



TOWN OF COLLINGWOOD

JUDICIAL INQUIRY

Before:

Associate Chief Justice Frank Marrocco

Held at:

Collingwood Town Hall

Council Chambers

97 Hurontario Street

Collingwood, Ontario

April 30th, 2019

1 APPEARANCES

2

3 Kate McGrann) Inquiry Counsel

4 John Mather) Associate Inquiry

5) Counsel

6

7 Michael Watson) Alectra Utilities

8 Belina Bain) Corporation

9

10 (No Counsel)) For Paul Bonwick

11

12 George Marron) For Sandra Cooper

13

14 (No Counsel)) For Timothy Fryer

15

16 Frederick Chenoweth) For Edwin Houghton

17

18 William McDowell (np)) For Town of Collingwood

19 Ryan Breedon)

20

21 Patrick Gajos (np)) For Collus PowerStream

22) Corporation

23

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1 --- Upon commencing at 10:01 a.m.

2

3 THE HONOURABLE FRANK MARROCCO:

4 Morning, everyone. Morning, Mr. Chadwick -- I meant
5 Mr. Lloyd.

6

7 (BRIEF PAUSE)

8

9 THE HONOURABLE FRANK MARROCCO: Has
10 the witness been sworn? Okay.

11

12 RICHARD EARL LLOYD, Sworn

13

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

15 MR. RICHARD LLOYD: Thank you.

16 MR. JOHN MATHER: Good morning, Mr.
17 Lloyd.

18 MR. RICHARD LLOYD: Good morning.

19 MR. JOHN MATHER: You were the deputy
20 mayor from 2010 to 2014. Is that correct?

21 MR. RICHARD LLOYD: That's correct.

22 MR. JOHN MATHER: And I understand
23 that prior to that, you were a Council member for
24 twenty (20) years. Is that correct?

25 MR. RICHARD LLOYD: That's correct.

1 MR. JOHN MATHER: And the 2010 to 2014
2 term is your first term as deputy mayor?

3 MR. RICHARD LLOYD: Yes.

4 MR. JOHN MATHER: Okay. During that
5 term, 2010 to 2014, what did you understand your roles
6 and responsibilities as deputy mayor to be?

7 MR. RICHARD LLOYD: My role was very
8 similar to what a municipal Councillor is, except I
9 had additional County duties, as well stepping -- I
10 was in second command basically at the table, so in
11 place of the mayor, if she was -- he or she was not
12 available, then I would take the mayor's role on at
13 meetings to chair meetings, et cetera.

14 MR. JOHN MATHER: And when you were
15 deputy mayor, and when you were a Councillor, how did
16 you identify what might be a potential conflict of
17 interest?

18 MR. RICHARD LLOYD: The Municipal
19 Conflict of Interest Act. I took great pride in
20 trying to understand it and -- and reviewing it, and -
21 - and that's basically what I always referred to, was
22 the Municipal Conflict of Interest Act.

23 MR. JOHN MATHER: Did you rely on any
24 other resources?

25 MR. RICHARD LLOYD: On -- if I had any

1 doubt, I would sometimes ask the clerk, a CAO, and my
2 own personal lawyer, because truly, the clerk and the
3 CAO or Town staff can't give you advice, only your own
4 lawyer can. And there was always the rule of thumb
5 was that if you thought had a conflict, then you
6 probably did.

7 MR. JOHN MATHER: When you say that
8 the clerk and the CAO couldn't give you advice, was
9 that something you understood when you were a
10 Councillor or is that something you understand today?

11 MR. RICHARD LLOYD: That's something
12 I've understood all the way through, that -- that you
13 could ask them their opinion, but they couldn't
14 certify that no, you -- if you need to get a legal
15 opinion on whether you have one or not -- they could
16 confirm what the Municipal Act actually states and
17 confirm that that's what their view is, but knowing
18 that if I had to have a legal opinion, then I
19 obviously had to have a solicitor involved.

20 MR. JOHN MATHER: All right. And how
21 did you come to learn that the clerk or the CAO
22 couldn't give you a legal opinion?

23 MR. RICHARD LLOYD: I think over the
24 years. It was just -- I have no idea. It --
25 honestly now, it was just over the years that -- that

1 different workshops you'd go through over the years
2 that it was explained to you that, you know, if you
3 had to -- to check anything legally under the
4 Municipal Act, you should go see a lawyer.

5 MR. JOHN MATHER: You referenced
6 workshops. What sort of training did you receive as a
7 Councillor on identifying conflict?

8 MR. RICHARD LLOYD: Very little.
9 Actually, we would have a -- an information meeting,
10 and once a year, there would be workshops available
11 through AMO, which we attended, and so on. But there
12 wasn't actual classroom training or anything like
13 that.

14 MR. JOHN MATHER: And I understand AMO
15 is the Association of Municipalities of Ontario?

16 MR. RICHARD LLOYD: That's correct,
17 and the Town of Collingwood is a member.

18 MR. JOHN MATHER: When you were deputy
19 mayor from 2010 to 2014, what did you understand your
20 role to be as it related to Town staff?

21 MR. RICHARD LLOYD: I'm not really
22 certain of the question, but it was not unlike what it
23 would be with -- with being a Councillor. I do admit
24 that -- and even staff knows, I do a lot of
25 micromanaging, so if anybody had a pothole problem,

1 and I go and look at it, and inform the Works
2 Department that there's a problem, or a -- a sewer
3 break, or whatever. But I didn't give direction to
4 staff.

5 MR. JOHN MATHER: So you -- I think
6 you gave one (1) example of what you call
7 micromanaging. Could you just explain more generally
8 what you mean by that when -- when you say you were a
9 micromanager?

10 MR. RICHARD LLOYD: What I would do is
11 once Council approved or passed direction for Council
12 -- or for staff, quite often, I would follow up with
13 staff to make sure it was done. I didn't attend the
14 weekly staff meetings. That was something the mayor
15 did. In her absence, I would, but I think I probably
16 -- in all the years as a Council, maybe once or twice
17 in the full twenty-five (25) year career I had.

18 I was consulted quite a bit by staff on
19 different issues and -- and so on. But I feel that I
20 had a great working relationship with the staff. We
21 have a great staff in the Town of Collingwood, to be
22 honest with you, that I think they're second to none.

23 MR. JOHN MATHER: Okay. So it -- I --
24 I took from that answer that after staff would get
25 directions, you would sometimes follow up directly

1 with staff about how those directions were being
2 implemented? Is that...?

3 MR. RICHARD LLOYD: Once Council gave
4 direction, bylaws, and -- and passed motions, and
5 stuff, I would quite often follow up. I was the chair
6 of finance when I was deputy mayor, as well as Public
7 Works chair.

8 So through Public Works especially,
9 when -- when you'd see that they're -- documentation
10 on our budget, what we were doing, I'd follow up to
11 see how we were proceeding on tenders, on contracts,
12 and -- and so on. Same with finance, I'd have weekly
13 meetings with the treasurer and, you know, be brought
14 up to date if there's any issues.

15 I worked on the budget with the
16 treasury, and the same with Public Works. I worked on
17 the -- the budget with them and assisted them every
18 way I could.

19 MR. JOHN MATHER: And so when you were
20 following up with staff after the Town gave a
21 direction, did you understand that to be an
22 appropriate kind of chain of communication?

23 MR. RICHARD LLOYD: I think so, yes.
24 Again, small municipalities, that's what we do. I
25 know at the County level, it's so large of an animal,

1 you don't even know who the Works department is, or
2 social services, or anything like that. But in a
3 small municipality, where you've grown up, you pretty
4 well know all the Works managers, and Parks people,
5 and so on. So it wasn't unusual to -- to have a
6 sidebar or walk into the -- the Parks and Recreation
7 director at that time was Peter Dunbar, and have a
8 conversation about parks with him, and -- and so on.

