

Town staff will report on tracking system for OMB?costs

By Bill Rea

Councillor Annette Groves is not going to find out how much the Town spent on consultants and outside lawyers to go to the Ontario Municipal Board (OMB) over the last seven years.

Her council colleagues recently rejected the idea she raised.

Groves also wanted Town staff to set up a tracking system, with annual reports on internal and external resources needed to manage appellant, developer and individual files on OMB cases. Council put that matter off until staff could report on it in the spring.

Groves had originally wanted the spending records for the last 10 years, but she amended it when told the Town only keeps such records for seven years.

Groves, in her motion, noted there is no system for keeping track of how much is being spent on lawyers and consultants according to specific appellants, developers or individuals. There is also no system for keeping track of which external costs are related to OMB cases, as opposed to other matters. She stated it's estimated the cost of external consultants and meeting expenses related to OMB hearings have been more than \$900,000 over the last 10 years.

Groves said she's been approached by constituents for this information, although Councillors Rob Mezzapelli and Johanna Downey both said they have never received such inquiries.

Groves said it's taxpayers' money that being spent on these hearings.

‘It's public dollars,’ she declared. ‘They have a right to know.’

General Manager of Finance and Infrastructure Services Fuwing Wong pointed out there's line item in every year's budget to cover those expenses. He added when it comes to paying legal invoices, they don't specify which amounts do and do not involve OMB.

Councillor Nick deBoer pointed out when the Town takes part in an OMB hearing, it's defending its position, which is what residents expect. He was concerned that the exact expenditures on specific hearings might not be relevant to the public, and could reveal parts of the Town's legal strategy when dealing with such cases.

Councillor Barb Shaughnessy said she had been curious about what was being spent on such cases long before she got on council. She added it was common knowledge the Town set aside \$1 million for the hearing on the Rockford Quarry.

‘They have a right to know,’ she maintained. ‘This should be public knowledge. It's residents' money.’

Groves added the hearings are all open to the public, but people don't have time to go through all the material. She said she was trying to make things easier for them.

‘We're spending the public's money,’ she said.

‘I have never been asked how much we spent on OMB hearings,’ Mezzapelli declared, adding money is spent to defend the Town's positions, and constituents expect that.

‘I've also never been asked that question,’ Downey added. ‘We set the budget, we know what it is and that's what we use it for.’

Groves maintained the public has a right to know, adding it's public knowledge who the Town faces at the OMB.

‘The public is asking us to provide some clarity,’ she said.

Councillor Jennifer Innis observed council used to get quarterly reports on who the Town was facing at OMB, and she said that practice should be restored.

She also agreed a tracking system of the spending might be a good idea going forward, but she wasn't keen to have staff go through the last seven years of records. She said it would take a lot of time and resources.

Wong told her a tracking system can be worked out. Innis suggested Groves take back her motion and work with staff on a new one.

Groves resisted that idea, fearing her motion would get watered down.

‘People want to know,’ she declared. ‘It's simple. It's not complicated, and I don't understand why we're making it so complicated.’

‘I think it's going to be a huge burden of staff resources,’ Innis replied.

Wong confirmed it would take a lot of staff time, requiring someone familiar with invoices and which lines would and wouldn't involve the OMB.

‘I would imagine this is a very time-intensive project,’ he said, adding it would take people away from other duties.

‘We have enough staff,’ Groves countered.

Shaughnessy suggested getting a summer student to do it.

‘This would be a nice easy job to get them to do,’ she remarked.

Wong disagreed, stating the job would have to be done by someone familiar with invoices and the OMB.

Town Solicitor Konstantine Stavrakos told Mezzapelli there could be complications with a tracking system, such as questions being

raised as to why more money was spent on one case than on another. He added it could give away information on how the Town deals with litigation.

Groves said there's a perception that the Town is hiding something in these numbers.

"I'm not trying to hide anything," she declared.

"I don't spend my money without knowing where I'm spending, how I'm spending it and what I'm spending it on," she added.

"The individual private costs aren't public information," Stavrakos replied.