF PAUSE)

25

1 CONTINUED BY MR. JOHN MATHER:

2 MR. JOHN MATHER: So we'll come back  
3 to that once I have my reference.

4 So you have this conversation with  
5 Ms. Leonard in the -- that morning. You've received a  
6 staff report that, to your surprise, no longer  
7 contemplates a competitive procurement.

8 If we could pull up your affidavit  
9 again and go to paragraph 26, you then describe that  
10 after your conversation with Ms. Leonard you attend a  
11 meeting with the EMC and Mr. McNalty to discuss the  
12 staff report.

13 And at that meeting, Mr. Houghton  
14 explained why the staff report now recommended  
15 proceeding with two (2) Sprung structures without an  
16 RFP. What do you recall about what he said at that  
17 meeting?

18 MS. SARA ALMAS: I don't have any  
19 specific recollection of what -- what he stated.

20 Obviously it's a review with everyone  
21 of now what direction we were going, and basically  
22 that was -- formed the discussion that we had.

23 MR. JOHN MATHER: Did you -- do you  
24 have any recollection of Mr. Houghton saying anything  
25 about why the staff report now said that -- or now no

1 longer contemplated a competitive RFP?

2 MS. SARA ALMAS: Yes, so -- so Mr.  
3 Houghton is very charismatic and very influential, and  
4 basically was stating strongly the reasons why it was  
5 justified that we went down this route.

6 He was -- he's always extremely  
7 articulate. I, not being too intimately involved with  
8 this, only undertake my own brief research, I -- I  
9 didn't question -- I didn't question it.

10 MR. JOHN MATHER: What do you remember  
11 about what Mr. Houghton said was the reasons for --  
12 for this approach?

13 MS. SARA ALMAS: I -- I think -- I  
14 don't specifically recall, but I'm -- I'm presuming  
15 it, you know, it's going back to providing rec  
16 facilities, providing a cost-effective solution,  
17 providing something that's unique and can get  
18 delivered in a timely manner.

19 I believe all of that would have formed  
20 kind of the basis of the conversation. And again, it  
21 would be like a review of the analysis that was  
22 incorporated into that report, I'm assuming as well.

23 But --

24 MR. JOHN MATHER: You described that  
25 when you saw that the staff report no longer

1 contemplated an RFP that you were shocked. Was that  
2 something you raised at the meeting?

3 MS. SARA ALMAS: I'm sure I did, but  
4 the meeting was scheduled and the purpose of the  
5 meeting was to justify the numbers and timelines came  
6 back. I think he felt comfortable in moving forward  
7 with them. He was the key contact, having the  
8 conversations back and forth with BLT Sprung.

9 So I think that just to avoid any  
10 further delays, that it would just be the simplest  
11 thing to do.

12 MR. JOHN MATHER: When you spoke with  
13 Ms. Leonard that morning, had -- did she say anything  
14 to you about there had -- there having been  
15 discussions about no longer proceeding by way of RFP?

16 MS. SARA ALMAS: I don't recall  
17 specifically at that time, but I know that there was -  
18 - I know that there was now conversations that  
19 evening.

20 MR. JOHN MATHER: At the time, had you  
21 been involved in any conversations prior to that about  
22 removing competitive procurement?

23 MS. SARA ALMAS: No, I was not.

24 Now just -- for -- can I clarify  
25 something that I'd said earlier?



1 I -- I want it to be known that if I --  
2 if I had a clear concern about -- that it was the  
3 wrong decision at that time, I would have -- I would  
4 have spoken up.

5 But I didn't have -- based on all the  
6 information that was provided to me, I was -- I was  
7 comfortable with her recommendation. So it wasn't  
8 just because they had a consensus, it was based on the  
9 information that was provided and shared that I -- I  
10 felt that I -- there was no reason for me to object, I  
11 guess is a better way for me to put it.

12 MR. JOHN MATHER: When you're talking  
13 about the information that was provided and shared,  
14 what information are you referring to?

15 MS. SARA ALMAS: So the information  
16 that was gathered and provided as part of the report  
17 and after hearing all the justification that Ed had,  
18 because Ed was -- Ed was pretty powerful and pretty  
19 persuasive.

20 And I was -- and I trusted Ed at that  
21 time and I felt that it was -- it was good information  
22 and there was no reason for me to be at the last  
23 minute the person of the -- the group to object to the  
24 decision.

25 MR. JOHN MATHER: If we could pull up

1 paragraph 403 of the Foundation Document.

2                   So this is an email from Ms. Leonard to  
3 Dave McNalty, copying the other members of the EMC,  
4 and just to point you in time, this is the day before  
5 the meeting on August 24th. It's an email -- it's at  
6 8:27 PM, so it's after Mr. McNalty has written the EMC  
7 advising that he's taking a new approach to the report  
8 and before he circulated the version of the report  
9 that does not contemplate an RFP.

10                   In the email, Ms. Leonard says:

11                   "Dave, I think we have done our due  
12 diligence for procurement purposes  
13 already."

14                   And then she goes on to explain that  
15 further.

16                   Do you recall receiving this email from  
17 Ms. Leonard on the evening of August 23rd?

18                   MS. SARA ALMAS:    So, I didn't review,  
19 I -- because I was supposed to be on holidays. I  
20 didn't review any of my emails that evening. So when  
21 I came in, in the morning, I just printed the staff  
22 report. So I -- I didn't realize that this  
23 conversation had happened, that's why I had the  
24 conversation with Marjorie, like oh my goodness, did  
25 you know that it changed, because I wasn't familiar

1 with -- with this email.

2 MR. JOHN MATHER: Did Ms. Leonard talk  
3 about this email in your conversation the next  
4 morning?

5 MS. SARA ALMAS: She had mentioned  
6 that she received a call from Ed Houghton the night  
7 before, advising that he would like to see Ed go  
8 forward as a sole source procurement.

9 MR. JOHN MATHER: Did Ms. Leonard tell  
10 you anything else about the conversation she reported  
11 having with Mr. Houghton?

12 MS. SARA ALMAS: Not that I recollect.

13 MR. JOHN MATHER: Did Ms. Leonard say  
14 anything about what had prompted her to send this  
15 email?

16 MS. SARA ALMAS: I believe it was the  
17 -- the telephone conversation from Ed.

18 MR. JOHN MATHER: Did she specifically  
19 say that, or is that an impression you got from  
20 speaking with her?

21 MS. SARA ALMAS: At the time I don't  
22 specifically recollect. But I know now, like in  
23 conversations that I've had with her.

24 MR. JOHN MATHER: So at the meeting  
25 where -- on August 24th where it's discussed that this

1 will not -- the recommendation will not be -- to  
2 proceed by way of competitive RFP, at that point in  
3 time do you know what had been done to negotiate the  
4 price that BLT and Sprung were offering for the two  
5 Sprung structures?

6 MS. SARA ALMAS: No, I was not  
7 involved in any of those conversations.

8 MR. JOHN MATHER: Were you made aware  
9 at any point in and around August 27th what had  
10 occurred in terms of price negotiations?

11 MS. SARA ALMAS: I don't aware -- I'm  
12 not aware if -- if I was part of those conversations,  
13 but I -- I don't believe so.

14 MR. JOHN MATHER: If we can pull up  
15 paragraph 331 of the Foundation Document. Sorry, 333.

16

17 (BRIEF PAUSE)

18

19 MR. JOHN MATHER: This is where we  
20 were a -- a little bit ago, before we began discussing  
21 August 23rd and 24th, so we're going to go back in  
22 time just for a moment.

23 And this is when the first version of  
24 the staff report was circulated by Marjorie Leonard.

25 If we could go down to paragraph 338.

1                   So, Ms. -- on August 19th Mr. Houghton  
2 forwarded the initial draft that Ms. Leonard had sent  
3 to Deputy Mayor Rick Lloyd and wrote:

4                   "Take a look at this. I've not read  
5 it yet, but will, but I'm going to  
6 ask Marjorie to send it to you as  
7 well."

8                   And if you scroll down we see that in  
9 paragraph 339, Mr. Lloyd writes back with some  
10 feedback, including saying that if Council -- that he  
11 does not like the phrase of Council chooses to  
12 proceed.

13                   Were you aware at the time that Mr.  
14 Houghton had provided Deputy Mayor Lloyd with an early  
15 draft of the staff report?

16                   MS. SARA ALMAS:    No, I was not.

17

18                   (BRIEF PAUSE)

19

20                   MR. JOHN MATHER:    Is it common for  
21 individual members of council to be given the  
22 opportunity to review an early draft of a staff  
23 report?

24                   MS. SARA ALMAS:    Sorry, I -- I should  
25 clarify. So, in this, the email chain, you can see

1 I'm included in it, so I'm aware that he has. I  
2 didn't know that he was going to sent it to him. And,  
3 no, it's not common. And, no, that's not a good  
4 practice. And, no, no.

5 MR. JOHN MATHER: You've expressed a  
6 couple times today when we've seen the deputy mayor  
7 either giving direction to staff or being involved on  
8 an individual basis with staff and said that that is  
9 not something that should be done.

10 Why is that not something that should  
11 be done?

12 MS. SARA ALMAS: Because it's not --  
13 members of council individually are not to be having  
14 that conversation with -- providing direction to  
15 staff.

16 At this point in time, the governance  
17 structure was set up a little differently, as well.  
18 We had different members of council that acted as a  
19 liaison to various depar -- departments, actually, one  
20 (1) in -- one (1) particularly.

21 There was a representative, and I --  
22 and I believe it was -- it was Rick Lloyd, that was  
23 the sole individual that was to liaise with public  
24 works and engineering because there wasn't a public  
25 works engineering committee like there is a parks rec

1 and culture committee.

2                   And there's a number of members from  
3 the public. There's members -- members of council  
4 that sit on that -- that committee. And the same with  
5 -- even though the budget committee is -- is all of  
6 council, the deputy mayor chaired the budget  
7 committee.

8                   So, it wasn't overly alarming at that  
9 point. And, again, I was busy. I -- I didn't, you  
10 know, take the time to really evaluate what was going  
11 on, but it really is not an appropriate practice.

12                   And any sort of direction needs to be  
13 coming from council as a whole to members of staff  
14 because you can have competing interests. You can  
15 have personal interests in -- in how things happen  
16 that can influence how decisions are put forward to  
17 council, which is not appropriate.

18                   MR. JOHN MATHER:    From your  
19 perspective, as a senior member of staff, other than  
20 what you've said, is there anything else that gives --  
21 gives you concern about an individual member of  
22 council providing direction or input directly to staff  
23 members as opposed to through council?

24                   MS. SARA ALMAS:    In hindsight, I  
25 should have -- I should have asked the question why,

1 like, why -- why is it -- why is he being so  
2 intimately involved in this conversation, knowing,  
3 again, that he wasn't sitting as a member of the  
4 recreation committee or part of Marta's team with that  
5 committee, or part of the -- the Centra Park steering  
6 committee, why -- why did he have so much interest in  
7 rec facilities.

8 I -- I don't know. And I should have  
9 asked the question.

10 MR. JOHN MATHER: Speaking more  
11 generally, does it cause you concern, as a staff  
12 member, about, you know, the -- about zu -- did you  
13 have any concern, as a staff member, about the -- the  
14 nature and the integrity of staff's research and  
15 process if individual members of council are directing  
16 or speaking with staff about the work they're doing?

17 MS. SARA ALMAS: Absolutely, there --  
18 there should be concern.

19 MR. JOHN MATHER: And why is that?

20 MS. SARA ALMAS: Because they're --  
21 they're trying to -- obviously, having the  
22 conversation. And in looking at how he's responding  
23 is he's trying to influence how a report is written  
24 that would not necessarily be written that way.

25 MR. JOHN MATHER: So, if we could go



1 to paragraph 4.

2 THE HONOURABLE FRANK MARROCCO: Ju -  
3 just before you leave that, I think you sort of  
4 touched on it in your last answer, but thi -- this is  
5 not only reading the report, it's redrafting the  
6 report in a way that makes it more persuasive of a  
7 particular point of view?

8 MS. SARA ALMAS: Absolutely.

9 THE HONOURABLE FRANK MARROCCO: And I  
10 don't want to put words in your mouth, but -- but  
11 that's a staff report?

12 MS. SARA ALMAS: That's correct.

13 THE HONOURABLE FRANK MARROCCO: So, a  
14 council member receiving that would assume that that's  
15 the staff's collective view. And I assume they  
16 wouldn't know of -- of this drafting exercise that  
17 we're reading about?

18 MS. SARA ALMAS: That's right.

19 THE HONOURABLE FRANK MARROCCO: Does  
20 that --

21 MS. SARA ALMAS: Do I -- do I think  
22 that, if the deputy mayor hadn't looked at it, that  
23 the report would be a different report? Absolutely.

24 THE HONOURABLE FRANK MARROCCO: All  
25 right. Would -- would you -- is -- is it -- it's

1 difficult for -- can you describe whether it's  
2 difficult or not for a staff person to stand in the  
3 way of what appears to be a flow of events or a  
4 movement toward a conclusion?

5                   If you're the staff member and you -- I  
6 mean, can you explain what that's like, how the -- how  
7 you feel, as a staff person, when you may not -- you  
8 may think you're standing in the way of -- of --

9                   MS. SARA ALMAS:     Definitely.

10                   THE HONOURABLE FRANK MARROCCO:   -- a  
11 chain of events?

12                   MS. SARA ALMAS:     Definitely there is a  
13 fear or reprisal, as well, that when -- that -- and --  
14 and, obviously, I knew who was instrumental in the  
15 termination of the previous CAO.

16                   And, as a staff member, sometimes as --  
17 well, at -- at that time, I feel that things are much  
18 different now, but you had to walk a very fine line on  
19 what you're going to object to and why. And you  
20 better have -- you better have some pretty detailed  
21 information on, if you're not going to agree, why  
22 you're not going to agree.

23                   For me to send that email in January of  
24 2013 that says, you know, come on, I need help, that  
25 was me finally starting to speak up because I had just

1 -- at -- at that time and during this time, I think  
2 there was a difficulty, and the culture at that time  
3 was -- was much harder.

4 THE HONOURABLE FRANK MARROCCO: Why  
5 did you finally decide to speak up in that email?

6 MS. SARA ALMAS: I just knew  
7 everything that was happening was wrong. Like, it  
8 just -- it -- it -- when it started off, it was  
9 enjoyable and challenging. I -- and, of course, being  
10 the clerk and being responsible for a lot of the  
11 openness accountable integrity type of policy, I just  
12 -- it was -- it was killing me.

13 And, again, you know, I finally decided  
14 to -- and, of course, I have a young family, as well.  
15 But, like, I -- I devoted so much time, so much time  
16 to work at that point that, yeah, I -- I think there  
17 obviously was a fear, especially during that time, for  
18 my job because just -- just five (5) months earlier,  
19 not even, because Kim spoke up, our previous CAO, and  
20 she was trying to -- to say when things were wrong,  
21 she got fired.

22 THE HONOURABLE FRANK MARROCCO: Thank  
23 you.

24 MS. SARA ALMAS: All right.

25

1 CONTINUED BY MR. JOHN MATHER:

2 MR. JOHN MATHER: In your response to  
3 Justice Marrocco's question you indicated that you had  
4 -- that you knew who was instrumental in the  
5 termination of the previous CAO, Ms. Wingrove.

6 Who did you understand that to be?

7 MS. SARA ALMAS: And -- and the proof  
8 now is in the Foundation Documents. It was -- the  
9 deputy mayor was extremely involved in that and, I  
10 believe, another member of council, as well.

11 MR. JOHN MATHER: You mentioned the  
12 Foundation Documents. Was it your understanding at  
13 the time that the deputy mayor had been involved or  
14 played a role in Ms. Wingrove's termination?

15 MS. SARA ALMAS: The deputy mayor was  
16 the strongest and most -- had the most power over  
17 members of council in -- in that council term. So,  
18 basically -- basically, if the deputy mayor didn't  
19 agree, then it didn't happen.

20

21 (BRIEF PAUSE)

22

23 MR. JOHN MATHER: Can we go to  
24 paragraph 413 of the Foundation Document?

25 MS. SARA ALMAS: And if -- and vice

1 versa. If the deputy mayor wanted something, he got  
2 it.

3 MR. JOHN MATHER: So going back to  
4 August 24th, this is an email sent at 10:46 a.m.,  
5 which appears to be about 50 minutes after the EMC  
6 meeting was scheduled to end.

7 And Ms. Leonard sends an email to  
8 Mr. McNalty and the EMC, subject "Procurement  
9 Section," and in it, she sets out a series of  
10 paragraphs relating, what appears, to be to the  
11 decision not to proceed with the procurement.

12 Do you recall receiving this email?

13 MS. SARA ALMAS: I don't specifically  
14 recall.

15 MR. JOHN MATHER: Do you remember what  
16 the purpose of this email was?

17 MS. SARA ALMAS: I think it was -- it  
18 was to provide the basis of what would be included in  
19 the final version of the report.

20 MR. JOHN MATHER: With respect to the  
21 decision not to proceed with the procurement?

22 MS. SARA ALMAS: (NO AUDIBLE RESPONSE)

23 MR. JOHN MATHER: So the first  
24 paragraph of Ms. Leonard's email talks about due  
25 diligence. The staff is exercising research in

1 potential forms of construction.

2                   The third paragraph that begins "Cost  
3 effectiveness" talks about an investigative process  
4 that is determined that the architectural membrane  
5 would be most cost-effective solution and inclusive of  
6 all -- most cost-effective and inclusive solution.

7                   And then the fourth paragraph states  
8 that:

9                   "It has been determined through  
10                   research that there is only one  
11                   supplier that can meet the  
12                   specifications."

13                   You mentioned earlier that you had done  
14 some research into Sprung, and you mentioned in your  
15 affidavit that you'd done some Internet research.

16                   Do you remember when in the process you  
17 undertook that research?

18                   MS. SARA ALMAS: I believe it was  
19 early on once that conversation happened at the  
20 July 16th meeting and I knew that the conversations  
21 had started with Sprung.

22                   I can't remember exactly what time  
23 frame, too, that there was email -- the emails going  
24 around, too, about the website addressed.

25                   But regardless, I'm -- I'm a googler.

1 I like googling; I google everything. And so I  
2 searched up the information and looked at all the  
3 examples of structures that they had -- they had  
4 built.

5 And they were -- in my opinion, they  
6 were very unique, and obviously, there's lots of great  
7 testimonials on the website. But that's as much  
8 information that I really -- I really undertook for --  
9 for research.

10 MR. JOHN MATHER: Did you share what  
11 you found with anyone on staff?

12 MS. SARA ALMAS: Basically, I was  
13 hearing from them what they had heard. And so that's  
14 what I was wanting to verify for myself and take a  
15 look at the information myself.

16 MR. JOHN MATHER: Related to that,  
17 what -- prior to August 27th, 2012, what did you  
18 understand other members of staff had done in terms of  
19 researching both the nature of a fabric membrane as  
20 opposed to other forms of construction and whether or  
21 not they were competitors for Sprung?

22 MS. SARA ALMAS: At that time, I knew  
23 that Marjory was preparing the report, and at that  
24 time, I thought Marjory was doing the research on it.

25 I've since found out that she was only

1 doing her own personal research as well. I think she  
2 looked at some competitors, but she didn't do the --  
3 the formal review of -- if there's competitors not --  
4 that was undertaken by Dave McNalty and Ed Houghton.

5 MR. JOHN MATHER: Do you know what  
6 Mr. McNalty and Mr. Houghton had done to research  
7 these matters?

8 MS. SARA ALMAS: I don't know  
9 specifically what they had done. I -- I know that  
10 there was -- a lot of the basis was just on the  
11 information that was on the website through the  
12 various providers.

13 MR. JOHN MATHER: Did you understand  
14 they had done more than -- more than looking on the  
15 Internet at that point in time in terms of whether or  
16 not Sprung had competitors?

17 MS. SARA ALMAS: I don't recollect,  
18 but I think it was -- it was more -- I think a  
19 majority was definitely based on the website  
20 information.

21 MR. JOHN MATHER: Just to be clear, on  
22 August 27th -- on August 24th, 2012, was that your  
23 understanding then or understanding you gained  
24 subsequently?

25 MS. SARA ALMAS: I -- I believe at



1 that point -- because he's trying to justify why it  
2 should be sole source, I believe he would have, at  
3 that point, reviewed why he believed they were the  
4 sole source provider and advised us of the research.  
5 But I don't recall specific details.

6 MR. JOHN MATHER: In the paragraph  
7 that's at the top of this screen from Ms. Leonard's  
8 email, it talks about:

9 "Elements of competition was  
10 included in the gathering of  
11 estimates."

12 It talks about how the manufacturers of  
13 the architectural membrane knew they were in  
14 competition with more traditional forms of  
15 construction and that WG (sic) Architects knew that it  
16 -- that they were in competition with the  
17 architectural membrane structure.

18 Does that align with what you  
19 understood to have happened prior to August 24th,  
20 2012?

21 MS. SARA ALMAS: They definitely knew  
22 that the Town was investigating bricks and mortar  
23 steel fabrication buildings as well, but do I think --  
24 do I think that that's a fair comparator (sic) or  
25 whether that should be considered competitive? I --

1 I'm not necessarily sold on that.

2 MR. JOHN MATHER: Why aren't you sold  
3 on that?

4 MS. SARA ALMAS: 'Cause it -- they're  
5 two (2) completely different products. It's not  
6 apples to apples.

7 MR. JOHN MATHER: Other than  
8 WGD Architects, were you aware of any other  
9 manufacturer or supplier that Town spoke to about  
10 whether or not they could fulfill what had been  
11 identified as the recreation needs for the Town?

12 MS. SARA ALMAS: I don't believe so,  
13 and I believe the WGD Architects were taken because  
14 they were the ones that undertook the work for the  
15 Central Park Steering Committee.

16 MR. JOHN MATHER: Did you understand  
17 WGD to be a competitor to Sprung?

18 MS. SARA ALMAS: No. I -- I wouldn't  
19 have -- I wouldn't have thought that they were a  
20 competitor 'cause they were the architectural  
21 engineers.

22 Yeah. So I -- I don't think that I  
23 would have thought that they were -- now I don't  
24 believe that they were competitors. I don't know what  
25 I was -- I don't think I -- I put my -- my thoughts to

1 it at the time.