9 MR. JOHN MATHER: Was there a reason
10 you would do that instead of the mayor?

11 MR. RICHARD LLOYD: Just everybody.
12 Council did that. It just -- it wasn't unusual that -
13 - that a Councillor would walk into especially Peter
14 Dunbar's office and -- and have long discussions of
15 hockey, or -- or whatever.

16 MR. JOHN MATHER: So it also sounds --
17 when you said the term "micro managing," you -- you
18 told an example about someone calling you about a
19 pothole. Could you just explain that a bit more to
20 me?

21 MR. RICHARD LLOYD: Well, for
22 instance, I'll give you a good one, is I got a call
23 one night at two o'clock in the morning that the snow
24 plow had blocked this person's lane way. I was up, so
25 I said I'll become -- I'll come right over, and the

1 guy stuttered and stammered on the phone, and I said,
2 No, I'll come right over now.

3 So I got my coat, and my boots, and
4 jumped in my -- my truck, and drove over to the guy's
5 lane way. I had to wait a half an hour for him to get
6 out of bed and come out.

7 And we looked at it, and said, Well,
8 yeah, the plow blocked your lane way. Sorry. And the
9 guy was so embarrassed, didn't call the Works
10 Department about it or anything else.

11 But if a resident would call me in the
12 Town of an issue they might have, whether it was a
13 blocked ditch, or a bad culvert, or -- or something
14 happened in the parks that wasn't safe, or whatever,
15 quite often, I would either call the rec director,
16 which is Dunbar, or I'd call Jody Livingstone at Works
17 Department, or Brian Macdonald, say, Hey, we've got an
18 issue, here, maybe you want to look into it. I
19 wouldn't say, you have to fix it. I'd say, I've got a
20 resident complaint, you know, of this issue, and you
21 should maybe take a look at it.

22 MR. JOHN MATHER: So it sounds like
23 you're drawing distinction between a -- telling a
24 staff member you have to fix something versus you
25 should look into this. What was the significance of

1 that distinction to you?

2 MR. RICHARD LLOYD: I think the
3 difference is that -- that I felt that my role was
4 serving the people of Collingwood. They felt
5 comfortable contacting me, whether it was by phone or
6 coming into the flower shop, discussing issues.

7 I bring those issues to staff for them
8 to be aware of and maybe look at. You know, it --
9 it's one (1) of those things that -- that we did in a
10 small community, and we continue doing.

11 MR. JOHN MATHER: And again, you
12 understood this to be the appropriate way to deal
13 staff, or -- or did you think you were circumventing a
14 process in it?

15 MR. RICHARD LLOYD: No, I don't think
16 we were circumventing. I think that it was -- it was
17 the -- especially with -- with Public Works and with
18 the Treasury, because I was Chair of -- of both
19 committees, so -- and when you're Chair of the
20 committee you'd have more interaction with -- with
21 staff on those committees.

22 MR. JOHN MATHER: Were there ever
23 instances when you wouldn't go directly to staff but
24 you would, you know, address a problem that a citizen
25 brought to you directly yourself?

1 MR. RICHARD LLOYD: If a resident
2 brought -- I just want to make sure I have it clear.
3 If a resident brought an issue to me, would I deal
4 with it directly with -- if it was something I could
5 deal with, sure, no different than the snow plowing,
6 that I dealt with it directly and went over and seen
7 the guy and I guess he was just in a bad mood or a
8 foul mood, that -- sick of winter and the plow -- he
9 wanted to complain to somebody. He complained to me,
10 so I didn't go and tell the Works Department, well,
11 you've got to not plow the roads.

12 MR. JOHN MATHER: Right. So what did
13 you do then in that case?

14 MR. RICHARD LLOYD: Pardon me?

15 MR. JOHN MATHER: What did you do?
16 You went and you went to the -- the person's house and
17 you didn't tell the Works Department? Did you do
18 anything --

19 MR. RICHARD LLOYD: I didn't say
20 anything more about it because I felt it was dealt
21 with. I think the guy was embarrassed -- probably
22 embarrassed that I was able to be there so quick, but
23 I was already up, so it wasn't a problem.

24 MR. JOHN MATHER: So you mentioned
25 that your working relationship with Town staff I think

1 you said was wonderful. And so in the 2010 to 2014
2 period, do you recall having any relationships with
3 any Town staff that you would consider to be less than
4 wonderful?

5 MR. RICHARD LLOYD: Yes.

6 MR. JOHN MATHER: And what were those
7 relationships?

8 MR. RICHARD LLOYD: The only one that
9 I really had any issue with, that comes to mind, is
10 the CAO at the time. Unfortunately, and I'm not going
11 to throw any staff under the bus, so I just want to
12 say that -- that up straight because I think everybody
13 worked to the best of their ability. The CAO at the
14 time came from the Province, had no municipal
15 experience, and I think that was somewhat of a -- of a
16 problem at the time.

17 Reading the -- the document that's
18 before us, the Foundation Document, there is
19 consultants that looked at that we should be hiring
20 experienced municipal staff, especially in that world,
21 and I think that's important, that you do hire
22 somebody with the experience and -- in municipal role,
23 because it is different than in other levels of
24 government.

25 MR. JOHN MATHER: So it sounds like

1 you had concerns. And Kim Wingrove, I assume, is who
2 you're speaking of?

3 MR. RICHARD LLOYD: That's correct.

4 MR. JOHN MATHER: So it sounds like
5 you had concerns about Ms. Wingrove's experience. In
6 terms of her job performance, did you have concerns
7 about that?

8 MR. RICHARD LLOYD: I think I had
9 concern of her ability.

10 MR. JOHN MATHER: And can you just
11 expand on that, what you meant?

12 MR. RICHARD LLOYD: I don't think she
13 understood the process, municipal process, the
14 procedures of -- of council. I don't I think she
15 totally understood it. I think she's very emotional.
16 Unfortunately at some of the meetings that I attended,
17 without even saying a word, I don't know if she was
18 having personal issues or not, I have no idea, but she
19 would break down. There was just -- in my opinion it
20 wasn't a great working relationship that we had. We
21 had -- and I wasn't alone with those thoughts.

22 MR. JOHN MATHER: Right. Are there
23 any -- in terms of her experience or her ability, how
24 did you come to form that impression? Were there
25 examples?

1 MR. RICHARD LLOYD: Well, being around
2 Council for at that point over twenty (20) years, I
3 think I had a fair understanding how things work, and
4 I'm open to -- to change and I'm open to all kinds of
5 things, but I think what was happening in a lot of
6 cases was -- for instance, the -- the mayor has a -- a
7 role that she's a spokesperson for -- for Council.
8 Quite often that role would -- would -- Kim was doing
9 some of it and it wasn't appropriate. She should have
10 been propping the mayor and helping the mayor go
11 public and -- and make statements to the newspapers
12 and so on.

13 Another one was our clerk, Sara Almas,
14 was really good. I don't think she understood the
15 clerk -- clerk's role as well either because there's
16 sometimes issues that I would think, well, that's the
17 clerk's job, you know, and -- the clerk is really good
18 at what she does.

19 MR. JOHN MATHER: Okay. So I want to
20 talk about a few things that --

21 MR. RICHARD LLOYD: Sure.

22 MR. JOHN MATHER: -- you said there in
23 your answer, starting with the clerk, Ms. Almas. I
24 believe you said that you didn't think she always knew
25 what her role was.

1 MR. RICHARD LLOYD: I didn't mean
2 Sara. I meant the CAO.

3 MR. JOHN MATHER: Okay. So --

4 MR. RICHARD LLOYD: The clerk knew
5 what her role was. The clerk was phenomenal in her
6 job.

7 MR. JOHN MATHER: Okay, so what -- can
8 you expand more on what you meant by Ms. Wingrove did
9 not seem to know what the clerk's role was?

