

GOOD GOVERNANCE & THE DEVELOPMENT OF RECREATION FACILITIES IN COLLINGWOOD – OCTOBER 2012

TO: Mayor Cooper and Members of Collingwood Council

FROM: Mike Lewin MD, Spokesperson, Friends of Central Park – Collingwood

REGARDING: Results of Public Input on the Development of Recreation Facilities in Collingwood and Good Governance

DATE: Tuesday October 30, 2012

SUMMARY RECOMMENDATIONS:

That Council ask staff to report back on the following best practices in municipal good governance by February 1st, 2013;

- I. clarify the values and respective actions that they interpret to embrace good governance and share these with the public;**
- II. direct staff to revise the Procurement Policy to reflect more stringent guidelines and procedures reflective of other municipal, provincial and federal procedures; specifically articles on sole sourcing amongst a more robust review;**
- III. develop a Strategic Plan – in concert with the residents – for the remainder of their term and include community priorities, accountability/transparency measures and a supporting communications plan at a minimum.**
- IV. include funds for the development of a long range master plan for the development of parks, recreation and culture infrastructure and service delivery with specific focus on the changing demographics, social issues and working better together with other service providers.**

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- V. direct staff to define best practices in public engagement/consultation and internal and external communications with a view to completing an analysis and improving same as soon as possible within Collingwood.**
- VI. provide an overview of current priorities (until a strategic plan is drafted), plans to address these priorities and communicate quarterly (at a minimum) as to the progress that is being made.**
- VII. request an independent body of residents to complete research with a view to implementing an Ombuds and Ethics Office (contract) for Collingwood; whereby the public can be assured of transparency, honesty and fairness in local government in the future and the right to an independent review of questionable governance practices.**
- VIII. ensure the initiation of a Lobbyist Registry for Collingwood to communicate what firms/individuals are lobbying for what projects and initiatives and with which specific Councillors and senior staff.**
- IX. all expenditures including expense accounts be listed on line on a monthly basis – that this be implemented as soon as possible to include all costs associated with the development of recreation facilities in Collingwood.**
- X. articulate the current debt per capita, the approved debt tolerance level, the long range capital plan, the strategy to reduce Collingwood’s debt and plans to address longer term infrastructure needs.**
- XI. Ensure that there is a panel of qualified citizens appointed by an independent body to oversee the recruitment, participate in interviews and the transparent selection process to fill the vacant position of Chief Administrative Officer for the Town of Collingwood.**

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- XII. develop the terms for an independent body to oversee a full governance review including how the Town measures against best practices, the size of Council, remuneration and ward representation at a minimum.**

1.0 BACKGROUND:

In July of 2012, Council directed staff to proceed with covering over a 45 year old pool, develop a fabric covered arena in Central Park and repair a 65 year old arena as the solution to the dearth of recreation infrastructure in Collingwood. Residents were shocked to learn of the speed of the process, the lack of due diligence, the absence of public consultation, no communication and the fact that the projects were sole sourced with no sound rationale (no competitive bidding process) for work of over 11.7 M dollars.

The Friends of Central Park – Collingwood (FOCPC) formed to keep the public informed of the development of public recreational facilities in Collingwood and further to advocate for good governance in the community. It was apparent that the development of recreational facilities post July 2012 was being done too quickly, without public input, adequate due diligence and communications. Residents were perplexed with the turn of events (closed and inadequate process) with no vehicle to share information and communicate. FOCPC has been highly organized and;

- ✓ Developed a website and Facebook page to keep residents informed and provide a vehicle for input,
- ✓ Deputed in front of Council to indicate the flaws in the process and recommend remedial actions,
- ✓ Hosted 2 well attended rallies to demonstrate displeasure with the process and results,
- ✓ Collected approximately 600 names on a petition,
- ✓ Presented the issues on a local Rogers TV show – Penny Skelton LIVE

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- ✓ Hosted a public meeting with over 100 residents in attendance to provide an opportunity for residents to hear from the key stakeholders, ask questions and offer input, (video of the meeting is available on the Friends of Central Park website and Facebook page)
- ✓ Collected and responded to public suggestions and input on this issue.
- ✓ Continue to request documentation from the Town to be posted on the website and Facebook page to keep residents informed.

2.0 SUMMARY OF PUBLIC INPUT - KEY ISSUES:

FOCPC has summarized the public input received to date on this issue and offers a summary for the public record.