2 MR. JOHN MATHER: The last paragraph  
3 of Ms. Leonard's email says that:

4 "If one of the more traditional  
5 forms of construction had been  
6 determined to provide the most  
7 cost-effective solution, there would  
8 have been a further need to issue an  
9 RFP for construction since there are  
10 many companies capable of providing  
11 this service."

12 Around this time or at any point prior  
13 to August 27th, were you aware of any discussions  
14 about whether or not Sprung -- let me put -- whether  
15 or not there could be an RFP in which both Sprung and  
16 other forms of construction could bid?

17 MS. SARA ALMAS: At that time -- well,  
18 still it would have -- it was my -- my idea -- my  
19 thought at the time, whenever this -- the  
20 recommendation was going to be to have an RFP process,  
21 that it would be a competitive -- a competitive  
22 process for fabric structure or an architectural  
23 membrane structure.

24 And that -- that was the structure that  
25 was going to be the competition, that Council wasn't

1 going to then say, no, we need to have a whole range  
2 RFP for everything, and then go -- go from that 'cause  
3 I believe that's what all the research was leading up  
4 to.

5                   And that's why in the original  
6 resolution like it spoke to, you know, a fabric  
7 structure for the pool but then left it open for the  
8 arena that it could be either/or.

9                   So it was my -- my anticipation was  
10 that Council was going to make a decision on what type  
11 of structure, and then that's what would be RFPed.

12                   MR. JOHN MATHER:   And do you know if,  
13 at any point, anyone considered whether or not you  
14 could have an RFP which would be open both to a  
15 manufacturer like Sprung and a manufacturer of, let's  
16 say, a pre-engineered steel building?

17                   MS. SARA ALMAS:   I can't -- I don't  
18 recall if that conversation was had.

19                   MR. JOHN MATHER:   So if we could open  
20 the final version of the staff report, which is  
21 CJI6146.

22

23                   (BRIEF PAUSE)

24

25                   MR. JOHN MATHER:   Stopping at the

1 beginning of the report, it's report EMC 2012-01 and  
2 you've already mentioned that this was the first EMC  
3 staff report.

4 Do you remember why or how it was  
5 decided that this report would come from the EMC?

6 MS. SARA ALMAS: I have no idea.

7 MR. JOHN MATHER: When you first saw  
8 that this was how it was being formulated, did you ask  
9 questions of anyone about why this was coming from the  
10 EMC?

11 MS. SARA ALMAS: I really wasn't  
12 paying attention to who it was from, which I should  
13 have and that's one of the things I definitely would  
14 have changed.

15 I think as -- I believe that it was  
16 changed and it was made the EMC, because at this point  
17 for the month of August there was already community  
18 getting riled up about the July 16th decision.

19 So regardless, we knew it was going to  
20 be -- Ed knew it was going to be a contentious issue  
21 and that it would look better to have it come from  
22 more people than just one (1) person.

23 MR. JOHN MATHER: Was that something  
24 Ed discussed with you?

25 MS. SARA ALMAS: No. I -- no, that's

1 -- that's how I feel.

2 MR. JOHN MATHER: After this report,  
3 did that EMC deliver further reports? You know, was  
4 there an EMC 2012-02?

5 MS. SARA ALMAS: I don't recollect.  
6 There might have been one in 2013 about the  
7 organizational review. But I'd have to verify that.

8 MR. JOHN MATHER: I take it from that  
9 answer, if there was, not that many?

10 MS. SARA ALMAS: Correct.

11 MR. JOHN MATHER: If we could scroll  
12 down to page 6 of the report, please? Keep scrolling  
13 down.

14 So paragraph 4 says that a -- the  
15 report was reviewed by the EMC, the Director of Parks  
16 and Recreation and Culture, and the manager of FLEET  
17 Facilities and Purchasing, August 21 and circulated to  
18 department heads for comment on August 23rd, comments  
19 were received and reviewed and incorporated prior to  
20 having the report proceed to Council.

21 Do you know if any comments were  
22 received from any department head, other -- any -- any  
23 department head?

24 MS. SARA ALMAS: I do not -- I don't  
25 recall. The only one (1) that -- or potentially two

1 (2) that would have comments would be Marta. The  
2 August 21st date would be a date that's consistent  
3 with our department head meetings, because we always  
4 met on -- on Tuesdays.

5                   However, obviously the report wasn't  
6 even finalized until midnight on the -- on the 23rd,  
7 24th, and so I don't think that this is truly factual.

8                   MR. JOHN MATHER:    What do you think is  
9 not factual?

10                   MS. SARA ALMAS:    And circulated to  
11 department heads for comment on August 23rd. I -- I  
12 don't -- I have not -- I don't recollect an email that  
13 it went to all department heads on August 23rd.

14                   The report wasn't finished on August  
15 21st, so I'm not sure -- if -- maybe it was one of the  
16 drafts, so regardless if it wasn't the final version  
17 of the report.

18                   MR. JOHN MATHER:    Do you know if the  
19 department heads were ever provided an opportunity to  
20 see a version of the staff report that did not  
21 contemplate proceeding with a competitive procurement?

22                   MS. SARA ALMAS:    I would have to go  
23 back to that August 21st agenda to see if -- if -- if  
24 one of the draft reports were prepared and included in  
25 that package.

1 MR. JOHN MATHER: Do you know if a  
2 version of the report was sent to them on August 24th  
3 at any point?

4 MS. SARA ALMAS: I -- I don't -- I  
5 don't specifically recall. But because of our --  
6 because the such -- the late timing of the report and  
7 having to get it out to Council and the public as soon  
8 as we can, I -- I doubt that there was time, that  
9 there was any review with department heads. I think  
10 department heads probably received the final version  
11 the same time the public and Council received it.

12 MR. JOHN MATHER: On that, how does  
13 the public get access to the staff report?

14 MS. SARA ALMAS: All of the Town of  
15 Collingwood's agenda, so we don't provide just the  
16 summary on our website, we provide the entire package.  
17 So all the supporting material and the staff reports,  
18 correspondence, are all included in a public package  
19 that is provided on the website.

20 We also keep hard copies, or kept at  
21 that time hard copies here at the Town Hall, so if  
22 anybody came in and wanted a hard copy they could get  
23 one.

24 MR. JOHN MATHER: If we could go to  
25 paragraph 430 of the Foundation Document. Scroll down



1 a couple paragraphs, actually.

2

3 (BRIEF PAUSE)

4

5 MR. JOHN MATHER: Paragraph 434.

6 Perfect.

7 So this is an email that you sent to

8 Mr. Houghton on the same day, August 24th, 2012, at

9 1:16 p.m., and you ask him if he wants some Sprung

10 packages hand delivered that day.

11 Do you know what those Sprung packages

12 were?

13 MS. SARA ALMAS: I believe it was

14 their additional promotional material that -- that we

15 had and we had copies of, so we hand delivered that.

16 So in preparation of our Council agenda

17 packages, if there's any supporting material that's

18 not necessarily needed for the public, but you know,

19 could help or provide assistance or presentations or

20 provide it to Council generally on the Friday, so in

21 this case there was this promotional material that,

22 you know, further detailed the -- the Sprung

23 structures and how they worked and provided examples

24 and they were all hand delivered.

25 MR. JOHN MATHER: How was it decided

1 what material would be included in the agenda and be  
2 publically available, and what is additional material  
3 that will be delivered to Councillors?

4 MS. SARA ALMAS: So the supporting  
5 material that formed the basis of the staff report is  
6 pretty specific. I think just because it was detailed  
7 promotional type material, it would just, you know, we  
8 were -- we were cognizant too of adding more maybe  
9 information that would maybe be less relevant to the  
10 public.

11 There's -- there's not a specific  
12 policy in how we pick and choose. But you know, if  
13 there's a hundred pages of, you know, coloured,  
14 laminated material, and we scan that in, now the file  
15 size is, you know, significant that people can't open  
16 it or we can't upload it, that was actually one (1) of  
17 the reasons why we didn't do sometimes because it was  
18 just the files were too big.

19 But I don't know at this time why  
20 specifically that material was -- was provided  
21 separately.

22 MR. JOHN MATHER: Was it common for  
23 Council, in advance of a meeting, to be provided  
24 material from a supplier that they were considering  
25 purchasing from?

1 MS. SARA ALMAS: Not -- not that I  
2 recall.

3 MR. JOHN MATHER: Do you recall then  
4 in this instance why it was the case that Sprung  
5 marketing material was provided to the Councillors?

6 MS. SARA ALMAS: Because we were going  
7 forward with this sole-source recommendation.

8 MR. JOHN MATHER: Do you recall who  
9 directed you to deliver this material?

10 MS. SARA ALMAS: I believe it was Ed  
11 Houghton.

12 MR. JOHN MATHER: So if we could go  
13 now to paragraph 477.

14 THE HONOURABLE FRANK MARROCCO: Just  
15 before you do that, the -- the Town frequently resorts  
16 to RFPs?

17 MS. SARA ALMAS: Yes.

18 THE HONOURABLE FRANK MARROCCO: If, in  
19 this situation, the decision had been made to put the  
20 project out for an RFP, how much longer would that  
21 have taken? How much time would that take?

22 MS. SARA ALMAS: So generally if we  
23 had all the specs ready to go for an RFP, it --  
24 generally we'd put it out for about three weeks.

25 So once the information is out, it's

1 out for three (3) weeks, depending on the complexity  
2 of this project. So since, you know, this is a -- you  
3 know, was two (2) pretty significant rec facilities,  
4 the process could have been longer, so maybe four (4)  
5 to six (6) weeks.

6                   Generally by the time we open the --  
7 the -- do the public opening and we review the  
8 documents, generally that would take a week or two and  
9 then we would recommend the awarding of the contract.

10                   So a couple months.

11                   THE HONOURABLE FRANK MARROCCO: So in  
12 terms of the delay associated with resorting to an  
13 RFP, approximately a couple of months?

14                   MS. SARA ALMAS: Right. Not -- not  
15 too significant.

16                   THE HONOURABLE FRANK MARROCCO: Thank  
17 you.

18

19 CONTINUED BY MR. JOHN MATHER:

20                   MR. JOHN MATHER: If we could go to  
21 paragraph 480. 477, actually, I apologize.

22                   So this, Ms. Almas, sets out the --  
23 what was included in the agenda for the August 27th  
24 meeting with respect to the items dealing with  
25 recreation facilities.

1                   We know that Sprung made a presentation  
2 at this meeting, or Tom Lloyd of Sprung made a  
3 presentation at this meeting.

4                   This wasn't identified in the agenda.  
5 Do you know why that was?

6                   MS. SARA ALMAS:    If there's a  
7 presentation that was part of a staff report, that  
8 would just happen during the staff report  
9 presentation.

10                  MR. JOHN MATHER:    In an instance  
11 where, as part of that -- would it be common for as  
12 part of the staff report presentation an outside  
13 company would be included in that?

14                  MS. SARA ALMAS:    If the company was  
15 being recommended as part of that staff report, I  
16 wouldn't -- I wouldn't think it was -- it rarely  
17 happened, but I wasn't concerned with it at that time  
18 because we're going forward with our recommendation to  
19 proceed with this group.

20                  So Council better understand what their  
21 product is. So I didn't have a concern from that  
22 fact.

23                  But normally, normally the company  
24 wouldn't -- wouldn't come, you would make your  
25 recommendation on what you're going to purchase and it

1 would go from there.

2 MR. JOHN MATHER: Your Honour, I'm  
3 looking at the time. I'm about to move to another  
4 area and I'm wondering if it's an appropriate time for  
5 the lunch break?

6 THE HONOURABLE FRANK MARROCCO: Two  
7 o'clock.

8

9 --- Upon recessing at 12:57 p.m.

10 --- Upon resuming at 2:08 p.m.

11

12 CONTINUED BY MR. JOHN MATHER:

13 MR. JOHN MATHER: If we could pull up  
14 paragraph 29 of Ms. Almas's affidavit?

15 While that's coming up, Ms. Almas, what  
16 we see in the Foundation Document is that after the  
17 August 27th, 2012 meeting, the Town received several  
18 requests for information from various individuals  
19 about the decision to proceed with the Sprung  
20 structures, including some in the form of Freedom of  
21 Information Act requests.

22 What you state here in your affidavit  
23 is that you were responsible for handling the requests  
24 that were received. How did you come to be in that  
25 position?

1 MS. SARA ALMAS: As clerk, part of my  
2 job responsibilities is being the head under the  
3 Municipal Freedom of Information Protection and  
4 Privacy Act. So -- and also as clerk, a lot of  
5 notices, complaints, requests would always come  
6 through me, and generally I would assist in the  
7 coordination of getting that information, if it wasn't  
8 through an FOI, and help respond to individuals.

9 And then, obviously, if it formal FOI  
10 request, I am responsible from start to finish through  
11 that project.

12 MR. JOHN MATHER: You mentioned in  
13 your affidavit multiple requests. In terms of the  
14 number of requests that were received with respect to  
15 the Sprung decision, is that comparable at all to any  
16 other requests that followed from other decisions of  
17 Council up until that point, in your experience?

18 MS. SARA ALMAS: I would say no.

19 MR. JOHN MATHER: I'm going to have a  
20 few questions about some of the requests that were  
21 received and the answers provided. If we could turn  
22 up paragraph 628 of the Foundation Document.

23

24

(BRIEF PAUSE)

25

1 MR. JOHN MATHER: And while that's  
2 pulling up, how did the volume of requests compared to  
3 other requests? Can you give us a sense of that?

4 MS. SARA ALMAS: The volume of  
5 requests for information --

6 MR. JOHN MATHER: Yes.

7 MS. SARA ALMAS: -- relevant to the  
8 rec facilities to anything else that would happen?

9 MR. JOHN MATHER: Yeah.

10 MS. SARA ALMAS: I -- I believe that  
11 filing for freedom of information requests and  
12 requests for information has steadily increased  
13 throughout my tenure as clerk, and again, that's in a  
14 -- providing openness and transparency. But I believe  
15 that at this point, obviously, the -- the number,  
16 because there is a -- so many in the community that  
17 spoke up against that decision. So there was that  
18 much more concern, so they were wanting to share all  
19 this information with everybody.

20 So the requests came in asking for a  
21 lot of materials that I had to coordinate from the  
22 various sources, wherever it was from -- from Mr.  
23 Houghton, Mr. McNalty, Ms. Leonard, or any other  
24 department, whether it was Marta or her staff.

25 So it was -- it was pretty significant.



1 MR. JOHN MATHER: You say in your  
2 affidavit that responding to the requests at times was  
3 overwhelming. Can you explain what you meant by that?

4 MS. SARA ALMAS: Certainly. So at  
5 that time, we were also dealing with a casino proposal  
6 for the area, as well as all my other  
7 responsibilities. So it was just -- it -- it just  
8 really added to my workload.

9 MR. JOHN MATHER: On the screen, at  
10 paragraph 628, this is describing a -- a document  
11 request that an individual named Paul Cadieux  
12 submitted on behalf of the FOCP, which was a group  
13 called the Friends of Central Park. That request was  
14 submitted on August 30th, 2012.

15 Scrolling down, the next few paragraphs  
16 describe some discussion back and forth about  
17 responding to the request. And then at paragraph  
18 635...

19

20 (BRIEF PAUSE)

21

22 MR. JOHN MATHER: We see that you  
23 provide a response to Mr. Cadieux about his request.  
24 That's in the part of the email that's been excerpted,  
25 here, is the end of the email, in which you say:

1                   "The one item missing is the  
2                   handwritten detailed matrix, as it  
3                   is with Ed's files he kept for his  
4                   discussions with various concerned  
5                   stakeholders."

6                   Do you recall what you were referring  
7 to when you were describing a handwritten detailed  
8 matrix?

9                   MS. SARA ALMAS: I can't specifically  
10 recall, but I -- I do -- like, I can almost picture --  
11 picture it, because, you know, obviously a lot of  
12 correspondence is always electronic now. And I  
13 remember there being this detailed handwritten note.  
14 You know -- and I -- and I don't know if it just had,  
15 like, comparators on -- on costs, or more -- wheth --  
16 whether it had all the different structure suppliers,  
17 which it could have had, or whether it had basically  
18 the architectural membrane structure and all the  
19 components for the steel, or bricks and mortar type  
20 facility.

21                   I'm -- I'm not specific, sorry.

22                   MR. JOHN MATHER: It sounds like at  
23 some point, you did see a handwritten matrix of some -  
24 - some form?

25                   MS. SARA ALMAS: Yes.

1 MR. JOHN MATHER: Do you remember if  
2 it was before Mr. Cadieux sent his email request about  
3 documents?

4 MS. SARA ALMAS: I -- I believe it --  
5 I believe it is, and that's why I referenced this, but  
6 I can't be certain.

7 MR. JOHN MATHER: Do you have any  
8 recollection of who generated the handwritten document  
9 that you were describing?

10 MS. SARA ALMAS: No, but I believe it  
11 would have been either Ed himself, or Mr. McNalty, as  
12 they were the ones that were doing that primary part  
13 of the -- the research.

14 MR. JOHN MATHER: Do you recall if  
15 either of those individuals explained to you what the  
16 purpose of that matrix was?

17 MS. SARA ALMAS: I'm sure at the time.

18 MR. JOHN MATHER: Do you have any  
19 recollection?

20 MS. SARA ALMAS: No.

21 MR. JOHN MATHER: Do you know if the  
22 document you described here was ever provided to Mr.  
23 Cadieux?

24 MS. SARA ALMAS: I don't -- I don't  
25 know.

1 MR. JOHN MATHER: Can we go to  
2 paragraph 753 of the Foundation Document.

3

4 (BRIEF PAUSE)

5

6 MR. JOHN MATHER: This paragraph  
7 describes a series of emails you exchanged with Steve  
8 Berman regarding Inf -- Information Act requests that  
9 he had filed.

10 As part of the exchange, you wrote and  
11 advise Mr. Berman that Mr. Houghton and Marjory  
12 Leonard:

13 "Confirm that the only information  
14 obtained by any other structure  
15 suppliers was obtained from their  
16 website."

17 Do you recall sending Mr. Berman that  
18 email?

19 MS. SARA ALMAS: Not specifically. I  
20 had another -- a number of interactions with Mr.  
21 Berman at that time, and I know that my recollection  
22 was that -- primarily, that the research that I was  
23 aware of was done by -- by website.

24 MR. JOHN MATHER: In order to provide  
25 Mr. Berman answers to these questions, do you speak

1 with Mr. Houghton and Ms. Leonard?

2 MS. SARA ALMAS: I'm looking at how  
3 this is worded, and I'm assuming on this date for this  
4 email, that -- because I'm saying Mr. Houghton and --  
5 and Marjory Leonard, confirmed, so I would have had a  
6 conversation.

7 MR. JOHN MATHER: Do you recall having  
8 a conversation with either or both of them?

9 MS. SARA ALMAS: No, I do not.

10 MR. JOHN MATHER: Do you recall what  
11 your reaction was when you learned that the  
12 information about other supplies had come strictly  
13 from suppliers' websites?

14 MS. SARA ALMAS: I -- I know that in  
15 the process and subsequent to this, in -- in the  
16 various discussions I've had, that yes, I was  
17 disappointed that there wasn't more substantial due  
18 diligence undertaken.

19 MR. JOHN MATHER: When you attended  
20 that meeting on August 24th, 2012 to discuss the tes -  
21 - staff report, did -- was it your understanding at  
22 the time that more due diligence had been done other  
23 than looking at competitors' websites?

24 MS. SARA ALMAS: It would have been my  
25 expectation, yes.

1 MR. JOHN MATHER: And why did it  
2 disappoint you after the fact to learn that there  
3 wasn't more work done?

4 MS. SARA ALMAS: Just because this  
5 received -- it was so controversial. Everything had  
6 happened. My workload increased. All this work was  
7 undertaken then to go back and then justify why that  
8 decision was made, when I thought that the information  
9 was already reviewed to justify the recommendation.

10 MR. JOHN MATHER: Can we go to  
11 paragraphs under -- 719 of the Foundation Document.

12

13 (BRIEF PAUSE)

14

15 MR. JOHN MATHER: So this is a  
16 different request for Mr. Berman, and he's asking for  
17 all accounts payable -- listing all accounts payable,  
18 a listing of all fees paid by cheque or other method  
19 to Compenso from January 1st, 2011, to present, which  
20 at that point was October 12th, 2012.

21 And then if we can go to paragraph 813.

22

23 (BRIEF PAUSE)

24

25 MR. JOHN MATHER: This is another

1 Information Act request from Mr. Berman from January  
2 2013. And if we scroll down, number 3, in this one,  
3 he asks that he would like to know, yes or no, if the  
4 arrangement between Green Leaf and Collus can in any  
5 way be tied to Collus/Town of Collingwood partnership.

6 Do you recall being -- receiving a  
7 request from Mr. Berman or others in this time period  
8 about whether or not Mr. Bonwick or Green Leaf were  
9 involved in either the Collus Transaction, or with  
10 respect to the Sprung structures?

11 MS. SARA ALMAS: Specifically recall,  
12 no, other than I read -- when I read the Foundation  
13 Documents, this, but again I -- I was not aware that  
14 there was an involvement between Compenso or Green  
15 Leaf with BLT or Sprung.

16 MR. JOHN MATHER: Were you aware of  
17 who Abby Stec was in 2012?

18 MS. SARA ALMAS: I knew of Abby Stec  
19 from her work at Pretty River Academy when we were  
20 looking at the issues with their dome structure and  
21 there was some complications with that, but I do not  
22 believe that I knew that she worked at Compenso during  
23 this time.

24 MR. JOHN MATHER: In 2012, did you  
25 know anything about the company called Green Leaf

1 Distribution?

2 MS. SARA ALMAS: I -- I have heard of  
3 Green Leaf because of the solar vent projects, so I  
4 was aware of it.

5 MR. JOHN MATHER: Were you aware that  
6 Ms. Stec and Mr. Bonwick were involved in Green Leaf's  
7 business?

8 MS. SARA ALMAS: I knew that Abby was  
9 involved. I -- I knew it was -- I believed at the  
10 time that it was -- Paul Bonwick had some involvement  
11 in it, and I actually thought that Abby Stec actually  
12 was an assistant to Paul Bonwick. I didn't realize  
13 she had a -- a greater position.