10 MR. RICHARD LLOYD: The only thing I
11 think of off the top of my head was sometimes with
12 bylaws -- the clerk is responsible for the bylaws
13 basically, make sure they're done right. Some of the
14 stuff that CAO Wingrove would want to do was not
15 necessary because it was a clerk's role, things like
16 that. I just remember seeing different issues coming
17 up and -- wording of bylaws and -- and different
18 things.

19 Well, no, the clerk's the one that does
20 that and does a great job, and looking over the -- the
21 years I was at Council and seeing the way the clerk
22 has done stuff, it was always consistent, thorough.
23 She always made sure all the 'i's were dotted, the
24 't's were crossed, and -- and did a great job.

25 MR. JOHN MATHER: So another thing you

1 said about Ms. Wingrove was in relation to her
2 speaking to the public or to the community where, and
3 I'm paraphrasing here, but you felt it was the mayor's
4 responsibility. What context was that in?

5 MR. RICHARD LLOYD: I -- I don't
6 remember what it is exactly now but I remember having
7 a -- speaking with -- with -- with Ms. Wingrove about
8 it, that this is the -- this is a policy, it's -- it's
9 verbatim, it's the way it is, and the mayor is
10 supposed to be speaking, not you, because I know that
11 there's issues that the mayor didn't even know, or I
12 or Council, and you just read it in the newspaper and
13 say what is this. It just wasn't appropriate.

14 MR. JOHN MATHER: So Ms. Wingrove has
15 given her evidence at the Inquiry, has -- has started
16 to, and one of the things she recalled was that she
17 said there was an instance where you would -- where
18 you reprimanded her for speaking with members of the
19 public on a matter that was before Council.

20 Do you -- does that stir up a
21 recollection?

22 MR. RICHARD LLOYD: I think
23 reprimanding is the -- is not an appropriate word. I
24 -- I know I -- I spoke with her about it. If she
25 wants to say that's a reprimand, fine, but that's not

1 how I do business. I went in and spoke to her about
2 that that's not what you should be doing, here's the
3 mayor's role, and you should be helping the mayor
4 speak to the public, not you speaking for them, so.

5 MR. JOHN MATHER: How would you
6 describe the tone of that conversation?

7 MR. RICHARD LLOYD: Very reasonable.
8 She -- if I remember right, like, she had no -- she
9 didn't argue it back or anything else. It was like,
10 oh, one of those.

11 MR. JOHN MATHER: So we have heard
12 evidence from Ms. Wingrove and Ms. Almas relating to
13 you, and so I'm going to just say a couple of things
14 that they said and then I'm going to ask you for your
15 reaction.

16 MR. RICHARD LLOYD: Sure.

17 MR. JOHN MATHER: So Ms. Almas said
18 that at times you would be critical of Ms. Wingrove
19 and would make offhand comments about her. The words
20 Ms. Almas used were "bullying" and "intimidation."

21 MR. RICHARD LLOYD: You know, it's
22 interesting because over the twenty-five (25) years I
23 served on Council, with the HR departments and so on,
24 not once was there ever a -- a complaint filed to my
25 knowledge with HR, not once did anybody ever speak to

1 me. Here we are eight (8) years later, somebody is
2 saying something like this. Like, it just -- there is
3 things in -- in -- there's a process if there was an
4 issue. Like, all I can say is that I am very
5 demanding, I do expect a lot out of staff, and even in
6 my own business, but quite frankly, having a one-on-
7 one or -- or talking to staff, I'm always as
8 respectful as possible, but firm.

9 MR. JOHN MATHER: So when you say
10 you're demanding you expect a lot, how does that
11 manifest?

12 MR. RICHARD LLOYD: It's probably the
13 way I -- I run my own business. I expect my staff,
14 100 percent from them, and I think it's appropriate to
15 do that because I expect it out of myself too. I work
16 very hard to -- to ensure that things are done
17 properly. I'm not a bully by any means. I -- I just
18 feel that it's important that -- that staff is -- is
19 doing the appropriate job.

20 It's not any secret in municipalities
21 in Ontario or in North America where quite often you
22 get complaints from citizens watching staff work and
23 saying it's like watching paint dry. Well, that's not
24 a fair statement, because quite often staff have
25 regulations under the Ministry of Labour that they

1 have to follow, and, you know -- but if I found that -
2 - that, you know, you -- you -- if -- if ever there
3 was a -- an employee sleeping on the bench, you'd deal
4 with it. That never happened.

5 MR. JOHN MATHER: So another thing Ms.
6 Wingrove said was that you would only speak to her
7 when you wanted something in particular, to pursue a
8 particular course of action, and she would describe
9 those communications as very direct.

10 Is that how you recall communicating
11 with Ms. Wingrove?

12 MR. RICHARD LLOYD: No. I -- I didn't
13 hang out in her office. You know, she was very busy
14 office to do that. I wasn't sitting there, you know,
15 having chats with her, but when there is a purpose,
16 then I'd be in her office.

17 I just want to share with -- with
18 yourself and, pardon me, this hearing, the CAO's
19 position pays between 200 and \$250,000 a year, clerk
20 is around 150,000, a firefighter is 100,000, a parks
21 worker gets 20 -- or gets \$45,000 a year. The mayor
22 gets 27,000 and the deputy mayor gets \$22,000 a year.

23 What I'm pointing out is at \$22,000
24 year, I have an actual job or a career that I'm -- I'm
25 doing. I'm a florist as well, retired from it. I

1 work six (6) days a week at the flower shop and also
2 construction. I also engrave headstones in the
3 cemetery.

4 Sundays quite often I'd work if there
5 is a funeral or somebody passed away on a Friday or
6 Saturday, the flowers had to be delivered for noon on
7 Sunday, so I'd work Sundays.

8 So putting things in content, the job
9 of the Town was a part-time job that you gave as much
10 as you possibly could. Did I hang out here? No. Did
11 I hang out with Kim or any of the other staff? No, I
12 didn't have time. Was I direct? Well, with affording
13 the time that you have, yes, you'd go and deal with
14 business and get on with your daily chores, what has -
15 - has to happen.

16 One of the things that also happened
17 was we were told that we should not contact staff on
18 weekends. That's fair. But you've got to also
19 understand the -- the agenda for Monday night Council
20 came out late Friday afternoon. So if you worked
21 Friday, you'd pick up Friday night.

22 Now, you're not supposed to contact
23 staff. So I have a day job Monday as well. So I'd
24 leave my day job, which I work for myself,
25 fortunately, and at four o'clock you'd -- you'd go to

1 Council and early so that you could talk to staff.
2 Quite often they were so busy you couldn't get it.
3 But meanwhile, you're supposed to make million dollar
4 decisions.

5 Over the years, we quite often
6 contacted staff over the weekends and they understood
7 it. But again, Kim was firm that we shouldn't do
8 that. Well, it really was a difficult position for us
9 to be put in.

10 MR. JOHN MATHER: So it was Ms.
11 Wingrove who requested that you not speak to staff on
12 weekends. Do you know why she made that request?

13 MR. RICHARD LLOYD: I think staff
14 should have the freedom of their weekends. The -- the
15 proof of it is we should've probably had our agenda
16 earlier in the week, so we could've done our homework
17 ahead of time, because quite often on a -- on a Friday
18 it just was too late.

19 But you've got to also understand, we
20 quite often get agendas and backup stuff like this
21 that we were supposed to be prepared for Monday night.

22 We could defer stuff, which we did.

23 MR. JOHN MATHER: Did Ms. Wingrove
24 ever direct you not to contact her on a weekend?

25 MR. RICHARD LLOYD: No, but I -- I

1 can't remember directly, but I know that it came out
2 that -- that we shouldn't contact staff on weekends.
3 And I get it.

