

## Deputation on Collingwood Judicial Inquiry

9 March 2021

I'm grateful to council and the mayor for the opportunity to speak today. However, I believe there was an attempt to silence me and others with the sudden scheduling change last week, away from the posted SIC meeting which allows reasonable public access, to a council meeting, with very limited opportunity for comment. I had hoped to be able to question our former CAO's in a Committee setting, and I suspect the change was made precisely to prevent that. I'm not a procedural expert, but I'd guess that this was initiated by the Mayor and supported by a majority of councillors. We have had several instances recently of sudden scheduling changes, cancellation of Committee meetings, and back-to-back Council meetings that limit true public input. Shame on those councillors who supported this, and kudos to those, and I believe there were some, who stood up for free speech and transparency. These shady maneuvers are hardly in the spirit of the much-vaunted new post-judicial inquiry Collingwood accountability and transparency you all speak so much of.

And may I say at the outset that I am very disappointed that there is to be yet another in-camera Council session on the J I today. There have been far too many of these, and far too much of Collingwood Council's business conducted in secrecy.

It has now been 4 months since the Marrocco report was handed down, and we still have not seen the often promised, never delivered, open public meeting that would allow Collingwood residents to weigh in on the J I. It's now looking like you don't ever plan to allow one. Shameful indeed.

I hope Messrs. Brown and Amin are on board for this meeting as I have some questions for both of these gentlemen that I hope they will take on board and reply to. In a spirit of transparency and courtesy I yesterday provided copies of my questions to the Clerk and CAO and asked them to forward copies to both for their consideration. I'm not sure that happened as there was no acknowledgement of my request. I would very much appreciate it if they would reply in their time slot later in the meeting, or, failing that, to have these questions asked on my behalf by members of Council. (A transcript of this deputation was emailed to Councillors before today's meeting.)

### Questions for Mr. Brown:

1 Last week lawyer Mr. McDowell told Council that he had been in meetings with Collingwood since 2015. I think he misspoke and meant 2016. However, I assume that these meetings were with you. If so, who else attended? Are there minutes of these meetings, and are these minutes publicly accessible? I don't believe they are, and so these could properly be termed secret meetings. We do know that Council was never apprised of their existence, begging the question "who was?" I hope you can tell us.

2 There are more than 50,000 lawyers in Ontario. How did you happen to select **the** most uniquely qualified and experienced lawyer in the entire province in the area of judicial inquiries; Mr. McDowell having participated in at least three. Were you directed to Mr. McDowell and if so by whom? Mr. McDowell's firm Lenczner Slaght has to date billed Collingwood in excess of 1.5 million dollars – so it was indeed a lucky and lucrative day when you contacted him for his first meeting!

3 When did the prospect of a judicial inquiry first enter your discussions with Mr. McDowell?

4 There is no public record that a judicial inquiry was in consideration during your tenure as CAO. Was Council ever informed of that possibility in a secret in-camera session?

5 During your tenure as CAO was there ever any significant discussion of the potential cost of a JI? if so what magnitude of number was discussed?

6 Why was the Town's formal procurement procedure never followed in the selection, retaining and subsequent payment of over one and a half million dollars to Mr. McDowell's firm? Why is there no public record of this?

7. On 30 April 2018 you spoke to Council publicly and in camera and warned them that Mr. Amin's cost projection was too low. What figure did you suggest was more appropriate? How was that information received?

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#### **Questions for Mr. Amin:**

1 Upon your appointment as CAO in October 2017, were you briefed on the possibility or likelihood of a JI? If not when did that consideration first enter the conversation?

2 Did you continue the secret meetings with Mr. McDowell? Who else attended? Are there minutes? Who else was briefed on these meetings? We know that Council was never notified.

3 It is on the public record that the Chief Justice of Ontario warned you about the high cost of a judicial inquiry. She provided you with an accounting of the Mississauga JI at \$8 million – which you failed to share with Council. Having that knowledge however, you told council on 30 April 2018 that it would only cost between \$1.4 and \$1.6 million. How could you have got this so ludicrously low, given that the tab currently sits at over \$8,000,000 -- more than five times your original estimate?

4 Just days after resolution 042 was passed, Deputy Mayor Saunderson told us that the JI would cost \$1,000,000. Consequently, did you feel political pressure to deliberately lowball your projection to conform more closely with his lowball number?

5 On 10 June 2019, you informed Council that the tab had already hit \$2.3 million, and projected that it would go to \$4 million. Why was your projection again so sadly low? And again, did you feel political pressure to lowball?

6 There is no public record of council ever discussing the pros, cons or cost of a JI before passing RES 042. Was there ever fulsome discussion in camera? What cost projection, if any, was council given?

7 You were CAO when resolution 042 was proposed by Deputy Mayor Saunderson, seconded by Councillor Madigan and passed by the D M and 4 members of council. Why was there no public prior notice of that resolution, and consequently no opportunity ever provided for public input before embarking on this massively expensive odyssey? Looking back now, do you feel that was acceptably transparent procedure?

8 Mr. McDowell's firm has to date billed Collingwood \$1.4 million for the J I, plus cost for the pre- JI secret meetings, plus costs for his post JI meetings, so probably well north of one and a half million

dollars. Was there ever any proper procurement procedure in your tenure to appoint his firm as Town's counsel for the JI? if so, why isn't that information publicly available and if not, why not?

9 Were there any controls on Lenczner Slaght & Breedon's billings of about \$1.5 million dollars during the JI, or were their invoices merely rubber stamped and paid as presented? Since these were the Town's appointed Counsel you ought to have had control, and would have, had there been the proper procurement RFP process?

10 Do you think Council would have passed resolution 042 had they been told in advance that it might cost \$8 million?

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Mr. Mayor and Council, I believe these are all valid questions concerning the lead up to and cost of the Judicial Inquiry. I sincerely hope our former CAO's will be afforded the opportunity to shed light on these issues. It is abundantly evident that planning for the J I was carried out in secrecy for many months before Deputy Mayor Saunderson proposed RES 042. Further, it is evident from the public record that there was **zero** opportunity for public dialogue or public Council consideration before passage of Res 042. Also, as I have previously shown, Council and the public were fed deceptively low costing information before and during the J I.

I believe it is past time for Mayor Saunderson to come forward and explain how and why we were so badly misled.

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