2.1 Good Governance

There appears to be a discrepancy between what the two parties (Council and FOCPC) define as “good governance” FOCPC defines good governance as a Council that “walks the talk” and demonstrates;

- Inclusive and informed leadership
- A compelling vision and strategic plan for the community that is developed with the community through citizen driven input
- Long range planning based on projected demographics and psychographics
- Accountability in meeting the milestones articulated in the plan
- Transparency – clear communications and accountability for Council and staff through regular reporting
- Adherence to approved By-laws and regulations
- Collaboration with agencies and partners
- Services that exceed public expectations
- Fiscal sustainability – long range plans for both capital and operating dollars
- Strategies to attract and retain businesses and residents
- Accountability to build a culture of trust in the community

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It is our opinion that Council did not embrace these principles of good local government and rushed an ill informed decision which the public will have to pay for in the long term.

2.2 The Role of Council Members and Staff – Closed Door Meetings

It appears that this Council has confused the independent roles of Council and staff. Council is directing staff to rationalize their decisions before issues are discussed and decided on the Council floor. We refer to an email sent from the deputy Mayor to staff in June that directs them to work with Sprung to cover over the pool and outdoor rink. This is clearly beyond the role of a single Councillor and definitely well before any due diligence and reporting out had occurred on this matter; this is clearly in contravention of the Town's own Procedural By-law. Also, the Mayor was quoted in a local paper to the effect that "Council decided what we wanted and told staff to make it work". This also leads the public to think that closed meetings were taking place outside of the chambers; how else were these major decisions decided without being open public meetings?

2.3 Public Consultation and Communications

The public was perplexed and outraged that Council chose not to include them in their thinking and decision making. The Steering Committee in Phase One ensured that the public had ample opportunity to be heard. Engagement mechanisms included;

- ✓ A comprehensive communications plan
- ✓ A stakeholder survey
- ✓ A community survey
- ✓ A blog site that had up to the minute updates; this blog site received over 3,200 hits and visits throughout the course of Phase One. This statistic far exceeds any other public input received on any other matter in Collingwood. Council should have gauged the interest in this matter and had a similar engagement process for Phase Two.
- ✓ 2 rounds of interviews with key community stakeholders
- ✓ Updates to Council

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The public was fully engaged in Phase One and expected the same treatment for any other options to develop recreation facilities in Collingwood.

2.4 The Role and Records of the Parks, Recreation and Culture Advisory Committee

The role of the Parks, Recreation and Culture Advisory Committee is to provide advice to Council on matters pertaining to planning, programming, capital development with respect to parks, recreation and culture. The advisory committee was not consulted on the fabric covered recreation facility options until after the fact (Council approved the option and did not seek out their input, when a special meeting could have easily been called in the summer). A one – off meeting was held with the chair but she cannot speak on behalf of the committee. In fact there was a special meeting called in September at which the Mayor, Deputy Mayor, Acting CAO and other Councillors (Dale West), specifically asked the members of the advisory committee to help them sell fabric covered facilities to the community. The minutes of another regular scheduled meeting where the issue was finally discussed did not reflect the outrage of the committee members, the critical and numerous questions that were posed, nor the fact that the committee talked about resigning en masse. One member has since resigned in frustration. This issue is still outstanding and the members of the advisory committee are very disappointed in the chair that misrepresented the results of the meeting on public television on October 2nd, 2012 and again at the public meeting held on October 3, 2012. Again, it is not acceptable to misuse volunteers.

2.5 Timing

Council appears to have created a false sense of urgency around making a decision on the fabric covered structures over the summer months. There was absolutely no urgency to this matter (no recreation structures were in peril, there were no critical health and safety issues). A decision that sought public input would have extended the process by 2-3 months, a very small amount of time to do this right. This could have provided staff with the time that they should have taken to complete a more thorough

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analysis and follow sound purchasing practices by tendering the work to compare in a more thorough fashion the merits of each structure type (steel, fabric and bricks and mortar).

2.6 Due Diligence

The public has strongly communicated that the lack of due diligence is appalling. Due diligence on this particular project would have called for;

- An open consultation with the public and stakeholder groups
- A Phase Two Steering Committee that respected Council's unanimous approval of the Phase One Steering Committee report
- A fulsome communications plan that encouraged public engagement
- Draft conceptual designs of the three facility types (fabric, steel and bricks and mortar)
- A comparative analysis of the three facility types and the lifespan of each
- The full operating costs of each facility type over a five year timeframe
- The comparative analysis of the long term implications – when will the pool and arena would need to be replaced and at what cost.
- Once the due diligence was completed a public meeting should have been conducted to get the public's reaction as to what the best building program was considering short and long term implications.

Anything less would fall and has fallen short of credible due diligence.