4 MR. JOHN MATHER: And I guess the
5 nature of my question there was, it sounds like, and
6 if I'm mischaracterizing anything let me know, it
7 sounds like that you would talk to staff directly when
8 you wanted to follow up on something, that's something
9 you said earlier.

10 MR. RICHARD LLOYD: Staff reports,
11 that's correct.

12 MR. JOHN MATHER: Yes.

13 It also sounds like you had a lot on
14 your plate and a lot going on?

15 MR. RICHARD LLOYD: Yes.

16 MR. JOHN MATHER: So I'm wondering why
17 you wouldn't direct your inquiries to Ms. Wingrove to
18 have her deal with them instead of going directly to
19 staff.

20 MR. RICHARD LLOYD: If I ever had the
21 CAO and all the Council went to the CAO with all their
22 inquiries, she'd have nothing else she could do in the
23 course of the day. It wasn't blocking her out or
24 shutting her out. Again, as chair of public works,
25 when I would read a document, a contract that was

1 coming out, I'd go through that contract clearly to
2 see if it -- if it conformed with -- with the
3 standards that we wanted. Quite often I'd have staff
4 ask me to review it. So it wasn't unusual to contact
5 them with questions.

6 It was norm for staff to contact the
7 clerk with -- directly, if there was issues with --
8 with the agenda or -- or questions about the agenda.
9 We always went directly to the clerk. That -- that
10 wasn't just new. And I -- I don't think the CAO had
11 any -- previous CAOs ever had any issues with that.

12 MR. JOHN MATHER: One final question
13 and then I'll move on to another topic.

14 But -- so it sounds like you had
15 concerns about Ms. Wingrove's job performance. What
16 did you do to address those concerns?

17 MR. RICHARD LLOYD: We -- discussions
18 with other Councillors, with their concerns they'd
19 bring to me. Quite often we'd talk amongst ourselves
20 of issues.

21 I can't remember that there was ever
22 any direct discussion with Kim about it, other than
23 what I've already explained to you that -- that when
24 there's issues I just go directly to staff -- to her
25 and say this is one of the issues that are happening.

1 I think it was appropriate.

2 MR. JOHN MATHER: So other than when
3 you spoke to her about speaking to the public when
4 matters are before Council, are you aware of anyone
5 else speaking with Ms. Wingrove about her job
6 performance?

7 MR. RICHARD LLOYD: I would think
8 there probably was other -- others, I don't know. I
9 can't give you for instances, but I know that there
10 was a lot of concern at the Council table with other
11 councillors as well.

12 MR. JOHN MATHER: And so it sounds
13 like for an answer you think someone may have spoken
14 to her, but you don't know?

15 MR. RICHARD LLOYD: I don't know.
16 That's right.

17 MR. JOHN MATHER: So moving to another
18 topic. When you were Deputy Mayor and Councillor
19 before that, how did you determine whether or not
20 information you were receiving in your capacity as
21 Deputy Mayor or a councillor was confidential?

22 MR. RICHARD LLOYD: If it was a staff
23 report and it wasn't marked "confidential", it's a
24 public report, I had no concerns with it.

25 If it was marked "confidential" then

1 I'd have to sit back and take a look at it and see if
2 it was of a confidential nature that quite often some
3 just put "confidential" on everything. But that's how
4 I really generally looked at it, through common sense.

5 MR. JOHN MAYER: So I think you
6 started part of the answer to my next question, which
7 is you would receive documents that were marked
8 "confidential" then you undertook your own assessment
9 at that point about whether you --

10 MR. RICHARD LLOYD: Some, yes, that's
11 right.

12 MR. JOHN MATHER: And how did you
13 undertake that assessment?

14 MR. RICHARD LLOYD: Each one would be
15 different if -- if -- I can't tell you specifics
16 without you showing me a specific that -- that perhaps
17 you're talking about, but, you know.

18 MR. JOHN MATHER: And I'm just curious
19 generally now, and we will ask you some specific
20 questions.

21 MR. RICHARD LLOYD: Sure.

22 MR. JOHN MATHER: How did you treat
23 information that you would receive in in-camera
24 sessions at Council?

25 MR. RICHARD LLOYD: Generally it

1 stayed in camera, confidential.

2 MR. JOHN MATHER: So you would treat
3 it confidential. And why did you treat that
4 information confidentially?

5 MR. RICHARD LLOYD: Generally what
6 happened was if it was in-camera, it was confidential
7 information. Not always though. Some -- sometimes
8 the information that was discussed at in-camera
9 meetings was not appropriate even for in-camera
10 meetings, it was stuff that should have been done
11 publicly.

12 MR. JOHN MATHER: And in those
13 instances would you then treat that information as
14 confidential?

15 MR. RICHARD LLOYD: No. And -- and
16 quite often we would come out of the meeting and we'd
17 say, you know, we should -- or even in the meeting
18 we'd say this shouldn't be discussed here, we should
19 be coming before Council.

20 MR. JOHN MATHER: Again -- and I'd
21 just like to know more about how you determine, for
22 yourself, how did you satisfy yourself that something
23 that was in an in-camera session or was marked
24 confidential was in fact not confidential?

25 MR. RICHARD LLOYD: I -- I can't

1 answer that question without specifics. It's --

2 MR. JOHN MATHER: And you -- and
3 you've already said that. I'll just ask you one more
4 general question.

5 MR. RICHARD LLOYD: Sure.

6 MR. JOHN MATHER: Would you consult
7 with anyone, any advisors, about this?

8 MR. RICHARD LLOYD: Sure.

9 MR. JOHN MATHER: Who would you
10 consult with?

11 MR. RICHARD LLOYD: My wife. Quite
12 often she is the boss, quite often on these things.

13 There's -- I would consult with other
14 councillors around the table. I would talk with --
15 with sometimes Ron Emo about general stuff like this,
16 former mayor who I sat on his council in 1985/'86.

17 Talked with Paul Bonwick on different
18 issues. Talked to Paul Shaw, my lawyer, quite often
19 to get a feel for, you know, if this is right.

20 Generally that kind of stuff I would
21 talk to.

22 MR. JOHN MATHER: Okay, I hate to ask
23 this, but your wife is not a member of Council, is
24 she?

25 MR. RICHARD LLOYD: No.

1 MR. JOHN MATHER: Okay. I'd now like
2 to ask you some questions about Paul Bonwick.

3 MR. RICHARD LLOYD: Sure.

4 MR. JOHN MATHER: In the 2010 to 2014
5 period when you were Deputy Mayor, what was the nature
6 of your relationship with Mr. Bonwick?

7 MR. RICHARD LLOYD: From -- I'll go
8 back to beyond those dates.

9 MR. JOHN MATHER: Whatever you need to
10 do to help put everything in context.

11 MR. RICHARD LLOYD: Mr. Bonwick's
12 parents are my wife's godparents. And my -- my wife's
13 parents are his godparents and his -- his siblings
14 godparents.

15 So it is more than just a friendship,
16 it -- it's almost like family. We're good friends of
17 the whole family, growing up that way.

18 I grew up with his older brothers,
19 we're friends of his older brothers. I don't know
20 what else to tell you. It's a small community and we
21 all got along.

22 I know that my wife's hus -- or my
23 wife's father worked in the shipyards with -- with
24 Paul's father, they both were in management and --

25 MR. JOHN MATHER: So in 2010 to 2014

1 would you consider him a friend?

2 MR. RICHARD LLOYD: Oh yeah. Yes, no
3 question.

4 MR. JOHN MATHER: A close friend?

5 MR. RICHARD LLOYD: Family friend.
6 How's that? So that's -- it doesn't get any closer.

7 MR. JOHN MATHER: And in that time
8 period did you and Mr. Bonwick have any shared
9 business interests?

10 MR. RICHARD LLOYD: Not financial
11 business interests. I know that there's -- we
12 discussed about the gravel pit and so on. We weren't
13 in business together in any means at all.