14 MR. JOHN MATHER: How did you form the  
15 impression that Ms. Stec was Mr. Bonwick's assistant?

16 MS. SARA ALMAS: A lot of general type  
17 meeting requests and correspondence. I shouldn't say  
18 a lot. Correspondence that I would receive that might  
19 set up a meeting or have a conversation about  
20 something that they were doing would often come from  
21 Ms. Stec.

22 MR. JOHN MATHER: Just to clarify,  
23 prior to August 27th, 2012, did you have any knowledge  
24 that Ms. Stec and Mr. Bonwick or the company, Green  
25 Leaf, had any relationship to Sprung or BLT?



1 MS. SARA ALMAS: I had no idea.

2 MR. JOHN MATHER: In the process of  
3 answering questions from individuals about the Sprung  
4 structures, did you have any conversations with anyone  
5 else in the town about whether or not Ms. Stec, Green  
6 Leaf, or Mr. Bonwick had been involved in the Sprung  
7 structures?

8 MS. SARA ALMAS: I am sure that I  
9 would have shared that I had a request asking about  
10 it, but I don't -- I don't remember specific  
11 conversations and what the outcomes of those  
12 conversations were.

13 MR. JOHN MATHER: Do you recall if you  
14 ever asked anyone spe -- anyone directly whether or  
15 not any of those -- whether or not Ms. -- Mr. Bonwick,  
16 Ms. Stec, or Green Leaf had been involved?

17 MS. SARA ALMAS: I don't specifically  
18 recall.

19

20 (BRIEF PAUSE)

21

22 MR. JOHN MATHER: What was your  
23 reaction when you came to understand that Green Leaf,  
24 Ms. Stec, and Mr. Bonwick had a relationship with BLT?

25

1 (BRIEF PAUSE)

2

3 MS. SARA ALMAS: Surprised, but not  
4 surprised.

5 MR. JOHN MATHER: Can you expand on  
6 what you mean by that?

7 MS. SARA ALMAS: Because at that time  
8 I thought we were making a good decision. We were  
9 still actually feeling very positive about the  
10 recommendation, even though all this controversy was -  
11 - was going on, surrounding us. We still felt pretty  
12 confident in Sprung, BLT product.

13 And then when I found out, which was  
14 probably years later, and then I understood the  
15 involvement a little bit more of Mr. Bonwick in the  
16 Collus Hydro share sale, I guess I shouldn't have been  
17 surprised as much.

18 MR. JOHN MATHER: How did finding out  
19 that Green Leaf, Mr. Bonwick, Ms. Stec, had a role in  
20 the Sprung structures affect your view on what had  
21 taken place to get to the decision to proceed with  
22 them?

23 MS. SARA ALMAS: How did it affect me?

24 MR. JOHN MATHER: How did it affect  
25 your view of the process that had led to the decision?

1 MS. SARA ALMAS: Obviously --  
2 obviously my view was that, you know, maybe the -- the  
3 due diligence truly wasn't undertaken and -- yeah,  
4 like, obviously I was disappointed and would reflect  
5 on how that decision was made and why the pressure for  
6 the expedited process happened. All of it just  
7 provided more clarity.

8

9 (BRIEF PAUSE)

10

11 MR. JOHN MATHER: Move on to paragraph  
12 705 of the Foundation Document.

13

14 (BRIEF PAUSE)

15

16 MR. JOHN MATHER: I bring you here  
17 first as a point of reference, that on October 2nd,  
18 2012, Council directed staff to prepare a report on  
19 including a therapeutic pool with the Centennial pool  
20 development, which was the pool that was being covered  
21 with a Sprung structure, and that report was to be  
22 presented October 15th, 2012, Council meeting.

23 We can go ahead to paragraph 707. I  
24 see that on October 10th, 2012, Marta Proctor  
25 circulated a draft staff report which was with respect

1 to the therapeutic pool.

2                   And the next paragraph, you send an  
3 email to the EMC, Ms. Proctor, and some others about  
4 the draft report and your proposed recommendations --  
5 that the recommendations include two (2) alternates,  
6 one (1) to receive the report outlining an option to  
7 have a therapeutic pool within the new Central --  
8 Centennial Pool development, or second, to receive the  
9 report and direct staff to incorporate a therapeutic  
10 pool.

11                   Pausing there, what is the effect of  
12 the first proposed recommendation?

13                   MS. SARA ALMAS:   Basically there's no  
14 further action on it.  They received it, they  
15 understand that they can install it at this point, and  
16 unless they -- so if they receive it, they've just  
17 received it.

18                   Secondly, if they decided to go with  
19 the other option, it was then providing a direction to  
20 move forward with adding that component to the  
21 construction.

22                   MR. JOHN MATHER:   In the email you  
23 state that:

24                   "The purpose of this is so that it  
25                   is -- it is Council that chooses

1                   which option to proceed with. It is  
2                   not staff's recommendation."

3                   Why did you think that was how the  
4 recommendation should be framed?

5                   MS. SARA ALMAS: I -- I believed that  
6 since there was so much controversy over the initial  
7 recommendation, that truly it needs to be a Council  
8 decision on -- on whether they want to be moving  
9 forward or not, and it was here nor there to me, and I  
10 was not going to put my name on a report that made a  
11 recommendation that truly I'm not the one to decide if  
12 a therapeutic pool need was out there, because I  
13 wasn't involved in the whole process, whenever the  
14 Central Park Steering Committee was doing their review  
15 on aquatic needs for the -- the community.

16                   So I wasn't about to put forward  
17 another staff report that made a recommendation that I  
18 wasn't supportive of. Well, I shouldn't say not  
19 supportive; that I didn't have full information on it.  
20 I thought it was a Council, political decision to be  
21 making.

22                   MR. JOHN MATHER: Did the experience  
23 of this decision on August 27th and the subsequent  
24 public reaction inform the -- the proposal you were  
25 putting forward in this email?

1 MS. SARA ALMAS: Absolutely.

2 MR. JOHN MATHER: And how's that?

3 MS. SARA ALMAS: Because that report,  
4 when it went forward in August, had a -- had a firm,  
5 concrete recommendation from staff rather than  
6 providing options that initially was what I thought it  
7 was going to be, and because of the controversy of it,  
8 I didn't want -- did not want to be put in that same  
9 position again only a little over a month later.

10 MR. JOHN MATHER: Why didn't you want  
11 to be put in that same position? What had happened?

12 MS. SARA ALMAS: I was -- I didn't  
13 want to be put in another compromised position. I  
14 have a position of authority and respect in the  
15 community, and I didn't want to be -- I didn't want to  
16 be associated with more -- more controversy, more  
17 questionable actions, I guess.

18 Then again, since it wasn't my area of  
19 expertise, it wasn't me to decide, and I didn't think  
20 that we should be making recommendations, that it was  
21 a Council decision.

22 MR. JOHN MATHER: What was it -- you  
23 said you didn't want to be in a compromised position  
24 at this point. Did you feel that your position had  
25 been compromised?

1 MS. SARA ALMAS: Yes, I do, because I  
2 -- I shouldn't have had my name on that report, and so  
3 that started -- it put me in a bad position in that I  
4 shouldn't have had my name on that report because I --  
5 I didn't -- I didn't do the research that I should  
6 have done to be able to support my name being on that  
7 report.

8 MR. JOHN MATHER: Did you personally  
9 receive feedback from people in the community or  
10 elsewhere about that Sprung decision?

11 MS. SARA ALMAS: I don't recall  
12 personally. It's just my own personal integrity, I  
13 think.

14 MR. JOHN MATHER: So, Mr. Houghton  
15 replies to your su -- suggestion, noting that it was a  
16 very good point. And he says, "We've been taking all  
17 the bullets."

18 What did you understand Mr. Houghton to  
19 mean by that?

20 MS. SARA ALMAS: Because his staff had  
21 been fielding all of the -- the issues. So, once  
22 council makes the decision, it's left for staff to  
23 undertake the implementation and address any recourse  
24 that comes from it, so all the requests for  
25 information, all the process.

1                   You know, then it was underway to get  
2 moving forward and getting these projects organized  
3 and -- and, I guess, getting them started. Again, at  
4 that time, we didn't have a communications officer, so  
5 I was responsible for doing communications as much as  
6 I could.

7                   Other departments assisted from time to  
8 time. I know, at this point, too, because some of it  
9 was pretty specific, that there was members of the  
10 Leisure Services team at the time, or Parks Rec and  
11 Culture now, that also assisted with a media release  
12 or two (2) during that point.

13                   But staff were taking a lot of the  
14 blame versus council. I shouldn't say that. I'm sure  
15 council felt some, too, but staff felt a lot.

16                   MR. JOHN MATHER: And from your  
17 perspective as clerk, how was that affecting staff and  
18 the town's operations?

19                   MS. SARA ALMAS: Obviously, it's  
20 affecting your focus on your -- your own, your  
21 responsibilities that you're supposed to be doing.  
22 And, you know, it -- it puts a lot of stress on staff.  
23 The -- both -- both professionally and personally it  
24 put a lot of stress on a lot of our lives.

25



1 (BRIEF PAUSE)

2

3 MR. JOHN MATHER: Go to paragraph 713.

4 THE HONOURABLE FRANK MARROCCO: Before  
5 you do that, I think I -- there's a question I want to  
6 --

7 MR. JOHN MATHER: Of course.

8 THE HONOURABLE FRANK MARROCCO: -- I  
9 want to put. Can you help me with this? From -- from  
10 your perspective, how -- how do you react to the  
11 suggestion -- and -- and you kind of alluded to it a  
12 bit in your evidence earlier, but how do you react to  
13 the suggestion -- or the -- the thought that it -- it  
14 doesn't matter about the process, as long as the  
15 building's okay?

16 Can you -- can you help me with -- with  
17 what -- from your perspective as the clerk and as a  
18 staff person, how -- how you react to that kind of  
19 rationale?

20 MS. SARA ALMAS: So, I'm not sure  
21 under the context that was stated. But process, for  
22 me, is actually pretty important. And I believe that  
23 -- I believe that, at the time, I felt that -- at the  
24 time, I felt confident enough to move forward with  
25 what was being proposed, you know, based on what Mr.

1 Houghton was sharing about the benefits of the  
2 facilities and how there's nothing like it.

3 I felt supportive that they were --  
4 were the only sole provider at that time. And I felt  
5 that, after the decision was made and once the  
6 buildings were constructed and the public saw how --  
7 how good the facilities were going to be because  
8 that's how I expected it to be, they would be more  
9 appreciative of -- of the work that was undertaken at  
10 the time, if that makes any sense.

11 THE HONOURABLE FRANK MARROCCO: I  
12 guess what I was trying to get at was, not -- I  
13 appreciate your answer, but it -- it was more a  
14 question of the -- the suggestion that the -- the  
15 process and the way you get there doesn't matter if  
16 the outcome is okay.

17 I -- I'm trying to get an appreciation  
18 from the staff's perspective of how they would see  
19 that kind of a proposition and -- and whether there  
20 are any problems with that from the staff's  
21 perspective that -- that we need to appreciate.

22 MS. SARA ALMAS: Actually, I think --  
23 I don't know if -- if any member -- well, I shouldn't  
24 say any member. I mostly consulted with Ms. Leonard.  
25 And I don't think -- and -- and some of my responses

1 to the inquiries, I don't think that the proce -- I  
2 didn't believe that anything was contravened.

3 Do I think that more time should have  
4 been spent, should we have rushed before that August  
5 27th? No. But I don't want anybody to ever think  
6 that -- that staff, at least on behalf of myself,  
7 would think that compromising process is okay if the -  
8 - if there was a benefit afterwards because process is  
9 imperative.

10 THE HONOURABLE FRANK MARROCCO: And --  
11 and can -- and I understand that. Can you just  
12 explain why that's your belief? Just -- just tell --  
13 help me with how -- how you get to that conclusion.

14 MS. SARA ALMAS: Because if you make a  
15 decision and it's -- you haven't followed the  
16 appropriate steps, then is that decision really  
17 credible? I guess.

18 And, you know, rules are put in place  
19 for a reason. So, that reason is that -- to instill  
20 public trust in process, to make sure that appropriate  
21 protocol is followed, to ensure that diligence is  
22 taken correctly because you're spending taxpayers'  
23 money.

24 And so, there needs to be some  
25 justification on how you get to make the final

1 decision.

2 THE HONOURABLE FRANK MARROCCO: Okay.

3 Thank you.

4 MS. SARA ALMAS: I don't know.

5 THE HONOURABLE FRANK MARROCCO: No,

6 that's fine.

7

8 CONTINUED BY MR. JOHN MATHER:

9 MR. JOHN MATHER: I'm going to ask  
10 some questions now about the allocation of the Collus  
11 share proceeds towards the Sprung structures. I'm  
12 going to start with the August 27th staff report. If  
13 we can bring that up again, CJI6146.

14

15 (BRIEF PAUSE)

16

17 MR. JOHN MATHER: And if we could go  
18 to page 6, please, down to the bottom. So, this is  
19 from the final version of the August 27th sta -- staff  
20 report.

21 It identifies at that point in time the  
22 total cost of the buildings is \$11.6 million. And  
23 then if you scroll down, funding options unfortunately  
24 go over two (2) pages, but it lists the funding  
25 options that are available. So, if we can scroll up.

1 Keep scrolling. That's helpful. Thank you.

2 So, I want to make sure we have  
3 everything on the screen. So, this identifies the  
4 funds that were available, the largest portion of  
5 which was \$8 million from the Co -- Collus PowerStream  
6 partnership, and then (to be confirmed by public.)

7 What did you understand that to mean,  
8 that the Collus funds were available but to be  
9 confirmed by public?

10 MS. SARA ALMAS: So, basically, the  
11 sale concluded July 31st. And we advised the public  
12 that we would undertake a public consultation on the  
13 use of the funds before we allocate them anywhere.

14 And so, the treasurer November 20, 2019  
15 identified this as a potential source for funding the  
16 rec facilities.

17 MR. JOHN MATHER: At this point in  
18 time, did you understand that the Collus funds had  
19 been committed to the Sprung structures?

20 MS. SARA ALMAS: No.

21 MR. JOHN MATHER: Can we go to  
22 paragraph 440 of the Foundation Document?

23

24 (BRIEF PAUSE)

25

1 MR. JOHN MATHER: Just to put you in  
2 context, Ms. Almas, we're looking at -- paragraph 440  
3 is describing the version of the staff report that  
4 Marjory Leonard circulated around midday on August  
5 23rd, so the version before the competitive  
6 procurement is removed. And this paragraph just shows  
7 what that version of the report said with respect to  
8 the effect on Town's finances.

9 And so we see a chart along the lines  
10 that we've seen in the final report, but then beneath  
11 that, there's wording that there would be a minimum of  
12 4.5 million to a maximum of 8.5 requiring long-term  
13 financing and then a table of debenture repayment  
14 schedules showing, what I understand to be the amount  
15 it would cost to borrow to fund the structures.

16 Is that your understanding as well?

17 MS. SARA ALMAS: Yes.

18 MR. JOHN MATHER: Then we -- if we can  
19 go to paragraph 414.

20

21 (BRIEF PAUSE)

22

23 MR. JOHN MATHER: Scroll down. Scroll  
24 up; scroll up. One moment.

25

1 (BRIEF PAUSE)

2

3 MR. JOHN MATHER: Paragraph 421,  
4 please. I'm sorry.

5 So this discusses -- this describes a  
6 version of the staff report that was circulated later  
7 on August 24th, 2012. It was a version that was  
8 circulated by Mr. Houghton, and you can see here that  
9 this describes that in this version of the report the  
10 information about debenture costs, which we had just  
11 seen that was in the earlier version of the staff  
12 report, had been omitted.

13 Do you recall the decision to omit that  
14 information from the staff report?

15 MS. SARA ALMAS: I do not recall that  
16 decision.

17 MR. JOHN MATHER: Do you recall being  
18 aware of -- of being party to any discussions about  
19 whether or not that debenture information should be  
20 included in the staff report?

21 MS. SARA ALMAS: No, I do not recall.

22 MR. JOHN MATHER: At the time Council  
23 votes to proceed with the Sprung structures, what was  
24 going to happen if it ultimately was decided that the  
25 Collus funds weren't available for the Sprung

1 structures?

2 MS. SARA ALMAS: It was my  
3 understanding that it would be debentured.

4 MR. JOHN MATHER: We don't see that as  
5 part of the motion with respect to the Collus funds,  
6 and it's not in the staff report.

7 Did you understand that to have been a  
8 final decision by Council that if the Collus funds  
9 were not available, then they would go and take out a  
10 debenture for whatever the reminding costs needed to  
11 be covered?

12 MS. SARA ALMAS: I don't specifically  
13 recollect. It's -- it's not part of the -- the final,  
14 and I can't recall at the meeting if there was  
15 discussions about that either. I -- I would expect  
16 that there would be, but I -- I can't specifically  
17 recall.

18 MR. JOHN MATHER: In the section of  
19 the staff report we were looking at has an effect on  
20 town finances, would you have expected that to have  
21 included setting out what staff's recommendation was  
22 for what to do if the Collus funds weren't available?

23 MS. SARA ALMAS: Normally, it's a  
24 little more comprehensive in that section. I believe  
25 that's why the treasurer initially put that



1 information in there.

2 MR. JOHN MATHER: Does it give you any  
3 pause at this point that that information wasn't set  
4 out in the staff report?

5 MS. SARA ALMAS: Yes. It was a pretty  
6 clear understanding that I knew that Mr. Houghton felt  
7 that that was probably a good use of the money. So it  
8 was just simpler to put it in there like that versus  
9 identifying huge numbers in debenture amounts.

10 So I believe that's why it was -- it  
11 was probably modified and simplified for that very  
12 purpose.

13 MR. JOHN MATHER: Do you know if  
14 Council at any point prior to voting on August 27th  
15 was told what the implications would be if they needed  
16 to debenture those remaining funds?

17 MS. SARA ALMAS: I don't recollect.

18 MR. JOHN MATHER: If we can go to  
19 paragraph 30 of your affidavit.

20

21 (BRIEF PAUSE)

22

23 MR. JOHN MATHER: So as you -- as you  
24 state in paragraph 30 of the affidavit that you were  
25 the staff member responsible for overseeing the public

1 consultation process.

2 Was conducting public consultation  
3 something you typically did in your role as clerk?

4 MS. SARA ALMAS: Yes. As the clerk  
5 and responsible for any sort of special public meeting  
6 for any such consultation purposes, I generally had --  
7 if I wasn't the overall responsible individual, I was  
8 always part of the consultation process.

9 MR. JOHN MATHER: Had you ever  
10 overseen or been involved in a public consultation  
11 about the use of funds that were available to Council?

12 MS. SARA ALMAS: Not at this point,  
13 no.

14 MR. JOHN MATHER: And in the next  
15 paragraph of your affidavit, you discuss parts of the  
16 public consultation process. Specifically, you talk  
17 about a meeting that took place on December 1st, 2012  
18 to seek input from the public about how to allocate  
19 the Collus funds.

20 And then you also discuss that a survey  
21 was distributed on the same day seeking input from the  
22 public about those funds and then the results of that  
23 survey were gathered and summarized and reported to  
24 Council.

25 Other than those two (2) things -- the

1 meeting and the surveys -- what else was done to  
2 consult the public with respect to the use of the  
3 Collus funds?

4 MS. SARA ALMAS: So there was --  
5 obviously when this was put out for public  
6 consultation, there was advertisements that were in  
7 our town page that notified that this was undertaking;  
8 we're undertaking these public meeting -- this public  
9 meeting; the public survey; and they're also welcome  
10 to contact me directly to provide any sort of feedback  
11 on how they'd like to use the funds as I was the  
12 contact individual.

13 So those. We also had a radio show  
14 that the -- generally the mayor, if not another member  
15 of Council, would participate on weekly. So  
16 information like this would be regularly put out to  
17 the public advising them that we're seeking input from  
18 stakeholders and residents and to submit your  
19 information through me.

20 So I would have had -- part of this  
21 would be some of our email correspondence that we  
22 received as well.

23 MR. JOHN MATHER: And as you mentioned  
24 in the affidavit that the survey results were, you  
25 know, taken, summarized, and presented to Council.

1                   Is there any other way the feedback for  
2 the public was reported to Council?

3                   MS. SARA ALMAS:    No.  It was only -- I  
4 believe it was only the staff report.

5                   MR. JOHN MATHER:    What was your  
6 understanding about what Council was going to do with  
7 the feedback it received from the public?

8                   MS. SARA ALMAS:    Obviously, Council  
9 consults with the public to -- to feed into their  
10 decision-making process.

11                   So obviously, they would have to  
12 undertake a -- a comprehensive understanding of what's  
13 being requested from the public and looking at -- at  
14 the -- I guess, the financial side of it from the  
15 municipality and determine how they want to move  
16 forward.

17                   MR. JOHN MATHER:    Is it your  
18 understanding that Council was in any way bound by the  
19 public's preferences?

20                   MS. SARA ALMAS:    No.

21                   MR. JOHN MATHER:    Sorry?

22                   MS. SARA ALMAS:    No.  If -- if it was  
23 put out -- now we have a community engagement  
24 strategy, and it's actually put out there the various  
25 ways that we engage and consult with the public and

1 only a decisions that's determined by referendum  
2 basically would be the public's way to make something  
3 formalized.

4 MR. JOHN MATHER: And I take it, what  
5 you're discussing is a program that came into time --  
6 place after 2013?

7 MS. SARA ALMAS: That's correct.

8 MR. JOHN MATHER: Okay. Go to  
9 paragraph 853 of the Foundation Document.

10

11 (BRIEF PAUSE)

12

13 MR. JOHN MATHER: So paragraph 853  
14 describes the staff report about the use and  
15 allocation of share sale and dividend funds.

16 Is that the staff -- is that the report  
17 you were referring to earlier when asked about how the  
18 public feedback was given to Council?

19 MS. SARA ALMAS: That is correct.

20 MR. JOHN MATHER: Were you involved in  
21 drafting the report?

22 MS. SARA ALMAS: I can't specifically  
23 recall. However, I generally had pretty detailed  
24 conversations with -- with Marjory regarding issues  
25 like this, and at that point, we were still within our

1 EMC as well. But I don't recall specific  
2 conversations.

3 MR. JOHN MATHER: So it says here in  
4 this paragraph that the report recommended that  
5 Council receive staff report 2013-4 including all the  
6 public comments and input on the use of the funds and  
7 deliberate the use during the upcoming budget project.