2.7 Partnerships

The public has also strongly communicated its disappointment in Council's failure to pursue the partnership with the YMCA in constructing the pool at Central Park as stipulated by Council in its directions to the Phase One Steering Committee. It is clear from the Phase One Steering Committee Report that a proper 6 lane 25 metre FINA regulation pool could be constructed out of bricks and mortar at the current YMCA for approximately \$6.18 million which would have provided the residents of Collingwood with two (2) pool tanks, namely, the FINA regulation tank and a 20 metre therapeutic

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tank. Further the discussions centred on the fact that the public would have full access to the facility without having to be Y members. It is a matter of public record that the YMCA has expended in excess of \$3.2 million to update and upgrade its current facilities including renovating the change rooms to accommodate a new pool tank and to rough in the mechanical room and infrastructure to support the new 25 metre tank. The decision to spend \$3.2 million to cover the 45 year old Centennial Pool which is approximately 3 metres narrower than the FINA regulation pool is viewed as short sighted and ill-advised by the general public when looking at the relative capital costs, ongoing operating costs and the loss of the enhanced services to the Town residents, particularly those with special needs and seniors, in having the two pool tanks at the same location.

The fact that the Town is now courting the YMCA to operate the covered pool is viewed by the public as an admission by the Town that it has not the capacity to absorb long term operating debt. As a result of these cumulative actions, the public has little confidence in the wisdom of Council's decision to cover the Centennial Pool or the arbitrary projections for the annual operating costs of the pool. It is clear from the presentation of the Acting CAO and the comments of the YMCA at the public meeting that the Town has no rational basis for the projected operating costs for the Centennial Pool because it has no objective data around the programming and operation of the pool. This is highlighted by the fact that the pool complex may now include a 25 foot by 20 foot therapeutic pool which was not part of the signed contract and will dramatically impact the operating costs (not to mention a projected increase of \$500,000 plus to the capital budget). All operating cost projections generated by Town staff for the August 27, 2012 Council meeting are now meaningless; clearly the time should have been taken to do it right in the first place. More importantly, it is very clear from the public discussions that these costs are likely to be well in excess of \$375,000 and as much as \$450,000 for the pool facility alone. This is viewed by the public as a complete and utter abdication by this Council of its duty to reasonably and responsibly pursue the partnership with the YMCA for the construction and operation of enhanced aquatic

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facilities in this community. As stated by one resident, the Town has signed a \$12 million contract using the taxpayers' money without proper process, without essential information, without due diligence and without any regard to the long term implications for this community.

2.8 Sole Sourcing

The Town of Collingwood's procurement policy does allow sole sourcing although the policy is silent on amounts and the usual and more acceptable exceptions and pre-conditions. Other levels of government and most local municipal governments are much more stringent on sole source conditions. Specifically sole sourcing is usually acceptable ONLY in emergency situations such as floods, tornadoes etc. and where there is a critical urgency and potential safety issues with the public if work is not done in short order. Further sole sourcing fiscal limits range from \$25,000 - \$50,000.

It is common practice for all capital works to be tendered; the recreation projects are no exception. One member of the public (whose high level position is in procurement) indicated that that he would have been immediately dismissed if he had tried to sole source such a large project.

The rationale utilized for sole sourcing from staff remains unacceptable - which was that there is no other technology like the Sprung technology. This was not proven in the report and discussions with other suppliers on staff's list of firms that they researched have indicated that the Town staff has never contacted them to discuss their product. To have developed a matrix and judged companies without even asking for written quotations and specifications was irresponsible at the very least and is negligent in both the private and public sectors. This too is shamefully unacceptable.

2.9 Long Term Impacts to the Community

The long term service and fiscal impacts to the community remain a very significant issue. It is a fact that bricks and mortar structures last longer than fabric structures – according to Sprung's website, these fabric roofs need to be replaced every 15 years. The pool is 45 years old and the Eddie Bush arena is 65 years old. Spending 11.7 M

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plus the costs to repair the arena are clearly temporary solutions whereby a little more invested would bring residents a long lasting new pool and arena. In fact the annualized capital costs for the 3M plus that will have to be invested is approximately \$200,000 per annum assuming they last another 10-15 years. In contrast the annualized capital costs for new facilities assuming a lifespan of 45 years (which is fewer years in age than the existing Eddie Bush and Centennial Pool), is less than \$15,000 per annum. These figures do not include operating costs which are far less in newer more efficient facilities.

Further, the costs to operate 2 pools is obviously more expensive than to operate one well designed and efficient pool structure. To come close to the stated \$250,000 pool deficit listed in the Acting COA's report, the pool would need to register close to 5,000 registrants in swimming lessons per year. The Y now registers 2,500 - 3,000 lesson participants per year. The pool at Heritage Park will need to attract 1 in 3 residents in swimming lessons to come close to the budget mark counting the members that already register at the Y. With an ageing population and declining number of children and youth; it is doubtful that the pool will attract one in three residents as lesson registrants, it will be more likely 1 in 10 -15.