14 MR. JOHN MATHER: Okay. So, I'm going
15 to ask you some questions about the gravel pit --

16 MR. RICHARD LLOYD: Yeah.

17 MR. JOHN MATHER: -- very shortly.
18 Other than the gravel pit, did you -- you said not
19 financial interests?

20 MR. RICHARD LLOYD: We had no business
21 interest at all together.

22 MR. JOHN MATHER: Okay.

23 MR. RICHARD LLOYD: And the gravel
24 pit, there's no financial interest there either.

25 MR. JOHN MATHER: Okay. And we'll get

1 to that in --

2 MR. RICHARD LLOYD: Okay. Sorry.

3 MR. JOHN MATHER: -- in a moment. In
4 2010 to 2014 what did you know about Mr. Bonwick's
5 company, Compenso Communications?

6 MR. RICHARD LLOYD: I knew that it was
7 a consulting business, a communications business,
8 probably a catchall for anything that -- that he'd go
9 and -- and make money on. I'm sure that that's what
10 he did. But it was -- I think it was a very
11 successful venture for him.

12 MR. JOHN MATHER: And in that time
13 period, did you have a sense of who Mr. Bonwick's
14 clients were.

15 MR. RICHARD LLOYD: No. We really
16 never discussed any of -- of -- I think client
17 confidentiality would be a part of it. No doubt that
18 -- that he wouldn't be spouting out on who his clients
19 are. And I never ever asked because I didn't think it
20 was appropriate, you know, well, who are you working
21 for today or anything like that.

22 If it at all involved me or some of the
23 town or if he asked me a question about stuff, I may
24 assume that he's work for somebody, or he may not be;
25 it could be just curious.

1 MR. JOHN MATHER: Fair enough. What
2 did you understand Mr. Bonwick would do for his
3 clients?

4 MR. RICHARD LLOYD: He was doing
5 consulting work with -- and that -- consulting is
6 pretty nearly anything and everything, believe you me.
7 I think he was trying to meet the needs of the
8 client's needs, I guess --

9 MR. JOHN MATHER: Okay. And --

10 MR. RICHARD LLOYD: -- whatever it is.

11 MR. JOHN MATHER: And did you have any
12 sense of how he went about doing that?

13 MR. RICHARD LLOYD: Yeah. He -- he
14 generally gathered information. He would -- would no
15 doubt work with the federal and provincial governments
16 and municipal governments trying to get their clients
17 the best deals he can or whatever information they
18 needed to -- or work towards those goals is what I
19 would assume.

20 But again, Mr. Bonwick is one that
21 should answer for himself. I'm under oath and I'm
22 trying to do the best -- what I'm assuming.

23 MR. JOHN MATHER: So -- and I know --
24 and -- and I'm not asking you to assume at any point.
25 I'm asking what your recollection in the 2010 to 2014

1 time period was, whether you knew or you did not know
2 what --

3 MR. RICHARD LLOYD: Sure.

4 MR. JOHN MATHER: -- Mr. Bonwick was
5 doing for his clients.

6 MR. RICHARD LLOYD: Yeah. No, I
7 wouldn't know exactly what he was doing because I
8 don't even who all of his clients were, but...

9 MR. JOHN MATHER: You said that Mr.
10 Bonwick -- and again, I'm not sure if it's an
11 assumption or something you recall, but he would work
12 with municipal government. Is that something you
13 knew?

14 MR. RICHARD LLOYD: Oh, yeah. Yeah,
15 yeah, yeah.

16 MR. JOHN MATHER: Did he ever work
17 with you on behalf of his clients?

18 MR. RICHARD LLOYD: Well, not for me.
19 But he would quite often ask me different issues or
20 that he working on a project or whatever.

21 MR. JOHN MATHER: And did you ever
22 have any concerns when he approached you about --

23 MR. RICHARD LLOYD: No.

24 MR. JOHN MATHER: If he requested
25 information from you would you provide it to him?

1 MR. RICHARD LLOYD: None.

2 MR. JOHN MATHER: Sorry, you would --

3 MR. RICHARD LLOYD: I had no concerns
4 at all.

5 MR. JOHN MATHER: So you would provide
6 him information. Is that --

7 MR. RICHARD LLOYD: Oh, if you asked
8 different things, as -- again, we're isolating Mr.
9 Bonwick. I, again, in retail -- in a flower shop on
10 Main Street for forty-three (43) years. I would have
11 continual people coming in and asking me information
12 on different things, not just Mr. Bonwick.

13 Like, I would -- hasten to say it was
14 thousands of people would come in and ask me advice on
15 stuff, ask me information on things, a lot of planning
16 issues.

17 I'd quite often call the planner and
18 ask her on behalf of cli -- of friends that would come
19 in about zoning and stuff. They felt more comfortable
20 quite often talking to me before they went and talked
21 to the planning department and so on.

22 So it wasn't unusual on a daily basis
23 I'd have people coming in dealing with planning
24 issues, not just Mr. Bonwick. We're isolating Mr.
25 Bonwick, but there's hundreds of other people.

1 MR. JOHN MATHER: So you would -- if
2 Mr. Bonwick or other people seeking information would
3 ask you for information, you would provide it. And
4 you said you didn't have concerns about providing it.
5 Is that --

6 MR. RICHARD LLOYD: None whatsoever.
7 I'd quite often call the planning department on an
8 issue. And -- and they quite often would -- would
9 send me a link to where I need to get the information.
10 I'd give that the cli -- to the person asking for it.
11 I never thought twice about it.

12 I -- I felt that was my role, to try
13 and help people in the community. Businesses would
14 call me with different things with bylaws, as bylaws
15 changed, signed bylaws.

16 I quite often continually had other
17 business phone me and saying, I want to put a sign up,
18 I don't understand this bylaw. Well, the first thing
19 I would do is say, okay, what are you trying to do,
20 and I'd direct them to one (1) or two (2) of the sign
21 companies I knew that knew the bylaw really well.

22 MR. JOHN MATHER: So in the instance
23 where you would call the planning department and relay
24 information back to whoever asked you about it, would
25 you tell the planning department that you would be

1 sharing that information?

2 MR. RICHARD LLOYD: No. Well, I might
3 or might not have. I'd just, you know --

4 MR. JOHN MATHER: Depends on the
5 circumstance?

6 MR. RICHARD LLOYD: And it wasn't that
7 it was holding back information. It would, you know,
8 what's the zoning allowed on First Street, I have a
9 person that -- that wants to put in a laundry mat, is
10 it allowed.

11 And it may come back and say, no, but
12 here's the zones that it's allowed in and here's the
13 areas, stuff like that, but it wasn't -- it wouldn't
14 be a concern on who it would be.

15 The planning department wouldn't even
16 ask, you know, unless it was a specific property that
17 perhaps was something that was detailed that -- that
18 we'll say on the corner beach on Birch Street, one (1)
19 of the setbacks, the owner of the property would like
20 to know that -- you know, even with the building
21 department, the same kind of thing.

22 MR. JOHN MATHER: Okay.

23 MR. RICHARD LLOYD: Yeah.

24 MR. JOHN MATHER: So if we could turn
25 up paragraph 39 of the Foundation Document.

1 (BRIEF PAUSE)

2

3 MR. JOHN MATHER: It should come up on
4 the screen in front of you.

5

6 (BRIEF PAUSE)

7

8 MR. JOHN MATHER: Okay. So -- and I
9 think this may relate to what you were talking about
10 in the gravel pit, but --

11 MR. RICHARD LLOYD: Yes.

12 MR. JOHN MATHER: So the first two (2)
13 sentences of this paragraph say that:

14 "Paul Bonwick and Deputy Mayor Lloyd
15 were former business associates.