8 Do you know why this recommendation was  
9 selected at this point in time?

10 MS. SARA ALMAS: Again, I think -- I  
11 think we were a little -- a little gun-shy from taking  
12 all the bullets from the decision from August.

13 So we weren't saying use them for these  
14 three things, we -- we were leaving it for -- we've  
15 provided you exactly what the public has given us,  
16 these are the top three that were in there, do you --  
17 you go and deliberate and decide how to use them.

18 MR. JOHN MATHER: Do you know if staff  
19 at any point provided any form of recommendation?

20 MS. SARA ALMAS: I don't -- I don't  
21 know. I don't -- I'm not sure.

22 MR. JOHN MATHER: Other than what Ms.  
23 Leonard included in this report, do you know if anyone  
24 on staff ever investigated or retained a consultant to  
25 advise on what was the best use of the Collus funds

1 from a financial perspective?

2 MS. SARA ALMAS: I do not believe that  
3 anybody was retained. I believe the review -- I think  
4 this report even contained some scenarios about paying  
5 down debentures and what that -- what that equated to,  
6 Ms. Leonard is an extremely competent individual with  
7 her accountant designation and she has her MBA that I  
8 -- I believe that she probably would have undertaken  
9 such a review.

10 MR. JOHN MATHER: Do you know if she  
11 did?

12 MS. SARA ALMAS: No, and I'd have to  
13 go back and take a look at this report too, I can't  
14 recall exactly how it was laid out.

15 MR. JOHN MATHER: Do you know if there  
16 was any consideration given by staff or Council about  
17 using the Collus funds to support the new partnership  
18 between the Town and -- sorry, Collus Power Stream and  
19 -- sorry, the Town and Power Stream?

20 MS. SARA ALMAS: Use the funds to  
21 strengthen the partnership, sorry?

22 MR. JOHN MATHER: Any discussion about  
23 taking the funds and investing them in -- in that  
24 partnership, whether it be looking at growth  
25 opportunities or other investment --

1 MS. SARA ALMAS: I'm not aware that  
2 that was contemplated, or if it was contemplated.

3 MR. JOHN MATHER: If we go to  
4 paragraph --

5 MS. SARA ALMAS: I'm sure Ed would  
6 have liked that, but --

7 MR. JOHN MATHER: If we go to  
8 paragraph 32 of your affidavit.

9 So in this paragraph it describes that  
10 on June 10th, 2013 Council -- and correct me if I'm  
11 wrong, but what I understand, Council essentially  
12 voted on that date to apply the share sales proceeds  
13 first to the recreation facilities and then to the  
14 reconstruction of Heritage Park.

15 Do I have that correct?

16 MS. SARA ALMAS: Yes.

17 MR. JOHN MATHER: In your affidavit  
18 you say the Council voted to waive the -- before that  
19 vote was made, Council voted to waive the procedural  
20 requirement for a notice of motion.

21 What did you mean by that?

22 MS. SARA ALMAS: I specifically  
23 included that in this affidavit, because I felt that  
24 was important to note.

25 So the staff report identifying the



1 outcome of the consultation was presented and received  
2 by Council in February and it doesn't show back up on  
3 -- on the agenda until June 10th. And it -- it was on  
4 the agenda at the very end of the meeting identified  
5 under older deferred business that this topic would  
6 need to be discussed.

7                   So when it came up on the agenda, again  
8 there was no -- no even list of options for them to  
9 consider, it wasn't re-put in there, the staff report  
10 might have been appended back to that agenda package.

11                   However, Council decided at that point  
12 to waive the notice requirements because in a  
13 procedural by-law before you make a motion, you need  
14 to provide notice of motion that a meeting previous so  
15 that it gives your colleagues at the table and the  
16 public an opportunity to be aware that you're wanting  
17 to make some decision. And they decided because you  
18 do have the ability to waive that protocol or  
19 requirement that's in the procedural by-law, and  
20 immediately make a decision after you waive that  
21 notice provision.

22                   So that's what happened at this  
23 meeting. They be -- they started having the  
24 conversation and they decided to waive notice so they  
25 could make a decision right away.

1                   So again, it was quite quick.

2                   MR. JOHN MATHER:    And what was your  
3 view when that happened?

4                   MS. SARA ALMAS:    I think I thought it  
5 was quite quick.  Like, was there a reason why they  
6 couldn't have provide the notice, someone said this  
7 has been in older deferred business for this long, I  
8 would like to make a recommendation for the next  
9 meeting that we allocate it to these three -- or two  
10 things, three things.  And then make that -- make that  
11 come forward at the next Council meeting.

12                  MR. JOHN MATHER:    Do you recall if  
13 there was any discussion about why that didn't happen?

14                  MS. SARA ALMAS:    No, I do not recall.

15                  MR. JOHN MATHER:    Do you have any  
16 understanding why that didn't happen?

17                  MS. SARA ALMAS:    I would have to -- I  
18 -- I would have to go back and take a look at that  
19 meeting.

20                  MR. JOHN MATHER:    Do you know if prior  
21 to Council voting to use the Collus funds with respect  
22 to the recreation facilities, and then Hume Street,  
23 whether anyone on staff investigated or retained any  
24 form of consultant to consider what was the most cost-  
25 effective way to pay for those recreation facilities?

1 MS. SARA ALMAS: I don't believe that  
2 anybody was retained. Again, the treasurer provided  
3 an analysis, that's all that I'm aware of.

4 MR. JOHN MATHER: I take it from that  
5 nothing beyond what Ms. Leonard would have done?

6 MS. SARA ALMAS: Correct.

7 MR. JOHN MATHER: Those are my  
8 questions.

9 THE HONOURABLE FRANK MARROCCO: Mr. --  
10 Mr. Chenoweth, why don't we take ten (10) minutes now,  
11 because otherwise you'll no sooner get started and  
12 we'll want to break, so.

13 MR. FREDERICK CHENOWETH: Thank you,  
14 Your Honour.

15 THE HONOURABLE FRANK MARROCCO: Thank  
16 you.

17

18 --- Upon recessing at 2:58 p.m.

19 --- Upon resuming at 3:08 p.m.

20

21 MR. FREDERICK CHENOWETH: Thank you,  
22 Your Honour.

23

24 CROSS-EXAMINATION BY MR. FREDERICK CHENOWETH:

25 MR. FREDERICK CHENOWETH: Ms. Almas,

1 my name is Chenoweth, again, Fred Chenoweth. We had  
2 occasion to meet at earlier times in this Inquiry,  
3 part 1 of the Inquiry.

4 If I might, let me direct some  
5 questions to initially about the formation of the  
6 executive management team. There hadn't been an  
7 executive management team earlier times in the Town?

8 MS. SARA ALMAS: Correct.

9 MR. FREDERICK CHENOWETH: And I -- I  
10 take it the Town found themselves in a unique position  
11 with the precipitous termination of Kim Wingrove in  
12 April?

13 MS. SARA ALMAS: Correct.

14

15 (BRIEF PAUSE)

16

17 MR. FREDERICK CHENOWETH: Correct?

18 MS. SARA ALMAS: Correct.

19 MR. FREDERICK CHENOWETH: Thank you  
20 very much. And it was obvious that -- I take it, to  
21 the Town and others that the gentleman who, as a  
22 courtesy, had agreed to take on the role of the CAO,  
23 already had a -- a very full plate?

24 MS. SARA ALMAS: Absolutely.

25 MR. FREDERICK CHENOWETH: And you've

1 spoke about the pact -- the fact that he was director  
2 of Public Works, that he was CEO and president of  
3 Collus, and that he was involved in a number of  
4 organizational obligations in the main -- in the power  
5 industry, correct?

6 MS. SARA ALMAS: Power, and water,  
7 wastewater -- I -- I believe there's a number of  
8 associations he was involved in.

9 MR. FREDERICK CHENOWETH: All really  
10 in relationship to his work on behalf of the Town?

11 MS. SARA ALMAS: Yes, whether it was  
12 the Collus or the Public Works engineering.

13 MR. FREDERICK CHENOWETH: Very good.  
14 So that it would not seem like an unreasonable idea,  
15 given those circumstances, that if Mr. Houghton was  
16 going to take on this role, and given the full plate  
17 he already had, that he might -- he might recommend,  
18 and in fact, make as a term of his taking on the --  
19 the role as interim CAO, that he have some assistance?

20 MS. SARA ALMAS: Absolutely.

21 MR. FREDERICK CHENOWETH: And no  
22 question that the executive management team was -- was  
23 the assistance that -- that he needed.

24 MS. SARA ALMAS: Yes.

25 MR. FREDERICK CHENOWETH: So it made

1 sense to you?

2 MS. SARA ALMAS: Yes, it did.

3 MR. FREDERICK CHENOWETH: All right.

4 And you spoke in your evidence-in-chief in a -- in a  
5 positive way about your anticipations of being  
6 involved in the -- in the EMC. It was obvious that to  
7 you, I take it, that it was going -- it was going to  
8 increase the work that you had on your plate, and in  
9 fact, you already had a full plate?

10 MS. SARA ALMAS: Yes. I was looking  
11 forward to the -- the new opportunity.

12 MR. FREDERICK CHENOWETH: You found it  
13 an opportunity, and you found it a challenge, and you  
14 looked forward to it with a positive view?

15 MS. SARA ALMAS: I did.

16 MR. FREDERICK CHENOWETH: All right.  
17 And I -- I take it that the EMC really didn't take  
18 away anything from the discretion which Council had --  
19 had historically, and had under the -- under the  
20 various procedures of the municipality as you  
21 understood them. It didn't take away any -- any power  
22 from Council?

23 MS. SARA ALMAS: Correct.

24 MR. FREDERICK CHENOWETH: And Council  
25 still had its ability to make all the decisions it

1 would otherwise make?

2 MS. SARA ALMAS: That is correct.

3 MR. FREDERICK CHENOWETH: All right.

4 Now it seems clear that Mr. Houghton, who I think you  
5 confirmed would have initially believed that his  
6 appointment was for two (2) or three (3) months,  
7 correct?

8 MS. SARA ALMAS: I -- I don't want to  
9 put months to it, really, but it -- I believe that --  
10 that thought was that it was an interim solution.

11 MR. FREDERICK CHENOWETH: I think it  
12 was his evidence at earlier times in this Inquiry, in  
13 part 1, that he took it on the basis that it would be  
14 a two (2) or three (3) month sinecure. You know  
15 nothing to -- to suggest that was an improper  
16 understanding on his part?

17 MS. SARA ALMAS: Correct.

18 MR. FREDERICK CHENOWETH: All right.

19 And it went on for quite a while?

20 MS. SARA ALMAS: It did.

21 MR. FREDERICK CHENOWETH: All right.

22 And you were a regular attender at Council?

23 MS. SARA ALMAS: I was.

24 MR. FREDERICK CHENOWETH: And you  
25 would have been aware of the fact that -- that Mr.

1 Houghton, on a couple of occasions, addressed Council  
2 and said to Council that, I'm swamped. You're killing  
3 me. I have too much work on my plate. You're going  
4 to have to move on promptly with appointing a full-  
5 time CAO?

6 MS. SARA ALMAS: I don't specifically  
7 recall that without going back in my written material.

8 MR. FREDERICK CHENOWETH: All right.  
9 At this time, you don't recall those --

10 MS. SARA ALMAS: No.

11 MR. FREDERICK CHENOWETH: -- those --  
12 those suggestions to the Council made by Mr. Houghton?

13 MS. SARA ALMAS: No, I do not.

14 MR. FREDERICK CHENOWETH: All right.  
15 In any of that -- in any event of that, I think you  
16 told us your evidence-in-chief that Mr. Houghton  
17 eventually indicated to Council in -- in April of 2013  
18 that he could no longer continue?

19 MS. SARA ALMAS: Correct.

20 MR. FREDERICK CHENOWETH: And as a  
21 result of that, Council eventually did something to  
22 find a new CAO?

23 MS. SARA ALMAS: That's right.

24 MR. FREDERICK CHENOWETH: All right.  
25 And it wasn't until Mr. -- Mr. Houghton took himself



1 out of the job that they actually moved forward with  
2 that obligation?

3 MS. SARA ALMAS: Yes. But it still  
4 was -- it was still a few months afterwards, because  
5 we started down the KPMG process --

6 MR. FREDERICK CHENOWETH: Yes.

7 MS. SARA ALMAS: -- and the KPMG  
8 process, one (1) of the phase is the first phase  
9 because of the urgency of looking at a CAO -- was  
10 looking at a CAM -- a CAO/EMT type of structure, but  
11 part of that organizational review was requiring them  
12 to put together a -- a new job description for the  
13 position.

14 MR. FREDERICK CHENOWETH: All right.  
15 And in fact, as -- as part of that investigative  
16 process, you had occasion to write a letter which is  
17 marked as Exhibit A to your affidavit. Could we bring  
18 that up, please, Exhibit A to Ms. Almas's affidavit?

19

20 (BRIEF PAUSE)

21

22 MR. FREDERICK CHENOWETH: It's -- it's  
23 out -- a little bit of a curious email that you wrote  
24 on this occasion. Tell me what the purpose of the  
25 email was again, just so I can understand it? Was

1 this part of the -- of the process of investigating a  
2 consultive role with the CAO and a -- and possibly a  
3 continuation of the EMC?

4 MS. SARA ALMAS: I can't recall if  
5 there was a specific matter that precipitated this,  
6 but it was the general frustration that was happening  
7 regarding my -- I -- I was stretched to capacity, and  
8 needed some assistance.

9 MR. FREDERICK CHENOWETH: All right.  
10 You were really, from what I can see in the letter,  
11 reaching out to your fellow EMC members who continued  
12 to be in harness, in spite of the fact that Mr.  
13 Houghton had withdrawn. You were reaching out to them  
14 and telling them of -- of your, really, frustrations  
15 and concerns?

16 MR. JOHN MATHER: At this point in  
17 time, Mr. Houghton was still the CAO.

18 MR. FREDERICK CHENOWETH: Correct,  
19 that is correct, yes. Correct.

20

21 CONTINUED BY MR. FREDERICK CHENOWETH:

22 MR. FREDERICK CHENOWETH: You were  
23 reaching out to -- in fact, Mr. Houghton was copied on  
24 this email. You were reaching out to these  
25 individuals and expressing your concern at that

1 juncture?

2 MS. SARA ALMAS: Yes.

3 MR. FREDERICK CHENOWETH: All right.

4 No question that in January of 2013, you -- you  
5 expressed certain things about Mr. Houghton at that  
6 point:

7 "I really appreciate Ed's role as  
8 the acting CAO. It has been so  
9 important."

10 Double exclamation mark?

11 MS. SARA ALMAS: Yes.

12 MR. FREDERICK CHENOWETH: So as of  
13 January of 2013, I take it you were of the role, as  
14 you expressed to your fellow members of the EMC, that  
15 -- that Mr. Houghton's role had been most important --

16 MS. SARA ALMAS: Yes.

17 MR. FREDERICK CHENOWETH: -- in moving  
18 matters forward to that date?

19 MS. SARA ALMAS: Yes.

20 MR. FREDERICK CHENOWETH: You felt  
21 he'd made a real contribution?

22 MS. SARA ALMAS: Yes.

23 MR. FREDERICK CHENOWETH: And he'd  
24 done so in an effort to -- to continue to have a  
25 Council and an administration produce good results for

1 the townspeople of Collingwood?

2 MS. SARA ALMAS: I was making the  
3 comment that, you know, Ed -- Ed was very supportive  
4 as well, but we couldn't act -- and earlier in that  
5 email, I note that if an EMT has decided regardless,  
6 the chair would be presumed as the CAO in the public's  
7 perception.

8 So if Council had have made the  
9 decision to have an EMC versus appointing an acting  
10 CAO, I think that was a wrong decision, because I  
11 think that it was imperative to have an acting CAO.

12 MR. FREDERICK CHENOWETH: All right.  
13 Got it. But clearly, you were expressing the fact  
14 that you were content with the efforts of Mr. Houghton  
15 to that date?

16 MS. SARA ALMAS: He was extremely  
17 busy.

18 MR. FREDERICK CHENOWETH: All right.  
19 And you were content with the efforts of Mr. Houghton  
20 to that date? I think you've indicated that to me.

21 MS. SARA ALMAS: Yes. Yeah.

22 MR. FREDERICK CHENOWETH: All right.  
23 "I'm sure Ed and us all realize how important he" --  
24 in capitals -- "has been."

25 That was your thought at the -- at the

1 time?

2 MS. SARA ALMAS: Yes.

3 MR. FREDERICK CHENOWETH: You feel  
4 that he'd made a real contribution?

5 MS. SARA ALMAS: Yes.

6 MR. FREDERICK CHENOWETH: Thank you.  
7 Now on another issue, you have indicated that in order  
8 to sole source, as you understood things, there was a  
9 necessity that you receive written direction in that  
10 respect from a department head or -- well, actually,  
11 you seemed a little uncertain who you'd get the  
12 direction from.

13 MS. SARA ALMAS: Right.

14 MR. FREDERICK CHENOWETH: But you were  
15 supposed to get written direction from somebody?

16 MS. SARA ALMAS: Right.

17 MR. FREDERICK CHENOWETH: I -- I take  
18 it that written direction from Council in that respect  
19 would be something that would be authorization for  
20 you? In other words, if Council told you to proceed  
21 and go ahead, and to -- to do a procurement with a  
22 particular organization, if you were directed in that  
23 respect by Council, you'd feel authorized to do it?

24 MS. SARA ALMAS: I would feel, yes.

25 MR. FREDERICK CHENOWETH: Thank you.

1 And that's really what happened here on the 27th of  
2 August, 2013, correct?

3 MS. SARA ALMAS: I think it's -- I  
4 think it can be looked at in both -- in -- in both  
5 lights. The fact that staff is making that  
6 recommendation was -- was staff providing the verbal  
7 or written authorization to me or was Council  
8 providing that verbal authorization to me. Ultimately  
9 I would fall upon that Council truly made the final  
10 decision. So --

11 MR. FREDERICK CHENOWETH: So you were  
12 -- you were -- you were belt and suspenders on that  
13 decision.

14 MS. SARA ALMAS: M-hm.

15 MR. FREDERICK CHENOWETH: You had the  
16 authorization of staff and through the recommendation  
17 -- and you clearly had -- and again you clearly had  
18 the authorization of Council, who passed a resolution  
19 in that respect.

20 MS. SARA ALMAS: That's right.

21 MR. FREDERICK CHENOWETH: So you felt  
22 fully authorized?

23 MS. SARA ALMAS: Correct.

24 MR. FREDERICK CHENOWETH: And there's  
25 -- there's no doubt that whatever the recommendation

1 of staff might have been with respect to these  
2 matters, including its recommendation with respect to  
3 purchasing from one source, Council, in spite of that  
4 recommendation, had the authority to make the final  
5 decision --

6 MS. SARA ALMAS: Absolutely.

7 MR. FREDERICK CHENOWETH: -- as to  
8 what would be done in -- in those circumstances,  
9 including whether or not they were to be sole source,  
10 correct?

11 MS. SARA ALMAS: That is correct.

12 MR. FREDERICK CHENOWETH: Thank you.  
13 And just to clarify another matter you were speaking  
14 of, you indicated that the Treasurer was to some  
15 extent the -- the keeper of the -- and to some extent  
16 the -- the interpreter of the purchasing bylaws?

17 MS. SARA ALMAS: It -- within that by  
18 -- there's a number of municipal bylaws, and generally  
19 a municipal bylaw -- for example, the procedural bylaw  
20 is administered, interpreted by the Clerk, and the  
21 sign bylaw is administered and interpreted by the CBO  
22 and it specifically -- actually within those bylaw,  
23 this -- this bylaw doesn't have specific provision  
24 that speaks to exactly who is the administrator of the  
25 purchasing bylaw, but the Treasury Department was

1 responsible for the purchasing function.

2 Mind you, the waters got a little muddy  
3 whenever they hired a purchasing manager that didn't  
4 report to the purchasing function within the purch --  
5 within the Treasury Department. So --

6 MR. FREDERICK CHENOWETH: Well, I take  
7 it really the -- the question of departmentalization  
8 of -- of various staff functions in the municipality  
9 was for the purpose of develop -- developing an  
10 expertise, and you had an expertise in the -- in the -  
11 - in some of the administrative activities that the  
12 Town undertook resolutions and matters of that nature.  
13 That was your expertise.

14 MS. SARA ALMAS: Correct.

15 MR. FREDERICK CHENOWETH: And when it  
16 came to purchasing, et cetera, people understood that  
17 the -- the expertise in that respect was in the hands  
18 of the Treasurer.

19 MS. SARA ALMAS: Correct.

20 MR. FREDERICK CHENOWETH: Thank you.  
21 You say the waters got a little muddy when you hire a  
22 we hire a purchasing chap, and in this case that was  
23 Mr. McNalty, correct?

24 MS. SARA ALMAS: Yes.

25 MR. FREDERICK CHENOWETH: All right.



1 But little doubt that -- that Mr. McNalty's purchasing  
2 activities would have been overseen or canvassed by  
3 the Treasury Department and Ms. Leonard on an ongoing  
4 basis.

5 MS. SARA ALMAS: Mr. McNalty reported  
6 to Ed Houghton as the Executive Director of Public  
7 Works and Engineering, because of the fleet and  
8 facilities component of his job description, and I  
9 don't recall -- within the purchasing bylaw, it does  
10 speak to the Purchasing Manager, who then would be  
11 Dave McNalty, once we had that position in place,  
12 would work with respective department head through  
13 that procurement process. So I don't believe that the  
14 Treasurer had oversight of Mr. McNalty and his  
15 actions.

16 MR. FREDERICK CHENOWETH: All right.  
17 But in any event, it looks like McNalty, at least with  
18 respect to these matters, kept the Treasury Department  
19 --

20 MS. SARA ALMAS: Yes.

21 MR. FREDERICK CHENOWETH: -- fully  
22 advised of what was going on.

23 MS. SARA ALMAS: That's correct.

24 MR. FREDERICK CHENOWETH: So that if  
25 there was any question about the procurement practices

1 that McNalty was undertaking, there would be an  
2 opportunity for the Treasurer, who is the keeper of  
3 the expertise in that particular area, to make comment  
4 with respect to same.