A recent study completed in another Ontario municipality found that older pool infrastructures are considered less attractive and do not draw residents to swim in them. The study showed that bright pools with glass and sunlight with play structures for children drew the greatest number of swimmers. People will drive distances to get to newer family friendly pools and drive by older less attractive structures.

2.10 Systemic Governance Issues

A common theme in the feedback that has been received to date on the development of recreation facilities in Collingwood has been that many issues that Council addresses fall short of credible due process where the public should be engaged in an altruistic way. There is little consultation on most issues and what advice is sought is often ignored. It has lead to a perception among the public that the issues as outlines are systemic in how this Council chooses to govern. There is no strategic plan, no proactive

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communications, no true sense of public engagement, no accountability and little if any transparency. These are broad statements but there is great room for improvements especially to gain back the trust that has been lost. Is it possible that Council chooses to ignore due public process or do they just not know any better.

Most alarming is the fact that the Mayor phoned the host of Penny Skelton LIVE and the manager of the local Rogers station to insist that the television show to highlight these recreation issues be cancelled (3 witnesses). The co-chairs of the Phase One steering committee and the current spokesperson for the Friends of Central Park were to attend and answer the host's questions only to be told by the host once they arrived that this had happened. Why would this happen in our community; what did the Mayor not want to come to light? Is this not unorthodox behaviour for a Mayor?

Another common trend which is very disturbing is the perception that Council's decisions are motivated not by the public good but by self interest. This perception is continually reinforced by behind the scenes leadership, closed door decision making processes and decisions which appear to be arbitrary and unresponsive to the identified needs of the community. Many, many residents have publicly questioned the motivations of Council and cited a perceived history of misfeasance and self-dealings by a number of Council members. Justified or not, decisions like this call into question the motivation and good faith of this Council.

3.0 ACCOUNTABILITY TO THE PUBLIC

Strong and leading local governments hold themselves accountable for targets and goals and objectives that the community has indicated are the current and future priorities. This Council has failed to develop a strategic plan for its term of office and therefore the public has no idea as what this Council is setting about to achieve. What are your priorities? Better stated; what are our priorities?

3.1 Critical Questions Remain Unanswered

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These questions remain and must be answered to the general public's satisfaction.

- a) Why did Council choose such an inappropriate approach to the development of recreational facilities in Collingwood?
- b) Why is it acceptable for Council to break its own by-laws but not for the public and businesses?
- c) What was to be gained by truncating due and credible processes?
- d) What will Council do to ensure that this never happens again?

3.2 Recommended Actions

The prevalent discussions, communications and subsequent recommendations have centred on three themes;

- ✓ Much better planning with respect to the development of recreation, parks and cultural infrastructure,
- ✓ A significant improvement to the quality of governance in Collingwood,
- ✓ Improved communications and public engagement.

Recommendations are listed in the beginning of this report and centre on the following;

- a) Define and Operationalize Good Governance,
- b) Articulate Values and Behaviours,
- c) Develop a Strategic Plan (with community input),
- d) Corporate and Community Communications,
- e) Community Engagement,
- f) Parks, Recreation and Culture Master Plan,
- g) Procurement Policy and Policy Review,
- h) Long Range Capital Plan,
- i) A guarantee of transparent processes in the future,
- j) Debt Reduction Strategy,,
- k) Transparency and Accountability Measures
- l) Full Governance Review.

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3.3 Concluding Statements

There appears to be a systemic misunderstanding in Collingwood as to what good and transparent governance means in a local government context in 2012. We understand that this Council attends conferences at the taxpayer's expense on good governance and therefore cannot claim ignorance. The public is truly disappointed and embarrassed at what this Council feels is solid recreation infrastructure and good governance. One member of the public was in another municipality recently and residents were shocked at the lack of inclusive process and the underwhelming recreation plan for Collingwood. We do not want to be embarrassed for years to come.

We would ask you to accept responsibility for this lack of good governance and due process regarding the development of recreation facilities in Collingwood and move forward by adopting best practices, sound and transparent approaches and much, much better accountability to the residents that have put you in office. One member of the public who attended the public meeting indicated that "This will clearly be **the** election issue in the next election; it is time to put accountable and honest Council members in office, people that really care about a sustainable future and put the residents first."

Friends of Central Park – Collingwood will continue in this void to communicate with residents, seek out information from the Town and share same with the residents. People are very invested in the issue of recreation infrastructure and the issue of good governance in Collingwood and interested citizens continue to grow in number.

C.C. Kathryn Wynn, Minister of Municipal Affairs and Housing

Andre Marin, Ontario Ombudsman

Russ Powers, President of the Association of Municipalities of Ontario

Kelly Leitch, MP

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Jim Wilson, MPP