16 They worked together from 2008 to
17 2009 in a gravel pit business, Blue
18 Mountain Aggregates, formerly Eden
19 Oak, purchased by Mr. Bonwick."

20 So, actually, I just -- so is that
21 accurate?

22 MR. RICHARD LLOYD: No.

23 MR. JOHN MATHER: What's not accurate
24 about it?

25 MR. RICHARD LLOYD: Former business

1 associates. I've got to go back over the history of
2 it, if I can. Eden Oak -- Ray Conn owned a gravel pit
3 up in the mou -- up in the mountain at Gibraltar. Ray
4 Conn sold the gravel pit to Eden Oak.

5 Eden Oak then approached me if I would
6 help them with the licensing and -- and a lot of the
7 administration parts of it and how they -- they don't
8 know anything about the gravel business and they knew
9 that I did.

10 So Eden Oak, I did a system all the way
11 through. You know, I'd go up there, not every day,
12 but I'd go up there to make sure that safety concerns
13 were being done.

14 Also, I even went and purchased
15 equipment for them to crush gravel, load gravel, all
16 that kind of stuff. My bro -- or my son was up there
17 working at the pit. He basically ran the day-to-day
18 operations at that time. Everything was fine.

19 Then Paul Bonwick ended up buying the -
20 - the pit, renaming it to Blue Mountain Aggregates,
21 and the same thing. I just never did anything
22 different. I wasn't on a payroll. I didn't get paid.

23 What I -- I -- the way I made my money
24 out of it was my truck for the exclusive haulers out
25 of the pit. So whenever there's aggregate sold, which

1 I was involved in selling, it would be my trucks
2 hauling it. So it was a good gig for me. I was able
3 to -- to ensure that my equipment was working, and my
4 people.

5 And for the extra hours I was putting
6 in, it didn't really matter. I didn't charge for it
7 and it worked out well. I continued that on with Mr.
8 Bonwick.

9 Then there was a foreclosure by John Di
10 Poce in the pit and the equipment was -- was seized,
11 so the pit closed down for approximately five (5)
12 years. So I know that Mr. Bonwick and Di Poce were in
13 -- in a constant legal battle.

14 Then Romas Kartavicius and -- and John
15 Di Poce got into a battle which took over five (5)
16 years. And, at that point in time, it was proven that
17 -- that John Di Poce did not own the pit and did not
18 own the equipment and in fact had to put the equipment
19 back into the pit because, at that point, Romas
20 Kartavicius owned the gravel pit. And he still owns
21 the gravel pit.

22 And today I'm doing exactly the same
23 thing as I was ten (10), twelve (12) years ago at no
24 charge to them other than my equipment is able to --
25 to function out of that pit and I'm hauling aggregate.

1 I'm able to go to the own -- Ontario Municipal Board
2 hearings for them because they're trying to get
3 expansions.

4 I approve on his behalf quite often --
5 I had -- for the wa -- water monitoring system that's
6 up there, there's a contract sent through to me for
7 Romas, and I had forwarded it on to Romas.

8 I got an email from Romas just
9 yesterday saying, Please sign the contract, I'm out of
10 the country. So I do that kind of stuff and I don't
11 charge for my time.

12 Where I make my money is it's my
13 equipment that's -- that's able to -- to be utilized
14 and haul the aggregate to town. So I'm making good
15 money out of the -- the resource, but I -- I'm not
16 working for him formally. I don't get any pay cheque.

17 So I don't know if former business
18 associates is the appropriate word. I don't know how
19 else to explain it. It's -- some people buy
20 billboards to advertise. This works a lot better for
21 me.

22 MR. JOHN MATHER: And I'll just ask
23 you, what do you mean by that last bit, that this
24 works a lot better than billboards?

25 MR. RICHARD LLOYD: Well, by promoting

1 that -- my abilities to be able to help, to assist,
2 rather than just buying advertisement, buy gravel here
3 and all this stuff, it makes it that they -- they want
4 to use me, no doubt.

5 I also help a company called SMRS.
6 It's a pipeline company that do underground. I quite
7 often will run their equipment for free, don't charge
8 them anything. He'll call me up and he needs an
9 operator. Ivan Schwass is the owner. And I don't
10 charge them anything because they use my trucks and
11 they use my equipment when they don't -- when they
12 need additional stuff, so, again, it works out good.

13 I'm my promoter, but I -- I don't
14 expect to get paid when I'm helping people.

15 MR. JOHN MATHER: So it sounds to me
16 like you have entered with the gravel pit and this
17 SMRS company business arrangements where you're not
18 getting paid directly for providing services, but you
19 do -- you do indirectly get a benefit because they
20 hire your truck?

21 MR. RICHARD LLOYD: If they need my
22 trucks, rather than hiring my competition, they hire
23 mine. They've -- they've got somewhat of an
24 obligation, obviously, when I'm helping them. And
25 that's -- that's probably more of what I do, is make

1 them more obligated to -- to work with me.

2 Being a business associate not on a
3 payroll or anything like that, I don't know --

4 MR. JOHN MATHER: Fair enough. You
5 don't know whether that technically qualifies as
6 business --

7 MR. RICHARD LLOYD: Exactly. I don't
8 think it does.

9 MR. JOHN MATHER: Un -- understood.
10 So I have a few questions about everything you said.

11 MR. RICHARD LLOYD: Sure.

12 MR. JOHN MATHER: But at the outset, so
13 as I understand it, today you continue to provide
14 services to the gravel pit?

15 MR. RICHARD LLOYD: That's correct.

16 MR. JOHN MATHER: And I think it's Mr.
17 Kartavicius, you said?

18 MR. RICHARD LLOYD: That's correct.

19 MR. JOHN MATHER: He continues to use
20 your trucks?

21 MR. RICHARD LLOYD: That's right.

22 MR. JOHN MATHER: If he didn't use
23 your trucks would you continue to --

24 MR. RICHARD LLOYD: no.

25 MR. JOHN MATHER: -- provide services?

1 Sorry?

2 MR. RICHARD LLOYD: No, I wouldn't.
3 If -- if he wasn't using my equipment and -- it would
4 be insane for me if, he was using my competition, to
5 be helping him. But it works out good for everybody
6 because I'm helping him in an area that -- that he
7 doesn't have to be up here and he doesn't have to pay
8 people to be at the OMB hearings, other than lawyers,
9 obviously, and planners, but...

10 MR. JOHN MATHER: Okay. So -- and I
11 just want to, again, write down a few more things. So
12 it sounds like Eden Oak -- is that Mr. Di Poce's
13 business?

14 MR. RICHARD LLOYD: Eden Oak actually,
15 I understand, is owned by Romas Kartavicius, not --
16 not John Di Poce.

17 MR. JOHN MATHER: Okay. When you
18 first got involved in the gravel pit, who -- who is
19 the person who got you involved?

20 MR. RICHARD LLOYD: It was a
21 discussion with -- with John Di Poce and with Romas.
22 And Romas had -- had made it very clear that, you
23 know, are you interested in helping us.

24 MR. JOHN MATHER: And so, if we could
25 go -- scroll down a bit to paragraph 40.

1 MR. RICHARD LLOYD: Sure.

2 MR. JOHN MATHER: So it says:

3 "On April 3rd, 2011, Mr. Bonwick
4 introduced Deputy Mayor Lloyd to his
5 lawyer as the former director of
6 operations of -- for Blue Mountain
7 Aggregate and a potential candidate
8 to swear an affidavit."

9 Is that accurate, to say that you were
10 the former director of operations of Blue Mountain
11 Aggregate?

12 MR. RICHARD LLOYD: It's like today.
13 Am I the director of the operations of the gravel pit?
14 It's a stretch. I don't know what I -- what role you
15 could actually put me down as what I really do. I do
16 everything. I assist them every way I can.