5 MS. SARA ALMAS: Correct.

6 MR. FREDERICK CHENOWETH: Looking for  
7 the moment at Exhibit D of your affidavit, this is the  
8 -- started out -- the email chain starts out with an  
9 email from Rick Lloyd dated June 12th, 2012, to Ed  
10 Houghton. Go down to the bottom and look at that,  
11 please. And you spoke of that in your evidence-in-  
12 chief, and eventually you said, if you go up a little  
13 further to an email at 5:19 on that day -- you said:

14 "You (sic) really shouldn't be  
15 directing you to do this either."

16 There's no doubt that Ed sent you the  
17 email he'd seen from -- from Rick Lloyd and you and he  
18 shared the concept that this created a bit of a  
19 pickle, to use your phrase.

20 MS. SARA ALMAS: Yes.

21 MR. FREDERICK CHENOWETH: All right.  
22 Is it fair to say that Ed to some extent was looking  
23 for a little guidance from you on this? Do you think  
24 that's one of the reasons he sent it to you?

25 MS. SARA ALMAS: Well, potentially.

1 MR. FREDERICK CHENOWETH: Thank you.

2 MS. SARA ALMAS: I -- I think we had -  
3 - Ed and I had a good rapport. I -- I respected Ed.  
4 I knew he was busy and everything was complicated.  
5 I'm sure we had conversations about how complex  
6 different matters were getting, and this is like here  
7 you go, here's another example, now look at what we've  
8 got.

9 MR. FREDERICK CHENOWETH: Right. This  
10 -- this is early in his tenure too.

11 MS. SARA ALMAS: That's right.

12 MR. FREDERICK CHENOWETH: And he's not  
13 -- he's not a CAO guy, and he's been over in the LDC  
14 Department with respect to power. So this is in early  
15 days as his -- in terms of his experiences as CAO.

16 MS. SARA ALMAS: Correct.

17 MR. FREDERICK CHENOWETH: So it's not  
18 unreasonable to suggest that he was looking for a  
19 little guidance from you in that respect, correct?

20 MS. SARA ALMAS: Correct.

21 MR. FREDERICK CHENOWETH: Thank you.  
22 And in fact it appears that -- that he took that  
23 guidance, and I think the Foundation Document confirms  
24 that -- that as a result it appears of contact that he  
25 had with -- with Mr. Lloyd, Rick Lloyd, Mr. Lloyd

1 redirected a similar email, including all of Council  
2 and the EMC, et cetera.

3 MS. SARA ALMAS: That's correct.

4 MR. FREDERICK CHENOWETH: All right.  
5 So he took your suggestion.

6 MS. SARA ALMAS: It looks like it. He  
7 did, yes.

8 MR. FREDERICK CHENOWETH: All right,  
9 thank you. And you felt that that was appropriate?

10 MS. SARA ALMAS: There's more --

11 MR. FREDERICK CHENOWETH: Did he take  
12 your -- did he take your suggestion?

13 MS. SARA ALMAS: Yeah. But I wish I  
14 had to give better advice, but that was better than  
15 what he was doing to begin with, so I was satisfied  
16 with that.

17 MR. FREDERICK CHENOWETH: Right. And  
18 what he was doing was sending the request to you for  
19 your guidance with respect to it, and he followed your  
20 guidance.

21 MS. SARA ALMAS: I'm not necessarily  
22 sure that -- Ed was an extremely professional, well-  
23 versed individual on -- on politics, but I offered my  
24 suggestion.

25 I don't know if -- if he was coming to

1 me for advice, but that's what I had to say to him and  
2 he ended up accepting it.

3 So do I think intentionally was he  
4 asking me for advice? I don't think Ed would come to  
5 me necessarily for that -- that kind of advice.

6 MR. FREDERICK CHENOWETH: But you gave  
7 him some and he took it.

8 MS. SARA ALMAS: That's right.

9 MR. FREDERICK CHENOWETH: Right.  
10 Thank you. And then you suggested further to him that  
11 -- that if there is no objection, that you ask Ron or  
12 Dave or -- or Dennis to -- to make some enquiries  
13 about pricing.

14 MS. SARA ALMAS: Correct.

15 MR. FREDERICK CHENOWETH: All right.  
16 You told us I think in your evidence-in-chief that the  
17 remarks you remembered were positive remarks, that  
18 there were councillors who -- who chimed in to say  
19 that -- that they felt these enquiries were a good  
20 idea and were in favour of them.

21 MS. SARA ALMAS: Yes.

22 MR. FREDERICK CHENOWETH: And I think  
23 you told us you don't recall any objections.

24 MS. SARA ALMAS: That's correct.

25 MR. FREDERICK CHENOWETH: All right.

1 So that -- that being the case, and Council all being  
2 advised, and having got over this little hurdle with  
3 respect to whether or not Mr. Lloyd as Deputy Mayor  
4 should be advising staff, you were suggesting that Mr.  
5 Houghton have some -- some individuals in the Staff  
6 Department make enquiries?

7 MS. SARA ALMAS: Correct.

8 MR. FREDERICK CHENOWETH: Clearly this  
9 was going to be -- we weren't buying a car here, or a  
10 van, or a truck, or something of that nature. This  
11 was going to be a significant acquisition?

12 MS. SARA ALMAS: As I said, I did -- I  
13 wasn't too familiar with fabric structures, I didn't  
14 know how complex they were. That's actually why I  
15 suggested yes, just get them to get a couple prices.  
16 I -- I didn't think it was so complex as it ended up  
17 to be.

18 MR. FREDERICK CHENOWETH: All right.  
19 So that given what it ended up to be in  
20 terms of complexity, I take it you wouldn't think it  
21 inappropriate that Mr. Houghton, with its complexity,  
22 made some inquiries himself with respect to pricing?

23 MS. SARA ALMAS: No.

24 MR. FREDERICK CHENOWETH: Thank you.  
25 Now, in terms of the time line, you've expressed your

1 concerns with respect to the time line that you were  
2 given by Council on July 16th, i.e., bring back a  
3 report by August 27th?

4 MS. SARA ALMAS: Right.

5 MR. FREDERICK CHENOWETH: And you  
6 don't recall that you made any complaints with respect  
7 to that time line?

8 MS. SARA ALMAS: I don't recall, I --  
9 I could have said that's a pretty tight time line, but  
10 I knew it wasn't a project that I was going to be  
11 actively involved in. So if they thought it was  
12 something that they could achieve, then --

13 MR. FREDERICK CHENOWETH: All right.

14 Clearly, it was going to be an  
15 ambitious project for a whole variety of reasons,  
16 including the fact that the closing of the Collus sale  
17 was happening some two weeks after the July 16th --

18 MS. SARA ALMAS: Absolutely.

19 MR. FREDERICK CHENOWETH: -- Council  
20 meeting?

21 So you had a lot to do in that respect?

22 MS. SARA ALMAS: A lot.

23 MR. FREDERICK CHENOWETH: And there  
24 was a lot going on in the -- in the Council and the  
25 community at that juncture?

1 MS. SARA ALMAS: Yes.

2 MR. FREDERICK CHENOWETH: So it was --  
3 it -- it was difficult.

4 But that's the time lines that Council  
5 gave you?

6 MS. SARA ALMAS: That's right.

7 MR. FREDERICK CHENOWETH: And -- and I  
8 take it that Ed proceeded to do what he could to try  
9 and ensure that the time lines, which had been  
10 dictated by Council, were met?

11 MS. SARA ALMAS: Correct.

12 MR. FREDERICK CHENOWETH: And that  
13 would have taken -- it would have led Mr. Houghton to  
14 -- to take some control of the process, we would need  
15 to take some control of the process and lead on the  
16 process in order to ensure that it was completed by  
17 August 27th?

18 MS. SARA ALMAS: And he was the acting  
19 CAO and had the oversight of staff. So, yes.

20 MR. FREDERICK CHENOWETH: So that was  
21 all in keeping with his obligations and in keeping  
22 with the directions that he received from Council on  
23 July 16th?

24 MS. SARA ALMAS: That's correct.

25 MR. FREDERICK CHENOWETH: So it's no -



1 - it's no surprise that he dug in and attempted to get  
2 it done?

3 MS. SARA ALMAS: Right.

4 MR. FREDERICK CHENOWETH: Thank you.

5 And you mentioned deputy mayor Rick  
6 Lloyd's involvement in these matters at some time.

7 I take it you would have been aware,  
8 forgetting about Rick Lloyd for the moment, and we'll  
9 come to him, I take it you would have been aware that  
10 -- that Council was anxious to move forward with the  
11 process of solving the recreational problem?

12 MS. SARA ALMAS: Yes.

13 MR. FREDERICK CHENOWETH: You would  
14 have known that from -- at least in part from the --  
15 from the answers you got from -- from some of  
16 Council's members who -- who voiced their approval of  
17 going ahead and -- and getting this pricing and  
18 exploring this -- this potential option?

19 MS. SARA ALMAS: Yes, and -- and the  
20 previous months of work that the steering committee  
21 undertook.

22 MR. FREDERICK CHENOWETH: So -- but  
23 more than that, there was a bit of a -- a bit of a  
24 political movement, if I can describe it as such, or a  
25 bit of a movement by Council in that direction, you --

1 you heard echos of that at the very least in the  
2 replies you got from Councillors to the  
3 correspondence?

4 MS. SARA ALMAS: Certainly, and I knew  
5 there was, for example, a specific individual that was  
6 very tightly associated with the -- the hockey  
7 community, and had a keen desire to -- to get the  
8 additional ice pad.

9 MR. FREDERICK CHENOWETH: Does that --  
10 does that bring us to deputy mayor Lloyd?

11 MS. SARA ALMAS: That one that --

12 MR. FREDERICK CHENOWETH: The  
13 individual you're talking about, deputy mayor Lloyd?

14 MS. SARA ALMAS: No, it was actually  
15 Councillor West.

16 MR. FREDERICK CHENOWETH: Okay, all  
17 right.

18 And so you were -- you knew that West  
19 was -- was keen on this proposal?

20 MS. SARA ALMAS: I --

21 MR. FREDERICK CHENOWETH: Keen on  
22 solving the problem in an event?

23 MS. SARA ALMAS: On the ice problem,  
24 yes.

25 MR. FREDERICK CHENOWETH: All right,

1 good.

2                   So you knew that as a Councillor he was  
3 anxious to move this forward?

4                   MS. SARA ALMAS:    Anxious in moving  
5 forward with getting an ice -- any sort of ice pad, he  
6 just wanted more ice time.

7                   MR. FREDERICK CHENOWETH:   He was -- he  
8 was particularly keen on that, and seemed to feel that  
9 -- that the community wanted that --

10                  MS. SARA ALMAS:    Yes.

11                  MR. FREDERICK CHENOWETH:   -- and was  
12 very keen on that?

13                  MS. SARA ALMAS:    Yes.

14                  MR. FREDERICK CHENOWETH:   And was  
15 there a general sense in the community at that  
16 juncture that -- that ice time for -- for young  
17 athletes was -- was at a premium and was a problem in  
18 the community?

19                  MS. SARA ALMAS:    That's 'cause teams  
20 had to go elsewhere to practice.

21                  MR. FREDERICK CHENOWETH:   And you  
22 would have been aware of that?

23                  MS. SARA ALMAS:    Yes.

24                  MR. FREDERICK CHENOWETH:   And others  
25 on the EMC would have been aware of that, and I take

1 it likely staff would have been aware of that?

2 MS. SARA ALMAS: Yes.

3 MR. FREDERICK CHENOWETH: So everyone  
4 pitched in to attempt to match what Council had  
5 requested for August 27th?

6 MS. SARA ALMAS: Correct.

7 MR. FREDERICK CHENOWETH: Now, deputy  
8 mayor Lloyd had a sense that you were aware that he  
9 was anxious to have this moved forward?

10 MS. SARA ALMAS: Yes.

11 MR. FREDERICK CHENOWETH: And can you  
12 tell me, is there any sense of -- of pressure from him  
13 with respect to these matters?

14 MS. SARA ALMAS: Absolutely.

15 MR. FREDERICK CHENOWETH: All right.

16 Tell me -- tell me more about that and  
17 -- and how that affected staff.

18 MS. SARA ALMAS: I think right from  
19 that email that was mid-June where he had sent out the  
20 request to get some prices on it, which ultimately was  
21 sent to all members of Council, then ultimately  
22 Council making that resolution in July, I think he was  
23 a -- I believe that he was a key player in seeing this  
24 movement go forward.

25 I think he, also being concerned with

1 the \$35 million proposal that had been put forward for  
2 the multi-use facility was obviously a bit concerning  
3 to him. He was chair of the finance committee at that  
4 point and as we even seen in the first phase of the  
5 hearings, Mr. Lloyd liked to get things done and he  
6 was in regular discussions with Ed and I'm -- I know  
7 that Ed felt that pressure.

8 MR. FREDERICK CHENOWETH: Thank you.

9 So that was, I take it, rightly or  
10 wrongly, that would have been another reason for Mr.  
11 Houghton, for staff, and for the EMC given really the  
12 sense of power that you've described that the deputy  
13 mayor had, that would have been another significant  
14 incentive for the whole team to attempt to get things  
15 done by that -- that tight time schedule?

16 MS. SARA ALMAS: I would agree.

17 MR. FREDERICK CHENOWETH: Right.

18 Okay, if we could look at TOC0189964.  
19 And just looking at the email that's -- that's last up  
20 in this chain, and it was a fairly extensive chain,  
21 you indicate -- you don't indicate, actually, Mr.  
22 Houghton indicates and he's directing this email to  
23 McNalty:

24 "The last point I should make is  
25 that I will be the contact person

1 with Sprung, the Deputy Mayor made  
2 that perfectly clear with me on the  
3 weekend."

4 Again, you've spoken of the -- of the  
5 pressure that -- that the deputy mayor appeared to be  
6 exerting on -- on Ed and other members of the team.  
7 Do you have any reason to doubt that the -- the deputy  
8 mayor had told Mr. Houghton that he would wish to have  
9 Mr. Houghton as the contact person for Sprung?

10 MS. SARA ALMAS: I -- I'm sorry, was  
11 the question --

12 MR. FREDERICK CHENOWETH: You don't  
13 doubt what Mr. Houghton states in this correspondence?

14 MS. SARA ALMAS: No, no, it's --

15 MR. FREDERICK CHENOWETH: The deputy  
16 mayor directed him to do that?

17 MS. SARA ALMAS: I could see that,  
18 yes. It wasn't -- it doesn't surprise me.

19 MR. FREDERICK CHENOWETH: That makes  
20 sense to you?

21 MS. SARA ALMAS: M-hm.

22 MR. FREDERICK CHENOWETH: You said  
23 something in your evidence in-chief about -- about the  
24 attempt to hide Green Leaf's involvement or something  
25 of that nature?

1 MS. SARA ALMAS: M-hm.

2 MR. FREDERICK CHENOWETH: I -- I take  
3 it that that isn't what this email suggests?

4 MS. SARA ALMAS: I --

5 MR. FREDERICK CHENOWETH: This email  
6 suggests that it was Mr. Lloyd who directed them to  
7 take that position, correct?

8 MS. SARA ALMAS: Yes, and -- and I  
9 don't doubt that Mr. Lloyd did it, but I -- would have  
10 done something like this. But it was -- it's my own  
11 personal connection that -- that -- whether it was  
12 just Ed, whether the deputy mayor also didn't want  
13 Dave making that connection as well.

14 Again, that was -- that's my  
15 assumption.

16 MR. FREDERICK CHENOWETH: That's --  
17 it's an assumption of yours, it's not -- it's not  
18 based on anything that we've seen in the -- in the  
19 Foundation documents, it's just some -- a conclusion  
20 that you came to on your own?

21 MS. SARA ALMAS: Right.

22 MR. FREDERICK CHENOWETH: All right,  
23 thank you.

24 And I take it you understand the  
25 conclusions in these matters are -- are -- are for the

1 Commissioner --

2 MS. SARA ALMAS: Absolutely.

3 MR. FREDERICK CHENOWETH: -- as  
4 opposed to the witnesses? Thank you.

5 Now, you mentioned -- I think we were  
6 reviewing and we were reviewing paragraph 373 of the  
7 Foundation Document. And if we could turn to that  
8 just for a moment, please?

9 And I think through the course of  
10 reviewing paragraph 373, Inquiry counsel asked you  
11 what you understood had been the frequency of contact  
12 between BLT Sprung and -- and members of staff.

13 And I think you indicated that there'd  
14 been frequent contact?

15 MS. SARA ALMAS: Yes.

16 MR. FREDERICK CHENOWETH: All right.

17 And -- and I take it that the frequent  
18 contact you're referring to was frequent contact that  
19 would have been made by Dave McNalty, by Marjorie  
20 Leonard, by Ed Houghton, and by other people who were  
21 busy trying to get the details so they could answer  
22 the request of Council for August 27th?

23 MS. SARA ALMAS: I believe that a lot  
24 of the conversation went back through Ed, so I don't  
25 know if Ed then was the conduit based on what he had



1 said to Dave McNalty, that he would be the contact for  
2 Sprung, or whether once the process was underway, that  
3 here was more flexibility and more members were able  
4 to speak to them directly, which I think was likely  
5 the case, but I'm -- I'm not certain.

6 MR. FREDERICK CHENOWETH: In fairness,  
7 you don't -- you don't really know about the frequency  
8 of contact, you're just -- you're just assuming that  
9 there would have been frequent contacts during that  
10 period of time?

11 MS. SARA ALMAS: Yes, because there --  
12 there's a number of emails that go back and forth  
13 requesting numbers, providing more information on  
14 further detail.

15 So to get that information you'd have  
16 to get that information.

17 MR. FREDERICK CHENOWETH: Right.  
18 And those emails involved a number of  
19 people, one of whom would have been Ed Houghton?

20 MS. SARA ALMAS: Yes.

21 MR. FREDERICK CHENOWETH: Others would  
22 have been McNalty and Leonard, et cetera?

23 MS. SARA ALMAS: Potentially, if -- if  
24 --

25 MR. FREDERICK CHENOWETH: Thank you.

1                   Now, looking at paragraph 373, can we  
2 move that up ever so slightly so we can see more of  
3 it. Okay, that's good.

4                   It appears he just got off the line  
5 with Sprung BLT and was talking to them about pricing.  
6 He says later in the document:

7                   "I have no clue what the price is  
8 because I didn't want them to tell  
9 me until it is in the form we  
10 wanted."

11                  And he also says in the first  
12 paragraph:

13                  "They finally have all the prices  
14 and I wanted to let them know what  
15 form I have asked them to provide to  
16 us."

17                  It seems to indicate in the second of  
18 those paragraphs, or maybe it's the third paragraph,  
19 whatever, that -- the second paragraph, he wants  
20 prices for two (2) buildings. He wanted to include a  
21 mezzanine in the area. He wanted prices for non-  
22 building items such as Zambonis, et cetera, and  
23 scoreboards and he wanted it to be on a total turnkey  
24 price basis.

25                  I take it you understood from this

1 correspondence to the EMC, including you, that the  
2 discussions that he had with Sprung/BLT on that  
3 occasion were about the things he wanted prices on and  
4 the format he wanted the prices to be given rather  
5 than a discussion about the actual prices themselves?

6 MS. SARA ALMAS: Honestly, I didn't  
7 know what -- what he was meaning about not getting the  
8 price because I'd thought that all along that that was  
9 what we'd been asked to get was estimates.

10 So, again, I wasn't following too  
11 closely with this because I wasn't strictly involved,  
12 but I can't say that I completely understand what's --  
13 what he's requesting here and what he's asking.

14 MR. FREDERICK CHENOWETH: All right.  
15 So you didn't completely understand what he was saying  
16 by this email to the EMC found in paragraph 373.

17 MS. SARA ALMAS: Correct.

18 MR. FREDERICK CHENOWETH: All right.

19 Were you assisted with the third paragraph:

20 "I have no clue what the price is  
21 because I didn't want them to tell  
22 me until it was in the form I  
23 wanted."

24 Did that assist you?

25 MS. SARA ALMAS: So that -- that piece

1 is -- is what kind of confuses me within this.

2 MR. FREDERICK CHENOWETH: All right.

3 So you're not exactly sure what he was discussing in  
4 that.

5 MS. SARA ALMAS: Correct.

6 MR. FREDERICK CHENOWETH: Thank you.

7 And we'll have to look to other witnesses to find that  
8 out, if at all. Okay. Thank you.

9

10 (BRIEF PAUSE)

11

12 MR. FREDERICK CHENOWETH: Moving for  
13 the moment to the meeting that took place on the  
14 morning of August 24th, and that was a meeting that  
15 included staff and included the EMC?

16 MS. SARA ALMAS: I believe so, yes.

17 MR. FREDERICK CHENOWETH: Thank you.

18 And I think you indicated, in fairness, that you  
19 really had no specific memory of that meeting.

20 MS. SARA ALMAS: Correct.

21 MR. FREDERICK CHENOWETH: All right.

22 And that's -- that's accurate. Correct?

23 MS. SARA ALMAS: Correct.

24 MR. FREDERICK CHENOWETH: All right.

25 You seem to remember that Ed was speaking at the

1 meeting or do you?

2 MS. SARA ALMAS: I...

3 MR. FREDERICK CHENOWETH: It's pretty  
4 vague, is that fair to say?

5 MS. SARA ALMAS: It's -- it's very  
6 vague. So that -- that meeting was set up to explain  
7 and go over basically the changes to the staff report  
8 'cause we didn't receive that final version.

9 By the end of the day on Thursday --  
10 because I think that meeting was actually scheduled  
11 around quarter to 5 on the Thursday for us to get  
12 together to meet to review the final documents --

13 MR. FREDERICK CHENOWETH: Right.

14 MS. SARA ALMAS: -- since we hadn't  
15 seen it. So the purpose of the meeting was --

16 MR. FREDERICK CHENOWETH: Was to --  
17 surely it was to review the final document.

18 MS. SARA ALMAS: Absolutely, yeah.

19 MR. FREDERICK CHENOWETH: All right.  
20 So it wasn't a surprise to you that you would have a  
21 meeting like that to review the final document as it  
22 was being concluded.

23 MS. SARA ALMAS: I wasn't surprised at  
24 all. I -- I made arrangements to come back from my  
25 vacation to make sure that I was there.

1 MR. FREDERICK CHENOWETH: Thank you.  
2 That was a helpful thing for you to do.

3 And it would be your practice -- I take  
4 it to talk about at a meeting of this nature when you  
5 were talking about a final report, it would be your  
6 practice to talk about how that report would be  
7 presented to Council?

8 MS. SARA ALMAS: Correct.

9 MR. FREDERICK CHENOWETH: So you have  
10 an anticipation that that may have been one of the  
11 things that you talked about on that occasion?

12 MS. SARA ALMAS: Yeah. I'm -- I  
13 presume that that was discussed before we concluded  
14 the meeting, yes.

15 MR. FREDERICK CHENOWETH: That was a  
16 presumption of yours.

17 MS. SARA ALMAS: Yes.

18 MR. FREDERICK CHENOWETH: You have  
19 a -- you suggested at earlier times that there was  
20 some discussions about sole sourcing at that meeting.

21 MS. SARA ALMAS: Again, since the  
22 recommendation changed to go sole sourcing, I believe  
23 it was the -- we discussed the rationale on why we  
24 landed -- or it was landed upon that point to  
25 recommend.

1 MR. FREDERICK CHENOWETH: I take it  
2 again, understanding that you don't have a specific  
3 memory of the meeting, you don't have any specific  
4 memory of what was said with regard to that issue.

5 MS. SARA ALMAS: I don't know what was  
6 discussed specifically. I know it was obviously  
7 discussed 'cause it was something that alarmed you  
8 (sic) when I came in and printed off the report, and I  
9 had a conversation with Marjory in my office saying --

10 MR. FREDERICK CHENOWETH: Right.

11 MS. SARA ALMAS: -- hey, did you know  
12 this report's changed? So that would have been  
13 something I would not have been remiss in bringing to  
14 their attention whenever I attended the meeting.

15 MR. FREDERICK CHENOWETH: Sure. But  
16 what was specifically discussed about it, again given  
17 no specific memory of the meeting is unclear to you.  
18 Correct?

19 MS. SARA ALMAS: Correct. It -- it  
20 would be just the rationale on why it was decided.

21 MR. FREDERICK CHENOWETH: And that's  
22 again an assumption of yours that that would have  
23 taken place.

24 MS. SARA ALMAS: Correct.

25 MR. FREDERICK CHENOWETH: Thank you.

1 And you say that you had a meeting with Marjory  
2 Leonard. I think the meeting on that morning was  
3 scheduled for 8:30 to 10:00 or something of that  
4 nature --

5 MS. SARA ALMAS: I believe so.

6 MR. FREDERICK CHENOWETH: -- amongst  
7 staff and the EMC. And it -- prior to the  
8 commencement of that meeting, at or about 8:30, that  
9 you had a meeting with Marjory Leonard.

10 MS. SARA ALMAS: Correct.

11 MR. FREDERICK CHENOWETH: And no doubt  
12 she was aware that she had been following the changes  
13 or possibly you hadn't 'cause you were on vacation.

14 MS. SARA ALMAS: Correct.

15 MR. FREDERICK CHENOWETH: So she  
16 seemed to be aware of those changes at the time?

17 MS. SARA ALMAS: Yes.

18 MR. FREDERICK CHENOWETH: Thank you.  
19 And at the meeting, you spoke of a -- of there being a  
20 consensus, and it's the practice of the EMC, in any  
21 event, to move forward on consensus.

22 MS. SARA ALMAS: Correct.

23 MR. FREDERICK CHENOWETH: And I think  
24 you indicated that -- I take it the consensus would  
25 have involved Ms. Leonard, Dave McNalty, and Ed as --



1 is it Irwin the third member of the EMC?

2 MS. SARA ALMAS: Yes. So truly, the  
3 EMC consensus would have been Larry, Ed, Marjory, and  
4 myself.

5 MR. FREDERICK CHENOWETH: Right.  
6 Right. So there was Larry, and Marjory, and Ed that  
7 were part of the consensus, as you understood it, with  
8 respect to the EMC?

9 MS. SARA ALMAS: I believe so, yes.

10 MR. FREDERICK CHENOWETH: And there  
11 would have also been staff members there as well?

12 MS. SARA ALMAS: I believe the  
13 invitation included Dave McNalty. I believe Marta was  
14 on vacation at that time.

15 MR. FREDERICK CHENOWETH: Right. And  
16 it would have included Leonard as well?

17 MS. SARA ALMAS: Yes, definitely.

18 MR. FREDERICK CHENOWETH: All right.  
19 So the consensus was, in fact, at the very least  
20 three (3) people from the EMC and the two (2) major  
21 staff persons, as you understood it, that had been  
22 working on the recommendation, being McNalty and  
23 Leonard.

24 MS. SARA ALMAS: So Leonard was on the  
25 EMC

1 MR. FREDERICK CHENOWETH: Yes, you're  
2 right.

3 MS. SARA ALMAS: Yeah.

4 MR. FREDERICK CHENOWETH: Correct.

5 MS. SARA ALMAS: So -- so it was --  
6 the only other staff member that I recollect being at  
7 that meeting would have been Dave McNalty.

8 MR. FREDERICK CHENOWETH: Very good.

9 MS. SARA ALMAS: Yeah.

10 MR. FREDERICK CHENOWETH: So the  
11 consensus was pretty strong at that point amongst all  
12 those who had been involved in the drafting of the  
13 recommendation.

14 MS. SARA ALMAS: Everybody seemed  
15 favourable to the final recommendation.

16 MR. FREDERICK CHENOWETH: And I think  
17 you indicated in your evidence-in-chief that given the  
18 consensus, in particular, that you were at that time  
19 content with a recommendation.

20 MS. SARA ALMAS: That's correct.

21 MR. FREDERICK CHENOWETH: All right.  
22 And, in fact, you proceeded almost immediately after  
23 that meeting to draft some recommendation-type wording  
24 with respect to that recommendation.

25 And in that respect, might we look at

1 paragraph 414, please?

2

3 (BRIEF PAUSE)

4

5 MR. FREDERICK CHENOWETH: So at  
6 11:21 a.m. on that morning shortly after the meeting  
7 was over:

8 "Sara Almas emailed draft Council  
9 recommendation language to the EMC,  
10 to Dave McNalty, and to Deputy Mayor  
11 Lloyd asking for comments."

12 I notice you included Deputy Mayor  
13 Lloyd in that draft.

14 MS. SARA ALMAS: Yes.

15 MR. FREDERICK CHENOWETH: You didn't  
16 find that inappropriate to do that at that juncture?

17 MS. SARA ALMAS: I don't know why I  
18 included him --

19 MR. FREDERICK CHENOWETH: Okay.

20 MS. SARA ALMAS: -- in this email. I  
21 don't know if I was directed to include him in this  
22 email, but yes, it is inappropriate that he be  
23 included on this email.

24 MR. FREDERICK CHENOWETH: But you did  
25 it anyway.

1 MS. SARA ALMAS: That is correct.

2 MR. FREDERICK CHENOWETH: Thank you.

3 And it looked like -- it looks like others had done  
4 the same keeping him in the loop on other occasions --

5 MS. SARA ALMAS: That is correct.

6 MR. FREDERICK CHENOWETH: -- the same  
7 way that you had on this occasion.

8 MS. SARA ALMAS: Yes.

9 MR. FREDERICK CHENOWETH: Correct?

10 MS. SARA ALMAS: Correct.

11 MR. FREDERICK CHENOWETH: Thank you.

12 And can you just scroll up a little bit from that, if  
13 you would, please? Thank you.

14 And on that occasion, both in the  
15 two (2) penultimate paragraphs of that direction, you  
16 say that Council directs staff -- this is their  
17 recommendation:

18 "Council directs staff to proceed  
19 with the construction of a Sprung  
20 insulated architectural membrane."

21 That was the draft that you put forward  
22 on the morning of the 24th after the meeting?

23 MS. SARA ALMAS: That's correct.

24 MR. FREDERICK CHENOWETH: All right.

25 And that was with respect to the single ice pad arena.

1 And again, with respect to the Centennial pool, it  
2 directs staff to proceed with the installation of a  
3 Sprung insulated architectural membrane structure over  
4 the existing Centennial pool.

5 This was your drafting?

6 MS. SARA ALMAS: Yes.

7 MR. FREDERICK CHENOWETH: And it was  
8 in keeping with what you told me earlier that you were  
9 content with the obvious consensus that was evident to  
10 you in that meeting on the morning of the 24th?

11 MS. SARA ALMAS: That's correct.

12 MR. FREDERICK CHENOWETH: All right.  
13 And you were prepared without any objection to proceed  
14 forward with the recommendation that involved --  
15 specifically to proceed with the construction of a  
16 Sprung architectural roof. Correct?

17 MS. SARA ALMAS: Correct.

18 MR. FREDERICK CHENOWETH: Thank you.  
19 And indeed, if we look at paragraph 417, and if we  
20 could pull it up for a moment, please?

21

22 (BRIEF PAUSE)

23

24 MR. FREDERICK CHENOWETH: And I take  
25 it on this occasion we're given another copy of -- I'm

1 not sure whether it was the final final or close to  
2 the final report that was being proffered to at that  
3 juncture.

4 But whatever it was, you reply to the  
5 EMC group and the others on the email chain that  
6 copied Mayor Cooper and indicated that we're replying  
7 with your approval to the form of the report that was  
8 in evidence following that meeting on the morning of  
9 the 24th.

10 MS. SARA ALMAS: I -- I believe so.  
11 I'd have to take a look at that, but I believe that's  
12 what I was doing.

13 MR. FREDERICK CHENOWETH: Do you want  
14 to have a look at the email, or are you content to  
15 give that answer? I don't want to forestall your --

16 MS. SARA ALMAS: When I reviewed all  
17 the Foundation documents I -- I went in to look at the  
18 specific attachments and I -- I believe I know which--

19 MR. FREDERICK CHENOWETH: I'm not  
20 putting to you that it was the final final report. It  
21 was the report that you had received shortly after  
22 that meeting.

23 MS. SARA ALMAS: Maybe before I agree  
24 to it, if I -- if I can look at that?

25 MR. FREDERICK CHENOWETH: Sure. What

1 are you looking to look at?

2 MS. SARA ALMAS: So the 417 and the  
3 TOC0204156.

4 MR. FREDERICK CHENOWETH: Do you want  
5 to look at both the 40 and the 56?

6 MS. SARA ALMAS: Sorry, I thought you  
7 were asking my clarification.

8 MR. FREDERICK CHENOWETH: No, I'm  
9 asking your clarification with respect to the one at  
10 paragraph 417, which is the 156.

11 MS. SARA ALMAS: Okay.

12 MR. FREDERICK CHENOWETH: The one you  
13 want to look at? Let's pull that up if we could,  
14 please?

15 MS. SARA ALMAS: Yes.

16 MR. FREDERICK CHENOWETH: Thank you.

17 MS. SARA ALMAS: That's the one.  
18 You were asking me to confirm that this  
19 is --

20 MR. FREDERICK CHENOWETH: I am.

21 MS. SARA ALMAS: And can you scroll  
22 down? Yes, so I'm -- I see that revised  
23 recommendation that was provided from Dave McNalty,  
24 and -- sorry, if you can scroll back up. And included  
25 everybody that I was satisfied with that version.

1 MR. FREDERICK CHENOWETH: All right.

2 So you were satisfied with the version  
3 that Dave McNalty sent you at -- at 12:02 p.m. on that  
4 day?

5 MS. SARA ALMAS: Yes.

6 MR. FREDERICK CHENOWETH: All right.

7 And throughout this process you didn't  
8 make a complaint or a -- you -- you didn't put up your  
9 hand and say this is -- this is all quite  
10 inappropriate and we shouldn't be moving in this  
11 direction?

12 MS. SARA ALMAS: I did not object.

13 MR. FREDERICK CHENOWETH: You didn't  
14 sole-source and we shouldn't buy from Sprung and you  
15 didn't do any of those things, correct?

16 MS. SARA ALMAS: No. I trusted my  
17 colleagues and didn't feel that there was any by-law  
18 that was being contravened. So I -- I didn't have a  
19 reason to object.

20 MR. FREDERICK CHENOWETH: Well, you --  
21 you trusted your own instincts too, I take it, because  
22 you had been -- you had been, as a member of the AMC,  
23 you'd been copied on this process on an ongoing basis  
24 with all the iterations and reiterations of -- of this  
25 report, all the way I think from August 18th onward.



1                   So you knew what the report was up to  
2 and the direction it was taking?

3                   MS. SARA ALMAS:    Yes.  Even though I  
4 may not specifically have been, you know, reviewing,  
5 you know, the full reports, the full details of  
6 everything, I was aware definitely through the emails  
7 of what was going on and the work that was being  
8 undertaken.

9                   MR. FREDERICK CHENOWETH:  All right.  
10                   And you supported that work and  
11 approved the recommendation that was going forward to  
12 Council?

13                   MS. SARA ALMAS:    I didn't object to  
14 it.  Again, it was a consensus, we don't -- we didn't  
15 put our hands up and vote, I approve.

16                   MR. FREDERICK CHENOWETH:  Right.

17                   MS. SARA ALMAS:    Unless there was an  
18 objection, then it goes forward.

19                   MR. FREDERICK CHENOWETH:  I think you  
20 indicated in your evidence in-chief that you were  
21 content?

22                   MS. SARA ALMAS:    I was content.

23                   MR. FREDERICK CHENOWETH:  Thank you.

24

25                                   (BRIEF PAUSE)

1 MR. FREDERICK CHENOWETH: One moment,  
2 Your Honour.

3

4 (BRIEF PAUSE)

5

6 MR. FREDERICK CHENOWETH: Look, if you  
7 might, please, at paragraph 413 of the Foundation  
8 Document 2, the revised version. If we could bring  
9 that up, please?

10 In addition you got, I take it, a copy  
11 of Marjorie Leonard's email of -- of August 24th, sent  
12 at 10:46 on the morning of the 24th to McNalty and  
13 members of the EMC, including yourself.

14 And you reviewed that -- that document  
15 with Inquiry counsel through the course of your  
16 evidence in-chief, and it talks about elements of  
17 competition which you made some comment on, cost  
18 effectiveness and benefits to the Town, sole-sourcing,  
19 et cetera.

20 And you didn't make any objection to  
21 that at all, I take it. In fact, later in the day, at  
22 12:07, you replied and approved what McNalty had sent,  
23 which included verbiage very similar to what Leonard  
24 had put in paragraph -- what we see in paragraph 413,  
25 correct?

1 MS. SARA ALMAS: Correct. In  
2 hindsight, I did not object at the time. I -- I  
3 really hadn't focussed on that piece of it. In  
4 hindsight I would have probably questioned that much  
5 stronger.

6 MR. FREDERICK CHENOWETH: If you had  
7 focussed on it?

8 MS. SARA ALMAS: Yes, and after the  
9 fact that I -- that's one thing I would have changed,  
10 I would have paid a little bit more attention to items  
11 such as this.

12 MR. FREDERICK CHENOWETH: Well --  
13 well, you -- you had some focus on it, didn't you? I  
14 mean, on the morning of the 24th the first thing you  
15 did was you got there early and went in to see  
16 Marjorie Leonard about sole-sourcing, because of your  
17 apparent shock with respect to that.

18 MS. SARA ALMAS: M-hm.

19 MR. FREDERICK CHENOWETH: So what do  
20 you mean you didn't focus on it?

21 You were well aware of the sole-  
22 sourcing aspect of this?

23 MS. SARA ALMAS: Yes, the -- the sole-  
24 source. I'm -- I'm talking about the issue of that  
25 the element of competition between an architectural

1 membrane structure in a competition with a bricks and  
2 mortar structure.

3 MR. FREDERICK CHENOWETH: All right.

4 MS. SARA ALMAS: What -- that piece is  
5 what I -- I wasn't really familiar with what they were  
6 -- were getting at because I don't think that that is  
7 a fair competition.

8 As I said earlier in my -- my  
9 statement, that I didn't believe -- I don't believe  
10 that that's apples to apples.

11 MR. FREDERICK CHENOWETH: But you had  
12 some -- some trouble with the rationale at that time?

13 MS. SARA ALMAS: I didn't have any --  
14 any at that time, because of -- that didn't -- again,  
15 I -- I came back from my vacation, I'm -- I'm just  
16 looking at the reports since I just printed it off and  
17 we're going through it, most likely together, and I --  
18 I really -- I -- I didn't take my due diligence in  
19 reviewing the entire document or questioning  
20 everything that was in it.

21 MR. FREDERICK CHENOWETH: Well, if you  
22 had any concerns about the rationale at that time,  
23 fair to say it didn't lead you to make any objection  
24 to the recommendation that the architectural membrane  
25 be purchased at that time?

1 MS. SARA ALMAS: That's correct.

2 MR. FREDERICK CHENOWETH: Back to even  
3 immediately thereafter, drafted a recommendation that  
4 it wasn't the final form of the recommendation, but it  
5 was a recommendation that specifically included  
6 Sprung, correct?

7 MS. SARA ALMAS: Correct.

8

9 (BRIEF PAUSE)

10

11 MR. FREDERICK CHENOWETH: And in any  
12 event, I think we've already -- you've already told me  
13 this in any event of the recommendation that was made,  
14 it was in the purview of Council to do other than was  
15 recommended by -- by staff at that juncture?

16 MS. SARA ALMAS: Absolutely.

17 MR. FREDERICK CHENOWETH: Now, you  
18 spoke in paragraph 18 of your affidavit about  
19 frustration that -- that seemed to be being  
20 experienced by Marta Proctor. And you gave an  
21 explanation as to why that frustration arose, and you  
22 talked about there may have been some mutual  
23 frustration from Ed as well.

24 I was interested in the sources of that  
25 frustration, and I take it if -- could we look very

1 quickly at TOC0190573, a July 25th email -- I'm  
2 sorry -- a July email from Marta Proctor?

3

4 (BRIEF PAUSE)

5

6 MR. FREDERICK CHENOWETH: So I take it  
7 that this is an email from Marta Proctor to  
8 Dave McNalty. I take that she indicated:

9 "I am currently away from the  
10 office, returning to work on  
11 Tuesday, August 7th."

12 You would have been aware of this?

13 MS. SARA ALMAS: I would have been  
14 aware.

15 MR. FREDERICK CHENOWETH: All right.  
16 And you became aware of this really very shortly after  
17 the July 16th direction given by Council to do the  
18 report and do it by August 27th?

19 MS. SARA ALMAS: Again, I didn't have  
20 oversight of staff. So their vacation schedules, I --  
21 I wouldn't be aware of until they were saying, just so  
22 you know, I'm going to be away next week or --

23 MR. FREDERICK CHENOWETH: Right.

24 MS. SARA ALMAS: -- a conversation.

25 MR. FREDERICK CHENOWETH: Right.

1 Okay. But you were -- I take it you were aware that  
2 Marta Proctor was aware for two (2) weeks -- away for  
3 two (2) weeks immediately after the direction by  
4 Council on July 16th.

5 MS. SARA ALMAS: And I believe she was  
6 on holidays later in the month as well.

7 MR. FREDERICK CHENOWETH: Right. And  
8 that's reflected, if we can look at it very quickly,  
9 in another email, TOC0202597.

10

11 (BRIEF PAUSE)

12

13 MR. FREDERICK CHENOWETH: And again,  
14 Marta Proctor is speaking to a number of people on  
15 staff, and again, she's away on vacation "the  
16 remainder of this week." So she's also away during  
17 the week of the 21st.

18 So I take it, she was away not only in  
19 the first two (2) weeks of taking on this quite  
20 substantial project that staff was taking on following  
21 July 16th, but she was away in the penultimate week of  
22 the 21st to the 24th.

23 THE HONOURABLE FRANK MARROCCO: That's  
24 August though.

25 MR. FREDERICK CHENOWETH: She was --

1 sorry?

2 THE HONOURABLE FRANK MARROCCO: The  
3 email's dated August 21st, and she says:

4 "I'll be on vacation this week."

5 MR. FREDERICK CHENOWETH: Yes,  
6 correct.

7 THE HONOURABLE FRANK MARROCCO: Not  
8 July.

9 MR. FREDERICK CHENOWETH: I'm sorry.  
10 I misspoke. I meant August.

11

12 CONTINUED BY MR. FREDERICK CHENOWETH:

13 MR. FREDERICK CHENOWETH: So, in fact,  
14 to complete the point I was making, she was away for  
15 the two (2) weeks immediately after you got direction  
16 from Council on July 16th, and she was away from  
17 the -- she was away for the penultimate week leading  
18 up to the conclusion of the staff report on the  
19 24th of August.

20 MS. SARA ALMAS: I don't think she --  
21 she necessarily took full weeks, but there was  
22 definitely a number of days that she was away between  
23 the decision of Council and the -- in July to the  
24 decision of Council in August, yes.

25 MR. FREDERICK CHENOWETH: All right.



1 Well, she was away clearly for that -- "I will be" --  
2 it's dated the 21st:

3 "I'll be away on vacation the  
4 remainder of this week."

5 So she was away, I'm assuming, the  
6 21st, 22nd, 23rd, and the 24th, which is the  
7 penultimate week for the preparation of that staff  
8 report. Correct?

9 MS. SARA ALMAS: Correct.

10 MR. FREDERICK CHENOWETH: All right.

11 Can we look for a moment at email E -- or  
12 document EHH10, please?

13

14 (BRIEF PAUSE)

15

16 MR. FREDERICK CHENOWETH: Can we go  
17 down a little further in that document if we could.  
18 There is an email from Mr. Houghton, dated  
19 August 21st, and he appears to be sending this to the  
20 EMC:

21 "Dale West just told me that Marta  
22 felt left out of the Central Park  
23 solution that we are putting  
24 together."

25 And he goes on to say that it really

1 upset him that she's taking this position as we're  
2 scrambling to do -- to get this report ready as  
3 Council requested.

4                   And go up a little further if we could,  
5 please, up to your response to this email. You say  
6 again to the EMC members:

7                   "There has been a million meetings  
8                   with her on this."

9                   And you say:

10                   "I was venting with Marjory today  
11                   that I was sick and tired of  
12                   meetings with her, and I'm a little  
13                   disappointed."

14                   So no doubt, to put it mildly, you were  
15 a little frustrated by the statement of Marta that she  
16 was left out?

17                   MS. SARA ALMAS: Yes. I -- I felt  
18 that we were trying to include her as much as we  
19 could. Again, then, you know, Ed trying to  
20 managing -- manage the different perspective that  
21 Marta had.