17 The person that really is at the pit
18 right now as we speak is my son and -- and one (1) of
19 my nephews work up there full-time -- full-time. I
20 have been in the pit for two (2) weeks.

21 MR. JOHN MATHER: All right.

22 MR. RICHARD LLOYD: So I don't know.
23 It looks like -- no doubt that it looked like, because
24 of trying to make it important for -- for the lawsuit
25 or what was going on, that, oh, here's a guy. And I

1 do know, obviously, the operations and -- and most of
2 the -- of what's going on at the pit.

3 But was I officially director of
4 operations? An unpaid director of operations, I
5 guess.

6 MR. JOHN MATHER: Fair enough. So
7 you've described some of the things you did, and it --
8 it sounds like it could be varied. So between the
9 time when Mr. Di Poce first brought you into the
10 gravel pit and today, has what you've done at the
11 gravel pit changed? Has your roles changed at all?

12 MR. RICHARD LLOYD: What I do from day
13 one until now? Nothing had changed at all, nothing at
14 all.

15 MR. JOHN MATHER: Okay. And you said
16 your son currently works at the gravel pit?

17 MR. RICHARD LLOYD: Yes, he is.

18 MR. JOHN MATHER: How long has he
19 worked there?

20 MR. RICHARD LLOYD: He worked there at
21 the very beginning, back when it was Eden Oak, and
22 then Blue Mountain. Then when it got into lawsuits
23 and was closed down, he came back to the flower shop
24 and worked there with me.

25 When that all got straightened out and

1 Romas ended up with everything back, and the
2 equipment, my son's back up there working.

3 MR. JOHN MATHER: Any other of your
4 family members work at the gravel pit?

5 MR. RICHARD LLOYD: Not currently.
6 There was a time that -- that my brother, Steve,
7 worked for Blue Mountain Aggregates, for Paul Bonwick,
8 on a pay -- payroll and everything else. And his
9 wife, Connie, also did book work for them, but that --
10 that was short lived, it didn't last that long.

11 MR. JOHN MATHER: Do you know what the
12 time period of that was?

13 MR. RICHARD LLOYD: The date, you know
14 something, it's just a blur, when it is.

15 MR. JOHN MATHER: So -- so Connie,
16 Jeff, and Steve all at some point worked for Mr.
17 Bonwick?

18 MR. RICHARD LLOYD: That's correct,
19 yeah. Mr. Bonwick bought my brother, Steve's,
20 equipment for the pit to get him to work there.
21 Basically, what it was he bought him -- bought his
22 business out. And Steve then went up and -- and did
23 the day-to-day operations of the gravel pit, looked
24 after the crushers. He's a mechanic, so he's able to
25 fix stuff, and an operator and make sure stuff was

1 done, that kind of stuff.

2 MR. JOHN MATHER: Anyone other than
3 Connie, Jeff, and Steve work at the --

4 MR. RICHARD LLOYD: Yeah. There was
5 another employee that worked there, as well. Just,
6 like, currently, there's one (1) other employee that
7 works with my son, Brad Conn.

8 MR. JOHN MATHER: And sorry, is Mr.
9 Conn your family member? I didn't complete my
10 question --

11 MR. RICHARD LLOYD: Bran Conn-Edwards
12 is his name. It was his grandfather that owned the
13 pit originally.

14 MR. JOHN MATHER: Is he a me -- a
15 member of your family?

16 MR. RICHARD LLOYD: Well, his -- this
17 is confusing. His -- his grandfather is my first
18 cousin.

19 MR. JOHN MATHER: Okay.

20 MR. RICHARD LLOYD: How's that?

21 MR. JOHN MATHER: Understood.

22 MR. RICHARD LLOYD: And interesting
23 enough, my brother's wife is -- was formally a McKean.
24 Ray Conn's wife was a McKean, which was my brother's
25 wife's aunt. Small towns.

1 MR. JOHN MATHER: So we've seen in --
2 in the documents that your -- that Connie, Jeff, and
3 Steve -- the entity that paid them was Compenso
4 Communications. Did you know that?

5 MR. RICHARD LLOYD: No. You and I
6 discussed that. And to be perfectly honest with you,
7 I -- I was asked whether they were -- where they were
8 paid from, Blue Mount Aggregates. I didn't know that
9 -- that -- I didn't see any of the cheques.

10 But when I seen them on what you showed
11 me, it was -- obviously, they were paid through
12 Compenso.

13 MR. JOHN MATHER: Do you remember when
14 Mr. Bonwick stopped working -- started -- stopped
15 running the gravel pit, sorry?

16 MR. RICHARD LLOYD: The only thing I
17 can tell you is that, when Di Poce foreclosed and the
18 OPP went up and seized the equipment, whatever date
19 that was, there was no notice to us. We just showed
20 up at the pit.

21 My son gave me a call and said, The
22 police have the gate closed and we can't go in. It's
23 like...

24 MR. JOHN MATHER: Do you recall if
25 that was before or after you were elected deputy

1 mayor?

2 MR. RICHARD LLOYD: Before.

3 MR. JOHN MATHER: Okay. So after the
4 foreco -- the fore -- foreclosure, did any of the --
5 did any of your family members have any further
6 business relationships with Mr. Bonwick?

7 MR. RICHARD LLOYD: No. No.

8 MR. JOHN MATHER: I'd like now to go
9 to paragraph 84 of the foundation document.

10

11 (BRIEF PAUSE)

12

13 MR. JOHN MATHER: So just reading what
14 it says:

15 "Mr. Bonwick acted as a consultant
16 to local businesses, including at
17 least one (1) large company,
18 Amaizeingly Green AGP. AGP
19 was in arrears, 1) to the town on
20 its taxes, 2) to Collus Power for
21 power, and 3) to CPUSB for water.
22 AGP was also trying to obtain
23 Provincial Government funding."

24 Do you recall an issue of AGP having
25 arrears to the town?

1 MR. RICHARD LLOYD: Oh, yeah. Being
2 chair of finance, I know that -- that the taxes were
3 in arrears of approximately four hundred thousand
4 dollars (\$400,000), which was huge.

5 I know that the water and the hydro
6 were in arrears of anywhere from seven hundred
7 thousand (700,000) to a million dollars. The one (1)
8 concern there is -- is the tax side of it, we would be
9 a preferred creditor, which puts us in a better
10 situation if they ever went bankrupt.

11 But the Act changed, I think, in --
12 around 1999/2000 that -- that the hydro and the water
13 would not be preferred and they would be at risk of
14 losing any moneys if they went bankrupt. And that was
15 one (1) of the concerns.

16 MR. JOHN MATHER: Okay. So if we
17 could turn up document TOC0059065.

18

19 (BRIEF PAUSE)

20

21 MR. FREDERICK CHENOWETH: Can we have
22 that number again, please?

23 MR. JOHN MATHER: TOC59065.

24 THE HONOURABLE FRANK MARROCCO: I
25 think it was 509?

1 CONTINUED BY MR. JOHN MATHER:

2 MR. JOHN MATHER: So regardless of
3 what I may have said earlier, I want TOC59065.

4 MR. RICHARD LLOYD: That's what --
5 really what you were saying. Yes.

6 MR. JOHN MATHER: So we're looking at
7 an email from you to Mr. Bonwick. You were writing
8 that -- that you had have -- you've had extensive
9 conversations with the Treasury in regards to
10 Amaizeingly Green's tax arrears, and this has been
11 communicated to our Council over weeks ago.

12 You write that you don't want to push
13 the panic button. However, Amaizeingly Green is in a
14 critical position with their arrears. And then you
15 say the Town of Collingwood is in a position to start
16 the tax collection process as -- and as you are aware,
17 that process involves tax foreclosure.