22                   MR. FREDERICK CHENOWETH: Right.

23                   MS. SARA ALMAS: But there was  
24 definitely a frustration all around.

25                   MR. FREDERICK CHENOWETH: All right.

1 And fair to say that the frustration to some  
2 significant extent grew out of the fact that Marta was  
3 away for what appears to be three (3) of the weeks  
4 that were pivotal in staff satisfying the July 16th  
5 request of Council.

6 MS. SARA ALMAS: Yes.

7 MR. FREDERICK CHENOWETH: And the  
8 necessity to meet with her "a million meetings." I  
9 take it meetings had to keep her in the loop.

10 MS. SARA ALMAS: Yes.

11 MR. FREDERICK CHENOWETH: All right.  
12 So you guys were making every effort to keep her in  
13 the loop.

14 MS. SARA ALMAS: Marta liked her  
15 meetings, yes.

16 MR. FREDERICK CHENOWETH: So is it  
17 fair to say that that was, in essence, the source of  
18 the frustration that was being experienced, certainly  
19 by you in any event and by Ed with respect to Marta's  
20 participation?

21 MS. SARA ALMAS: And I think Marta's  
22 participation was trying to gather all the information  
23 we needed on what sort of dimensions and facility  
24 requirements were needed.

25 I think her frustration was -- so she

1 was providing all this information. However, she  
2 wasn't being consulted in what was -- what was going  
3 to be recommended, I think.

4 MR. FREDERICK CHENOWETH: I take it  
5 one of the difficulties is that she was absent for a  
6 good portion of that period of time.

7 MS. SARA ALMAS: Yes, she was.

8 MR. FREDERICK CHENOWETH: And in any  
9 event of that potential frustration of Marta, it  
10 appears that your entire group, specifically including  
11 yourself, had made every effort to keep Marta in the  
12 loop, and the reason she was feeling a little  
13 disoriented on this was because she was away.

14 MS. SARA ALMAS: And obviously this  
15 key week --

16 MR. FREDERICK CHENOWETH: Yes.

17 MS. SARA ALMAS: -- when it's being  
18 finalized --

19 MR. FREDERICK CHENOWETH: Yes.

20 MS. SARA ALMAS: -- was a pivotal week  
21 to be there.

22 MR. FREDERICK CHENOWETH: That created  
23 the frustration.

24 MS. SARA ALMAS: Some of the  
25 frustration, yes.

1 (BRIEF PAUSE)

2

3 MR. FREDERICK CHENOWETH: Your Honour,  
4 those are the questions I have of this witness. Thank  
5 you.

6 THE HONOURABLE FRANK MARROCCO: Thank  
7 you, Mr. Chenoweth. Mr. Marron...?

8 MR. GEORGE MARRON: I have no  
9 questions, Your Honour. Thank you.

10 THE HONOURABLE FRANK MARROCCO: Thank  
11 you. Mr. -- BLT, Mr. Trudell...?

12 MR. BILL TRUDELL: No questions.  
13 Thank you very much, sir.

14 THE HONOURABLE FRANK MARROCCO:  
15 Mr. Bonwick? Actually what I might do, Mr. Bonwick,  
16 is take a few minutes, and then we'll get started.  
17 Five (5) minutes.

18

19 --- Upon recessing at 4:20 p.m.

20 --- Upon resuming at 4:27 p.m.

21

22 CROSS-EXAMINATION BY MR. PAUL BONWICK:

23 MR. PAUL BONWICK: Good afternoon, Ms.  
24 Almas. As you're aware, I'm a participant in the  
25 Hearing. And we'll be asking some questions this

1 afternoon.

2 MS. SARA ALMAS: Good afternoon.

3 MR. PAUL BONWICK: So, thanks very  
4 much for your time and the information that you've  
5 shared.

6 I think you've provided some  
7 information in this regard, but for my benefit and for  
8 the benefit of all in -- in the room, I wanted to  
9 touch on a little bit of background first.

10 How long have you been with the  
11 municipality or have you worked with the municipality?

12 MS. SARA ALMAS: Since 2004.

13 MR. PAUL BONWICK: Now, in your  
14 experience with working with colleagues, and I'm  
15 thinking, titles keep changing, but director of public  
16 works and environmental services, water utility, COOs,  
17 treasurers, PRC directors, I guess it's Leisure  
18 Services directors now.

19 Generally speaking, do you get a  
20 feeling from your colleagues that they're always  
21 trying to work in the best interests of the community,  
22 that they try to as unfiltered as possible deliver the  
23 best and most accurate information to council?

24 MS. SARA ALMAS: I do.

25 MR. PAUL BONWICK: Of course, we

1 recognize, and we're very fortunate -- I think it's  
2 important to note that we're very fortunate to have  
3 them. There's a lot of hardworking people that are  
4 very dedicated to the community, raise their families  
5 either in the community or around the community,  
6 neighbours, friends.

7                   So, they're not only accountable to  
8 council. They're accountable to the community at  
9 large.

10                   MS. SARA ALMAS: Absolutely.

11                   MR. PAUL BONWICK: Right. And so,  
12 with -- with that notion in mind, and I know you've  
13 referred to the importance you put on integrity and  
14 the importance of what people feel in terms of how you  
15 do your job, I'm going to assume they have like-minded  
16 opinions?

17                   MS. SARA ALMAS: Yes, I would assume  
18 so.

19                   MR. PAUL BONWICK: I want to switch  
20 over to members of council. And you've worked with  
21 several elected councils now.

22                   Would you agree that, generally  
23 speaking, the elected officials, again, similar to  
24 staff, are from the community at large, they're in the  
25 service clubs, they work in the community, they have

1 friends and family in the community, at the end of the  
2 day, on mass they're trying to do the best possible  
3 job they can?

4 MS. SARA ALMAS: I believe that that  
5 is the -- for the most part, the intention of all  
6 members of council when they run for council and  
7 become elected.

8 MR. PAUL BONWICK: Now, what --

9 MS. SARA ALMAS: And they have  
10 different views than each other, but they are elected  
11 to represent the community.

12 MR. PAUL BONWICK: Very much so. I  
13 once heard a mayor say it was like herding flies. But  
14 moving that aside, from ti -- clearly, you'll have a  
15 difference of opinion irrespective of what staff and  
16 the hard work that they do and the recommendations  
17 that they make.

18 Clearly, council -- and I'm interested  
19 in your opinion on this. Council has the autonomy  
20 and, in fact, the responsibility to make decisions  
21 that they think are in the best interests of the  
22 community irrespective of what a staff report might  
23 provide?

24 MS. SARA ALMAS: That's correct.

25 MR. PAUL BONWICK: And in fairness,



1 they're no way bound to a staff report or a  
2 recommendation or options. They can -- they have that  
3 level of autonomy based on the democracy in which we  
4 live?

5 MS. SARA ALMAS: Right.

6 MR. PAUL BONWICK: Do you feel, in  
7 your experience, that councillors take that  
8 responsibility very seriously?

9 MS. SARA ALMAS: Of -- of weighing  
10 whether they are going to follow a staff  
11 recommendation versus making their own political  
12 decision?

13 MR. PAUL BONWICK: Let -- let me  
14 rephrase it so I can be a little bit more succinct,  
15 sorry. Do you feel that the elected officials, in  
16 your experience, on mass try to make and feel that  
17 they have a responsibility in fact to make the best  
18 decision possible for the municipality?

19 MS. SARA ALMAS: I think, for the most  
20 part, yes.

21 MR. PAUL BONWICK: Thank you. I had  
22 more questions. And I think I'll come back and  
23 revisit those in a moment because I was extremely  
24 pleased to see a focus today that was sort of focussed  
25 or predicated on the process and the speed under which

1 this process took place.

2 I think Judge Marrocco, rightly so, has  
3 identified it as one (1) of the key pillars for  
4 consideration by the Inquiry.

5 What I wanted to do was get your  
6 opinions or reflections on some of the history that  
7 led up to this process specific to Leisure Services or  
8 what was formerly known as Parks and Recreation.

9 And so, will you be aware of the fact  
10 that in the late 1990s, early 2000s, somewhere in  
11 there, and I don't know the exact date, sorry, that  
12 council tasked a steering committee to research and  
13 identify the needs of the community and make a  
14 recommendation on how those recreational needs were  
15 going to be supported?

16 MS. SARA ALMAS: I don't know. All --  
17 all I recollect is that there was a decision to use  
18 some government funding for a multi-use facility that  
19 ultimately got denied.

20 MR. PAUL BONWICK: Ma --

21 MS. SARA ALMAS: So, I assume there  
22 was a process that led up to that.

23 MR. PAUL BONWICK: Sorry, maybe I'll -  
24 - I'll give a little more context to it, it might  
25 help. So, there was a steering committee struck. The

1 steering committee engaged a outside consultant.

2 There was a very lengthy process followed.

3 The process delivered a recommendation.

4 If you'll recall, the recommendation was to locate the  
5 multi-use facility and what's I think now known as  
6 Fisher Field or the soccer pitches?

7 MS. SARA ALMAS: I believe that was  
8 the area that --

9 MR. PAUL BONWICK: You're --

10 MS. SARA ALMAS: -- I'm familiar with.

11 MR. PAUL BONWICK: You'd be aware of  
12 the fact then that, through that process with engaging  
13 outside consultants, as whether -- as well as the work  
14 within the steering committee and staff, that detailed  
15 drawings, site plans, an application for funding was  
16 submitted to the Provincial and Federal Government,  
17 that this -- this multi-use facility was advanced in a  
18 very significant way?

19 You're familiar with that?

20 MS. SARA ALMAS: I'm not familiar with  
21 the process. But, obviously, when you're applying for  
22 funding to the government, you have to have a lot of  
23 that background material. So --

24 MR. PAUL BONWICK: Right.

25 MS. SARA ALMAS: -- to get that

1 material, obviously, work had been --

2 MR. PAUL BONWICK: And so, I'm not  
3 sure. In fairness, you weren't employed with the Town  
4 of Collingwood --

5 MS. SARA ALMAS: Correct.

6 MR. PAUL BONWICK: -- at that time. I  
7 was the member of Parliament at the time. And between  
8 myself and Mr. Wilson working with the municipality,  
9 we were actually able to secure somewhere around \$10  
10 million in funding to support that multi-use facility.

11 Are you familiar with that?

12 MS. SARA ALMAS: I knew that there was  
13 funding that was going to be committed that was -- the  
14 town turned down, yes.

15 MR. PAUL BONWICK: And so, are you  
16 aware of the fact that in the 11th hour, when all of  
17 this information was brought back to council and  
18 council was tasked with authorizing the work to  
19 commence, council changed direction and chose, based  
20 on other considerations, not to move forward with the  
21 multi-use -- the \$24 million multi-use facility out at  
22 Fisher Field?

23 MS. SARA ALMAS: I'm aware of that,  
24 yes.

25 MR. PAUL BONWICK: In short, they

1 didn't deliver on what they promised. Are you aware  
2 of the fact that the former Parks and Rec and Culture  
3 director was tasked with putting together a detailed  
4 budget and model for the refurbishment of the  
5 Collingwood Centennial pool in the '90s, that he did  
6 so, and that the budget and proposal was brought back  
7 to council?

8 Are you aware of that?

9 MS. SARA ALMAS: In the '90s? No, I'm  
10 not aware of that.

11 MR. PAUL BONWICK: It would have been  
12 the late '90s, early 2000, but it was a -- it was a  
13 fairly high profile situation. Unfortunately, other  
14 considerations became involved and council didn't move  
15 forward with refurbishing the pool.

16 Are you aware of the former contact  
17 centre in Collingwood?

18 MS. SARA ALMAS: Yes, I am aware of  
19 that.

20 MR. PAUL BONWICK: So, then you'll be  
21 aware, of course, that another -- or a Parks and Rec -  
22 - former Parks and Rec director, in fairness, put  
23 together a detailed budget on refurbishing the contact  
24 centre because it was -- I'll be polite and say it was  
25 in somewhat disrepair and that that -- for the benefit

1 of -- of council, the contact centre was a  
2 recreational facility that provided recreational  
3 amenities to the Town of Collingwood, its residents?

4 It had a fitness room, therapeutic  
5 pool, yoga studios, various parts in that. And so,  
6 council, once again, tasked the PRC director -- as I  
7 think you're aware, that the PRC director put together  
8 a detailed budget on having the building refurbished  
9 so that it could at least meet code.

10 And, of course, will you agree that,  
11 once again, council, based on other considerations,  
12 chose not to refurbish the contact centre? For the  
13 purposes of this Inquiry, we'll call it a recreation  
14 facility.

15 MS. SARA ALMAS: Correct, because I  
16 was involved in the sale of that facility.

17 MR. PAUL BONWICK: And good job on  
18 repurposing it.

19 MS. SARA ALMAS: Yes.

20 MR. PAUL BONWICK: I think,  
21 eventually, the fire inspector -- or fire chief, if  
22 I'm not mistaken -- what do they call that when they  
23 serve a notice and say you can't occupy it any longer?

24 MS. SARA ALMAS: The -- there was  
25 definitely a notice of --

1 MR. PAUL BONWICK: But my point to it  
2 is simply that there was a multi-use facil -- or  
3 sorry, a recreational facility that had again gone  
4 through a fairly exhaustive process and other  
5 considerations come into play and, once again, council  
6 did not deliver.

7 I'm not saying it was right or wrong,  
8 just the reality of the situation is they didn't  
9 deliver.

10 Fast-forward. Council, once again,  
11 tasked a steering committee to go out and assess the  
12 needs of the community, determine what recreational  
13 amenities would be required.

14 The committee did yeoman's work in  
15 determining what all they thought was required. I  
16 would sometimes submit terms of reference would be  
17 good in terms of budgetary considerations.

18 But you're aware of the fact that this  
19 steering committee was tasked with doing effectively  
20 the same thing that was done about fourteen (14) years  
21 earlier by a previous steering committee?

22 MS. SARA ALMAS: Are you referring to  
23 the Central Park steering committee?

24 MR. PAUL BONWICK: Yes.

25 MS. SARA ALMAS: Okay. Yes.

1 MR. PAUL BONWICK: They moved  
2 locations from Fisher Field to Central Park. Would  
3 you be aware of the fact that there was an on and off  
4 again relationship between the Town, or I should say  
5 more specifically the Parks and Rec Department and the  
6 YMCA, that it was testy at times over several years?

7 MS. SARA ALMAS: I don't know the time  
8 span, but I knew that there was some concern with that  
9 relationship, yes.

10 MR. PAUL BONWICK: So, in fairness,  
11 over an extended period of time that relationship was  
12 at times dysfunctional. Again, it's not a finger  
13 pointing exercise, it's just the reality of what it  
14 was?

15 MS. SARA ALMAS: Right.

16 MR. PAUL BONWICK: So I count, based  
17 on what we've just discussed, no less than four (4)  
18 separate occasions, where Council has, over a twenty  
19 (20) year period, had full intent on providing better  
20 recreational amenities for the taxpayers of  
21 Collingwood, and on four (4) separate occasions,  
22 failed to deliver.

23 We agree on that?

24 MS. SARA ALMAS: Yes. There might  
25 even be more.



1 MR. PAUL BONWICK: I -- I suspect  
2 there's -- there's more.

3 Now, I'm going to get in a process in a  
4 second, but then would it come as no surprise to you  
5 in the face of budget constraints, in the face of  
6 twenty (20) years of not delivering on recreational  
7 amenities to the Town of Collingwood, and you  
8 referenced people travelling outside. I can remember  
9 taking my boys out to Feversham at seven o'clock on a  
10 weekday morning for hockey practice.

11 But can you sympathize with  
12 Councillors, individual and collectively, why they  
13 might, in the face of what is now a thirty (30) -- I  
14 think your number was a \$35 million proposal, why they  
15 might want to expedite, prioritize, a solution that  
16 appears to have cost somewhere in the neighbourhood of  
17 about half of what the proposal was by the current  
18 steering committee.

19 Can you appreciate why they might move  
20 in that direction.

21 MS. SARA ALMAS: Yes, I can -- I can  
22 appreciate that.

23 MR. PAUL BONWICK: And the -- Judge  
24 Marrocco was providing, I think, some really good line  
25 of questioning as it related to process, and the --

1 the idea of, do you sacrifice process for the product.  
2 Well, there's perhaps greater liberties taken in the  
3 private sector, I think at the end of the day, what  
4 the judge is trying to understand and appreciate, and  
5 I think he fully comprehends this, is there's a  
6 heightened level of scrutiny required when you're  
7 dealing with taxpayers' money versus me wanting to put  
8 a swimming pool in my backyard?

9 MS. SARA ALMAS: Absolutely.

10 MR. PAUL BONWICK: Right. And so we  
11 would agree that, following process, following the  
12 rule is important?

13 MS. SARA ALMAS: Yes. Absolutely.

14 MR. PAUL BONWICK: Good. That being  
15 said, we've witnessed on no less than four (4)  
16 occasions, and likely more, where we have to assume  
17 the rules were followed, but they were done in a very  
18 protracted way. Clearly, competing interests come  
19 into play, marshaling the resources to bring it to  
20 bear affected not delivering on any of the initiatives  
21 that took place over the last twenty (20) years.

22 Is that fair?

23 MS. SARA ALMAS: I -- I guess I'm not  
24 totally understanding that statement.

25 MR. PAUL BONWICK: Let me rephrase it.

1 Over the past twenty (20) years, Collingwood Council  
2 had gone through no less than four (4) different  
3 processes to either upgrade or provide additional  
4 recreational amenities and buildings --

5 MS. SARA ALMAS: Right.

6 MR. PAUL BONWICK: -- for the  
7 taxpayers of Collingwood? And throughout the  
8 processes that were followed, and quite exhaustive in  
9 some cases, Collingwood Council was unable to deliver  
10 or marshal the resources necessary in support to  
11 deliver on any of those four (4), and potentially, to  
12 your word, possibly more?

13 MS. SARA ALMAS: I -- I don't -- I  
14 take exception to the -- your word "deliver." So  
15 Council didn't deliver. Well, Council did deliver,  
16 they delivered the answer which they felt was  
17 appropriate.

18 So yes, they were very long -- more  
19 long, exhaustive processes, but ultimately, Council  
20 made the -- the conscious choice to proceed or not  
21 proceed, and for these four (4) plus cases, they chose  
22 not to proceed after a long process.

23 MR. PAUL BONWICK: Fair enough. I  
24 watch with interest as we have the discussion about  
25 expediting process, working within the rules, but

1 expediting roce -- process versus going through so  
2 much more -- a somewhat more protracted process.

3                   Would you agree with me that likely the  
4 foremost criticism of politicians in this country is  
5 not delivering or following through on commitments  
6 that they make to taxpayers?

7                   MS. SARA ALMAS:    I would have to agree  
8 with that.

9                   MR. PAUL BONWICK:    Would you agree  
10 that the second arguably strongest or most prevalent  
11 criticism of elected officials in this country is  
12 their lack of respect for taxpayers' money?

13                   MS. SARA ALMAS:    I'm not going to  
14 answer that.

15                   MR. PAUL BONWICK:    Okay.  Fair enough.

16                   THE HONOURABLE FRANK MARROCCO:  
17 Neither am I.

18

19 CONTINUED BY MR. PAUL BONWICK:

20                   MR. PAUL BONWICK:    Well, I can tell  
21 you, I certainly got lots of it.

22                   And so going back to the point at hand,  
23 in fairness, you don't -- you -- you're not an elected  
24 official.  You're a civil servant, and -- and take  
25 that job very seriously.  Elected officials, and I

1 think you would agree with me, run on platforms, agree  
2 to their neighbours, to their associations, to their  
3 rotary clubs, to whatever the case might be, that  
4 they're going to push certain agendas along, or try  
5 to, when they're elected.

6                   Would you agree with that point?

7                   MS. SARA ALMAS:     Yes.

8                   MR. PAUL BONWICK:     And so you have  
9 agreed, I think I -- I put quotations around your  
10 remarks, but in -- in short, there was a very  
11 significant desire on behalf of the people of  
12 Collingwood for a very extended period of time.

13                   This allow -- that elected Council,  
14 their neighbours, their friends, their family, there  
15 was a desire in the community to deliver, finally, on  
16 recreational facilities?

17                   MS. SARA ALMAS:     Absolutely.

18                   MR. PAUL BONWICK:     Thank you.

19                   MS. SARA ALMAS:     On -- on  
20 specifically, the key items that kept coming up was  
21 the ice and aquatic needs.

22                   MR. PAUL BONWICK:     Fair enough. It  
23 was with interest when I watched the \$35 million one,  
24 I think Brampton had just recently approved a \$28  
25 million multi-use facility, and I was trying to get my

1 head wrapped around the two (2) numbers and the two  
2 (2) population bases.

3 But again, I'm not in any way, and I  
4 want to be clear on this, suggesting that you or I are  
5 criticizing the \$35 million solution.

6 MS. SARA ALMAS: Right.

7 MR. PAUL BONWICK: We just knew it was  
8 on the table.

9 MS. SARA ALMAS: That's right,  
10 absolutely.

11 MR. PAUL BONWICK: And so some of  
12 these councillors had been on for three (3), four (4)  
13 terms or five (5) terms intermittently over long  
14 periods of time, correct?

15 MS. SARA ALMAS: Correct.

16 MR. PAUL BONWICK: Right. And so they  
17 witnessed first-hand the number of times that the  
18 councillors chose not to move forward on plans that  
19 had been in place. They witnessed that.

20 MS. SARA ALMAS: That's fair, yes.

21 MR. PAUL BONWICK: Right. And so I  
22 come back to my point then. If, as you've earlier  
23 indicated, the staff are very diligent and very  
24 respectful.

25 In fact they have to provide accurate

1 information, they have to lay out what the rules are,  
2 because councillors are elected from the community at  
3 large.

4                   They don't understand the Municipal Act  
5 in great detail, they don't understand Finance Act,  
6 they're not necessarily accountants that can follow  
7 the procurement issues in detail, and so they do rely  
8 heavily on Treasurer, Clerk --

9                   MS. SARA ALMAS:     They do, yes.

10                   MR. PAUL BONWICK:    -- or whomever to -  
11 - to help them.

12                   If you tell them that they're able to  
13 work within a certain set of rules and move something  
14 forward, would it then make sense, based on everything  
15 that we've just discussed and you've agreed to, that  
16 they might want to expedite this process?

17                   MS. SARA ALMAS:     Yes.

18                   MR. PAUL BONWICK:    I do want to touch  
19 quickly on your comments regarding what would have  
20 happened under a RFP scenario.

21                   And so I -- I don't want to lead you  
22 based on my experience but I've been doing this for a  
23 long time on both sides, and I would say one (1) of  
24 the greatest fair or unfair criticisms within the  
25 private sector is trying to get Government to move in

1 an expeditious manner as it's dealing with -- we see -  
2 - sometimes see salt contracts go out in December for  
3 road.

4                   So I sit there and I look at vehicles  
5 that are having problems within the Town yard, I look  
6 at fire trucks and all that -- it's kind of easy stuff  
7 to RFP, and quite often it takes months and months to  
8 develop it and agree on it and get it to a point where  
9 Council is satisfied with it, and subsequently to go  
10 out to the RFP, and depending on the complexity of the  
11 RFP, would you agree that quite often third parties  
12 like KPMG or Deloitte and Touche or whomever are  
13 brought in to actually analyze it and make  
14 recommendations based on what's been proposed in the  
15 RFP?

16                   MS. SARA ALMAS:    Yeah. Depending on  
17 what the RFP is, sometimes we do have an external  
18 evaluator.

19                   MR. PAUL BONWICK:    Right. I'm not  
20 suggesting for pick-up trucks or for dump trucks, but  
21 if we get into --

22                   MS. SARA ALMAS:    Large --

23                   MR. PAUL BONWICK:    -- something that's  
24 fairly complex, in fairness, staff only have so much  
25 time and so many abilities to deliver on their own



1 responsibilities to take something like that on.

2                   So, again, I look at the process and in  
3 -- in my experience when you start getting into those  
4 kinds of complex RFPs, it is not, in my experience,  
5 and I want your comment on it, it's not untowards for  
6 these things to take several months before in fact  
7 you're able to come back either with a third party  
8 recommendation or a consideration -- options for staff  
9 or for Council.

10                   MS. SARA ALMAS:     Sometimes preparing  
11 those documents do take a longer amount of time, yes.  
12 Some are straightforward.

13                   MR. PAUL BONWICK:     And we've already  
14 touched on the fact the political reality is  
15 councillors do like to delivery for their neighbours,  
16 friends, and family, and so it would come to you again  
17 as no surprise that they would -- as long as they're  
18 working within the rules, which the paperwork has  
19 suggested, albeit expediting and focusing people and  
20 energies on the process, to drive the process, it  
21 would come to you as no surprise that they would want  
22 to deliver something before the next election.

23                   MS. SARA ALMAS:     Absolutely.

24                   MR. PAUL BONWICK:     Thank you.

25

1 (BRIEF PAUSE)

2

3 MR. PAUL BONWICK: While the process  
4 is extremely important, the rules, I should say, are  
5 critically important. You don't want to have a  
6 situation where staff have inadvertently given advice  
7 or latitude to Council that is not predicated on rule  
8 or the legislation.

9 Is that a fair statement?

10 MS. SARA ALMAS: That is.

11 MR. PAUL BONWICK: But once you give  
12 Council, and I'm not going to try and make them out to  
13 be unsophisticated, but they're not experienced in the  
14 world of municipal law and procurement, once you give  
15 Council, these councils that are deep in thought in  
16 terms of delivering for their constituents things that  
17 they think are important, once you give them that  
18 latitude, at the end of the day it's their decision  
19 and their decision alone, individually. Correct?

20 MS. SARA ALMAS: It's -- it's their  
21 decision, but I think the -- the staff member, if they  
22 didn't follow the rules, are still accountable too.

23 MR. PAUL BONWICK: Agree entirely,  
24 agree entirely. But working on the premise that staff  
25 did follow the rules --

1 MS. SARA ALMAS: Yes.

2 MR. PAUL BONWICK: -- and I think I'm  
3 speaking more to the expedited nature of this and the  
4 sole sourcing, assuming that the Treasurer did  
5 understand policy and legislations and rules and  
6 provided them the report, at the end of the day my  
7 point is, it is solely their responsibility to make  
8 that final decision.

9 MS. SARA ALMAS: Correct.

10 MR. PAUL BONWICK: Are you aware of  
11 the vote that all of these individuals -- are you  
12 aware of the vote that took place in support of moving  
13 forward in this direction?

14 MS. SARA ALMAS: I was present, yes.

15 MR. PAUL BONWICK: And the vote was?

16 MS. SARA ALMAS: I'd have to go back  
17 and -- and take a look at it.

18 THE HONOURABLE FRANK MARROCCO: I -- I  
19 think was it eight (8) to one (1)?

20 MR. PAUL BONWICK: I believe it was  
21 eight (8) to one (1) but I wasn't present.

22 MS. SARA ALMAS: I believe it was  
23 eight (8) to one (1) too but I just -- I don't want to  
24 be quoted on it, but I'm pretty sure --

25 THE HONOURABLE FRANK MARROCCO: I

1 thought that was the evidence.

2 MR. PAUL BONWICK: I wasn't -- I  
3 wasn't present.

4

5 CONTINUED BY MR. PAUL BONWICK:

6 MR. PAUL BONWICK: So as I said, I --  
7 I think it is imperative to understand that the -- the  
8 rules need to be followed, the legislation needs to be  
9 followed, the process does offer flexibility, most  
10 certainly as you've rightly noted, but I think it is  
11 also critically important for the taxpayers -- that's  
12 really why we're here, is the judge has assigned a  
13 significant responsibility on behalf of the taxpayers  
14 to find out was the process good, was the transaction  
15 reasonable, or in accordance with the law, and did  
16 they get value for what they actually paid for.

17 And so you have commented, and I think  
18 we'll have an opportunity to hear from other witnesses  
19 as well -- you've commented about the feedback that  
20 you've got specific to the aquatics facility, and I'm  
21 wondering if you might share a bit of information in  
22 terms of the feedback that you have got on that.

23 MS. SARA ALMAS: So most recently, our  
24 Accessibility Advisory Committee held their Advisory  
25 Committee meeting in the observation room at the pool

1 facility and also conducted a ribbon-cutting ceremony  
2 because they changed the family change room into a  
3 universal change room for all accessibility needs.  
4 During that meeting in which members of Council were  
5 present, an individual walked into the observation  
6 room and excused himself to everybody for interrupting  
7 the meeting but wanted to congratulate the members of  
8 Council for putting up such a fabulous facility.

9                   It's -- it is a very unique facility  
10 and I encourage people to go and see it, to see what a  
11 Sprung structure is.

12                   MR. PAUL BONWICK: I think that pretty  
13 much...

14

15                   (BRIEF PAUSE)

16

17                   MR. PAUL BONWICK: I served on Council  
18 myself many years ago, back in the -- during the mid  
19 '90s. I can't help but touch on the one (1) point  
20 that you raised about Deputy Mayor Lloyd, and I think  
21 it was something along the lines of he was very  
22 strong.

23                   MS. SARA ALMAS: Yes.

24                   MR. PAUL BONWICK: And it's my word,  
25 "tenacious," if he felt something should happen -- I

1 think the evidence in the earlier Part 1 of the  
2 Inquiry demonstrated he was sort of getting into the  
3 weeds, sometimes perhaps more than he should have.

4 MS. SARA ALMAS: Yes.

5 MR. PAUL BONWICK: But where I was  
6 having difficulty was in your assertion that if the  
7 Deputy Mayor wanted something to happen, it did, and  
8 if he didn't want it to happen, it didn't.

9 And so I think out of respect, out of  
10 the eight (8) other independent-minded councillors,  
11 some of whom would have disagreed, I suspect, with  
12 Councillor -- or Deputy Mayor Lloyd on a regular  
13 basis, I'd like to think just for confidence in the  
14 democratic process that eight (8) elected officials  
15 can't be bullied or intimidated or coerced in a  
16 collective fashion, but rather, going back to my point  
17 right at the beginning, these people are from the  
18 community, they're raised, or they raise their  
19 children in the community, and they make decisions  
20 based on what they truly believe is in the best  
21 interest of the community. Fair?

22 MS. SARA ALMAS: Fair, and I -- I'm  
23 actually glad -- I didn't even think of that when you  
24 said that -- that -- and that was very disrespectful,  
25 and I probably shouldn't have worded it that way.

1 I just meant that he did have power, a  
2 lot of influence, and in a council of nine (9), you  
3 only need five (5), and a lot of the decisions  
4 happened to go in the favour that he was influencing.

5 MR. PAUL BONWICK: Right. And in this  
6 particular instance it's eight (8) one (1) and I've --

7 MS. SARA ALMAS: Yeah.

8 MR. PAUL BONWICK: -- been friends  
9 with him for many years, and I can tell you he is a  
10 tenacious rascal sometimes, but -- I think --

11 Oh, I did want to touch on one (1)  
12 other point; that was the consultation process.

13 I understand, and in fairness I just  
14 learned about it during the cross-examination, that  
15 there was a consultation process for the 8 million or  
16 14 million, whatever the dollar amount was, that came  
17 over from the 50 percent sale of Collus.

18 Did I understand that properly?

19 MS. SARA ALMAS: Correct.

20 MR. PAUL BONWICK: I'm curious, and  
21 consultation processes over spending taxpayers' money  
22 always interests me. Let me provide some context and  
23 see if your experience is the same.

24 I remember hosting one (1) at the  
25 Leisure Time Centre, 200 and some odd people come out

1 to it. I'm curious if your -- your experiences are  
2 similar, and I -- I had people put their hands up and  
3 talk about the need for multi-use facilities, and I  
4 had people put up their hand and talk about the need  
5 for new roads and expanded highways and first street  
6 and various things. We had people talk about a new  
7 hospital. We had people talking about increasing  
8 funding for the military. And every time somebody did  
9 it, they'd get -- each little section, they'd get a  
10 round of applause.

11                   The one guy at the back, he was about  
12 one of the last speakers, he got up and said I'm not  
13 disagreeing with what anybody said but he says I need  
14 a tax break, and everybody got up and gave him a round  
15 of applause.

16                   And so while it's a good political  
17 exercise to go out and ask, is it your experience that  
18 sometimes the people that are asking don't have the  
19 full picture in terms of what the responsibility are  
20 of Council and how they have to distribute a finite  
21 amount of money?

22                   MS. SARA ALMAS:     Yes.

23                   MR. PAUL BONWICK:     That concludes my  
24 questioning. Thank you, Your Honour.

25



1 (BRIEF PAUSE)

2

3 THE HONOURABLE FRANK MARROCCO: Mr.

4 Breedon ...?

5

6 (BRIEF PAUSE)

7

8 CROSS-EXAMINATION BY MR. RYAN BREEDON:

9 MR. RYAN BREEDON: Can we have

10 CJI6146, please.

11

12 (BRIEF PAUSE)

13

14 MR. RYAN BREEDON: Ms. Almas, you were

15 asked a number of questions about this staff report.

16 If we turn down to page 6 and scroll down so we can

17 see the department head review section.

18 You'll recall that this morning,

19 Mr. Mather took you to this section which suggests

20 that the report had been provided to various people on

21 the 21st and circulated to the department heads for

22 comment on the August the 23rd. You'll recall that.

23 And you testified that it was possible

24 that the draft report in some form had been submitted

25 to the department heads at their meeting earlier that

1 week?

2 MS. SARA ALMAS: Correct.

3 MR. RYAN BREEDON: All right. Can we  
4 look at TOC549006, please?

5

6 (BRIEF PAUSE)

7

8 MR. RYAN BREEDON: These are the  
9 minutes of the department head meeting from  
10 August the 21st, 2012?

11 MS. SARA ALMAS: Yes.

12 MR. RYAN BREEDON: All right. Could  
13 you scroll down to page 3, please. And you'll see  
14 towards the bottom of this screen under -- now towards  
15 the middle of the screen under "Parks, Recreation, and  
16 Culture," you'll see it says:

17 "Central Park follow-up report to be  
18 circulated as soon as it is ready."

19 MS. SARA ALMAS: Correct.

20 MR. RYAN BREEDON: And does that  
21 assist your recollection as to whether or not a draft  
22 report had been provided at the department head  
23 meeting?

24 MS. SARA ALMAS: Yes. I had an  
25 opportunity during the lunch break to do a follow up

1 on that, and that report wasn't ready, and it wasn't  
2 presented at that August 21st department head meeting,  
3 as we could see through the evidence that sit wasn't  
4 finalized until late on the Thursday evening.

5                   And I had a chance to review my emails  
6 as well, and I do not believe that it was circulated  
7 to all of department heads on the 23rd.

8                   MR. RYAN BREEDON: All right. So when  
9 the report says that it had been circulated, that was  
10 incorrect.

11                   MS. SARA ALMAS: That -- that is  
12 correct. I can provide a little bit of background to  
13 that as well, and I -- I would have to take a look at  
14 the original report.

15                   A lot of times department heads don't  
16 really look at that section in a report anyways.  
17 Whenever we prepare the report that is reviewed at  
18 department heads, we would write in the report,  
19 reviewed at department heads, and any comments would  
20 be incorporated. Unless there's something specific,  
21 then we would beef up that section.

22                   So it's kind of prepared in -- in the  
23 staff report. So I would have to see if the  
24 version -- one of the original versions that Marjory  
25 had prepared actually indicated that and then how that

1 got changed.

2 But regardless, what was in there is --  
3 was incorrect.

4 MR. RYAN BREEDON: And just so we're  
5 clear, when you're talking about that language, you  
6 mean the language that we just looked at a moment ago  
7 under the department head section?

8 MS. SARA ALMAS: That's correct.

9 MR. RYAN BREEDON: That's something  
10 that's standard in these reports?

11 MS. SARA ALMAS: Pretty much, yes.

12 MR. RYAN BREEDON: All right. The  
13 other issue with the staff report that came up a bit  
14 in your evidence today -- and I just want to make sure  
15 I have this correct -- do I understand your evidence  
16 to be that in retrospect, you feel your name should  
17 not have been on the staff report?

18 MS. SARA ALMAS: Absolutely.

19 MR. RYAN BREEDON: And why is that?

20 MS. SARA ALMAS: Because I wasn't  
21 fully immersed in it. The executive management team  
22 basically was on consensus, but we'd never put forward  
23 a staff report in our names either, and now we  
24 operate -- we're completely evidence based is -- is  
25 how we operate in our culture here right now.

1                   But regardless at that time, if -- if I  
2 wasn't comfortable, I shouldn't have just took their  
3 word for it, and I shouldn't have allowed my name to  
4 be on it.

5                   MR. RYAN BREEDON:   All right.  And so  
6 I -- when you say you shouldn't have took their word  
7 for it, what do you mean by that?

8                   MS. SARA ALMAS:    I trust them and  
9 their research and their preparation of the material  
10 and -- and basically, I -- I trusted that they had  
11 undertaken a full comprehensive review process.

12                  MR. RYAN BREEDON:   All right.  And do  
13 you know whether that was in fact done?

14                  MS. SARA ALMAS:    I think -- and as I  
15 noted earlier, I didn't realize it was truly based on  
16 website material.  And there's -- I -- I think doing  
17 your diligence includes much more than that.

18                  MR. RYAN BREEDON:   So we can go  
19 through the report if you like, but it's almost 5:00,  
20 so hopefully we won't have to.

21                  Do I take it that the contents of the  
22 report in terms of the information that it contains  
23 about Sprung and other alternatives, none of that  
24 comes from you.  That all came from the other members  
25 of the team?

1 MS. SARA ALMAS: That's correct.

2 MR. RYAN BREEDON: Okay. And --

3 MS. SARA ALMAS: Sorry. Can I just  
4 clarify something, too?

5 MR. RYAN BREEDON: Sure.

6 MS. SARA ALMAS: For clarity purposes,  
7 I'm not saying that I don't think the information in  
8 that report isn't true, and that's enough information.  
9 It could exactly be true. It's just that -- yeah, I  
10 just wanted to make that statement.

11 MR. RYAN BREEDON: I take it you don't  
12 know one way or another.

13 MS. SARA ALMAS: Yeah. No.

14 MR. RYAN BREEDON: Is that fair?

15 MS. SARA ALMAS: That's correct.

16 MR. RYAN BREEDON: All right. And so  
17 you've been asked a number of questions about the  
18 process and just -- I don't intend to belabour that,  
19 but sitting here today and looking back on the process  
20 that led up to the decision to purchase the Sprung  
21 buildings, do you have a view as to whether that  
22 process was appropriate?

23 MS. SARA ALMAS: I -- I don't think --  
24 I think the process -- I don't think the process was  
25 in contravention of any other policy. I think we

1 followed the rules that we -- we had.

2 Do I think it was expedited and maybe  
3 there should have been, you know, maybe more attention  
4 put into, you know, some of the area? 'Cause  
5 obviously we were down to the eleventh hour finalizing  
6 our report.

7 Does that make our Friday morning  
8 meeting of value? Like we hadn't even had a chance to  
9 kind of digest it ourselves. So even -- even in an  
10 extra, you know, two (2) weeks is generally between  
11 each Council meeting, you know, that could have  
12 assisted in providing a little bit more clarity on --  
13 on the process 'cause it changed all of a sudden from  
14 an RFP to a sole source, and then we had to review  
15 that in less than 12 hours.

16 So I think that's the piece that I  
17 think might have been compromised a little bit, but  
18 I -- I still, to this day, don't think that -- that  
19 any rules were broken.

20 MR. RYAN BREEDON: All right. Thank  
21 you very much. Those are my questions.

22 MR. PAUL BONWICK: Your Honour --

23 THE HONOURABLE FRANK MARROCCO: To  
24 follow up on that, were staff reports typically in the  
25 mind of a particular member who prepared the report

1 rather than a committee?

2 MS. SARA ALMAS: That's correct.

3 THE HONOURABLE FRANK MARROCCO: And so  
4 this was odd.

5 MS. SARA ALMAS: This was -- this was  
6 very odd.

7 THE HONOURABLE FRANK MARROCCO: Any  
8 idea what happened before?

9 MS. SARA ALMAS: No. If there is  
10 two (2) departments that coauthor it, then the two (2)  
11 names would go on it, but they would have equal say  
12 and equal exercise within that document. But there  
13 was never something like this previously.

14 THE HONOURABLE FRANK MARROCCO: Thank  
15 you. Mr. Bonwick...?

16 MR. PAUL BONWICK: I'm happy to take  
17 your direction at this. I do apologize to the other  
18 participants and their lawyers.

19 I had an oversight here, and I missed  
20 two (2), what I think, are pretty important questions  
21 that are specific to me, and I'm --

22 THE HONOURABLE FRANK MARROCCO: I'll  
23 allow you to ask the questions, but this is sort of  
24 twice in two (2) days this has happened, and if -- I'm  
25 going to eventually stop doing that.



1                   Go ahead and ask the questions.

2

3 CONTINUED CROSS-EXAMINATION BY MR. PAUL BONWICK:

4                   MR. PAUL BONWICK:   Thank you.  And I  
5 apologize, Ms. Almas, and I meant to do this, but I've  
6 got pages of notes here.

7                   Counsel for the Inquiry raised the  
8 issue with regards to Green Leaf's involvement and  
9 brought up Ms. Stec and my own name, and I just wanted  
10 to seek clarification for the Inquiry.

11                   During the time leading up to this  
12 process and subsequently the vote, did any staff  
13 person or any member of Council raise an issue with  
14 regards to either Ms. Stec or myself interfering in  
15 the process or doing anything -- acting in any way  
16 untowards -- was there any issues raised with you  
17 specific to Ms. Stec, myself, or...

18                   MS. SARA ALMAS:   Absolutely not  
19 because I wasn't even aware in the involvement.  So  
20 that brings me back to my comment that I just said  
21 that I don't feel that any rules were broken.

22                   I guess one of my items when all of the  
23 information had come out was I didn't realize that  
24 your company was compensated out of -- out of this  
25 transaction at all.

1                   So that part I'm -- I just want to make  
2 clear that I had no idea there was any involvement --

3                   MR. PAUL BONWICK:     And --

4                   MS. SARA ALMAS:     -- or that the price  
5 was inflated.

6                   MR. PAUL BONWICK:     Your Honour,  
7 respectfully --

8                   MS. SARA ALMAS:     Oh, sorry. Not  
9 "inflated." I shouldn't say inflated. Sorry.

10                  MR. PAUL BONWICK:     You just did.

11                  MS. SARA ALMAS:     Yeah. So I redact my  
12 word "inflated" because I think there's some concern  
13 whether that was built within the -- the profit margin  
14 of BLT's product or was added to, and I don't want to  
15 get in the middle of that debate. Sorry.

16                  MR. PAUL BONWICK:     And the other --  
17 what I just wanted to clear up for the point is a  
18 respect for Ms. Stec.

19                                 You suggested you were under the  
20 impression she was my assistant based on some  
21 communications. And I'm just wondering if you can  
22 bring any evidence to bear at any time on any  
23 occasions, did Ms. Stec ever contact you and ask for a  
24 meeting on my behalf or suggest that I was asking her  
25 to communicate on my behalf with you?

1 MS. SARA ALMAS: There -- there had  
2 been some communications with Abby because I was  
3 familiar with her name and then her becoming  
4 associated -- you know, working from your office. I  
5 didn't know what that relationship was, and I -- I  
6 can't clarify at this point what -- what that  
7 relationship is that Abby had -- what I was aware of.

8 MR. PAUL BONWICK: The reason I ask  
9 the question is earlier testimony -- and I don't have  
10 it in front of me -- would show that I think you  
11 alluded to the fact that I had the feeling that, in  
12 short, Ms. Stec was his assistant because of the  
13 interactions. And I was just wanting to clarify --

14 THE HONOURABLE FRANK MARROCCO: Well,  
15 we've heard --

16 MR. PAUL BONWICK: Okay.

17 THE HONOURABLE FRANK MARROCCO: --  
18 we've heard from Ms. Stec what her version was. And  
19 the witness' impression, it's her impression.

20 MR. PAUL BONWICK: Thank you.

21 THE HONOURABLE FRANK MARROCCO: All  
22 right. Anything further? Any questions arising out  
23 of that?

24 All right. Thank you. Tomorrow at  
25 10:00? Is 10:00 convenient for everybody? Ten

1 o'clock tomorrow morning.

2                   And thank you very much, Ms. Almas. I  
3 should have done that before I rose.

4

5                   (WITNESS STANDS DOWN)

6

7 --- Upon adjourning at 5:13 p.m.

8

9

10 Certified Correct,

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14 \_\_\_\_\_

15 Wendy Woodworth, Ms.

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