18 So first question: Do you recall
19 sending Mr. Bonwick this email?

20 MR. RICHARD LLOYD: Yes, I do.

21 MR. JOHN MATHER: Do you remember why
22 you sent Mr. Bonwick this email?

23 MR. RICHARD LLOYD: Mr. Bonwick was
24 working on a refinancing program for Amaizeingly
25 Grace -- Green. Dorcher (sic) or whatever his last

1 name is --

2 MR. JOHN MATHER: Daryl Dorchak?

3 MR. RICHARD LLOYD: That's it. Thank
4 you. And -- had already explained to me in -- with
5 Mr. Bonwick what they were doing prior to this -- I'm
6 going to say weeks in advance of this. And I had sat
7 with Marjory Leonard, our Treasurer. She said it's
8 getting critical that we're going to have to -- to at
9 one point in time foreclose.

10 The issue is tremendous when we get
11 down to that far, trying to support business, trying
12 to help business as much as possible. As soon as we
13 do the foreclosure button, it's put them out of
14 business basically because what happens then is -- is
15 the suppliers will stop supplying, and they're out of
16 business.

17 So knowing that the water and the hydro
18 aren't secured creditors as we are with the taxes,
19 that's a million dollars that the Town may lose. If
20 we get in that situation, then the general tax base
21 would have to come up with that money with their hydro
22 rates over the next few years, which again would hurt
23 the -- the community.

24 So trying to get them to realize the
25 urgency that's happening was what I was trying to do.

1 MR. JOHN MATHER: Okay. So a few
2 questions coming out of that.

3 MR. RICHARD LLOYD: Sure.

4 MR. JOHN MATHER: The date of this
5 email is September 15th, 2011. So it sounds to me you
6 had a meeting with Mr. Bonwick and Mr. Dorchak prior
7 to this?

8 MR. RICHARD LLOYD: Prior to this
9 discussion about Amaizeingly Green. To what degree,
10 I -- I can't remember, but I know that -- that it was
11 that they were trying to redo their financing; he was
12 trying to get provincial funding; there was a whole
13 bunch of stuff they were trying to do.

14 MR. JOHN MATHER: And why are you
15 dealing with Mr. Bonwick on this matter?

16 MR. RICHARD LLOYD: Daryl Dorchak said
17 that he was working on them, and if there's anything
18 that Mr. Bonwick needed or -- or whatever, deal with
19 him.

20 MR. JOHN MATHER: So Mr. Dorchak said
21 Mr. Bonwick was working on the refinancing?

22 MR. RICHARD LLOYD: Was helping them
23 with their refinancing. That's correct.

24 MR. JOHN MATHER: So did you
25 understand Mr. Bonwick to be a consultant to AGP?

1 MR. RICHARD LLOYD: I would call him
2 whatever you want. I know that he was helping these
3 guys, and I would think consulting because probably
4 able to -- to open some doors for provincial funding,
5 which he did, and try to help them with the
6 municipality as much as possible.

7 I think Paul's concern -- Mr. Bonwick's
8 concern was the municipality as well, knowing that,
9 you know, there -- this is a big employer -- 60 to
10 80 people full-time. They're all going to be out of
11 work. The Town could be out of a million dollars. So
12 I think everybody was trying to work collaboratively
13 to -- to put this thing back on -- put the wheels back
14 on it.

15 MR. JOHN MATHER: At the time, did you
16 know Mr. Bonwick was being paid by AGP?

17 MR. RICHARD LLOYD: I would assume.
18 Nobody -- we didn't have a conversation that -- how
19 much money are you getting paid? Or are you -- like,
20 I would assume that he was being paid because Daryl
21 had said that -- that deal with Mr. Bonwick on our
22 behalf, so...

23 MR. JOHN MATHER: So you had been
24 directed to deal with Mr. Bonwick by Mr. Dorchak.

25 MR. RICHARD LLOYD: Oh, there's no

1 question that he'd be working for them.

2 MR. JOHN MATHER: Okay. You mentioned
3 that while the Town was a secured creditor, the
4 utilities were not.

5 MR. RICHARD LLOYD: The preferred
6 creditor.

7 MR. JOHN MATHER: Preferred creditor?

8 MR. RICHARD LLOYD: That's right.
9 Well, I think is what the actual word is.

10 MR. JOHN MATHER: So the -- the Town
11 had a higher standing in the event of a foreclosure
12 than --

13 MR. RICHARD LLOYD: Than the hydro or
14 the water or -- we would be just with all the other
15 creditors.

16 MR. JOHN MATHER: And in your role as
17 head of the Finance Department -- I'm sorry -- chair
18 of the Finance Committee --

19 MR. RICHARD LLOYD: Correct.

20 MR. JOHN MATHER: -- was it your
21 responsibility to concern yourself with debts owing to
22 the utilities?

23 MR. RICHARD LLOYD: Again, a small
24 community. I know about it. Am I to just ignore it?
25 No. I try to help. I know there's other people that

1 have come to me where they've been in arrears of their
2 taxes. I've gone hand in glove with them to the
3 Treasury and tried to work something out for them.

4 A lot of people get embarrassed when
5 they get into a financial issue -- or trouble and --
6 and sometimes they're more comfortable talking to
7 their friend that's on Council than just
8 administration. Administration sometimes scares
9 people. You know, you go into the ivory tower
10 downtown and -- and try to -- to deal with the
11 administration, and it -- it's quite difficult. So --
12 for some people.

13 MR. JOHN MATHER: So when you met with
14 Mr. Bonwick and Mr. Dorchak, was Mr. Houghton or
15 anyone from the --

16 MR. RICHARD LLOYD: No.

17 MR. JOHN MATHER: -- utilities there?

18 MR. RICHARD LLOYD: No. It was just
19 with those two (2) people.

20 MR. JOHN MATHER: Did you inform
21 Mr. Houghton or anyone from the Utility about your
22 conversation?

23 MR. RICHARD LLOYD: No. But I knew
24 that the Utility was in arrears because the -- Dorchak
25 had give full disclosure on that as well.

1 MR. JOHN MATHER: Okay. In this
2 email, you say the Town of Collingwood is in a
3 position to start the tax collection process, and as
4 you are aware that process involves tax foreclosure.
5 Did you under -- first of all, was that true?

6 MR. RICHARD LLOYD: Yes.

7 MR. JOHN MATHER: Okay. Did you
8 understand that information to be confidential at the
9 time?

10 MR. RICHARD LLOYD: No.

11 MR. JOHN MATHER: Why not?

12 MR. RICHARD LLOYD: Because, again, I
13 was told by -- by the manager or the owner of
14 Amaizeingly Green to deal with Mr. Bonwick, and that's
15 exactly what I did. And I talked to the Treasury and
16 in fact -- about this letter that I was sending, and I
17 know Marjory was at wits' end that, you know, trying
18 to get -- trying to help them work it out, but also
19 needing to -- to ensure that we get our money.

20 MR. JOHN MATHER: All right. Was
21 Ms. Wingrove aware of --

22 MR. RICHARD LLOYD: I don't know. I -
23 - I really and truly have no idea if she was or
24 wasn't. I -- I know that the Treasury would be aware.

25

1 MR. JOHN MATHER: Is there a reason
2 you wouldn't keep Ms. Wingrove informed?

3 MR. RICHARD LLOYD: No. There was no
4 reason. It wasn't deliberate or -- or nasty or
5 anything else. Again, as chair of Finance -- like,
6 even going through the budget, Kim Wingrove or the CAO
7 wouldn't be in there when we're going through it when
8 -- with the treasurer.

9 MR. JOHN MATHER: You say in this
10 email that the Town of Collingwood is in a position to
11 start the tax collection process. What did you mean
12 by the "tax collection process"?

13 MR. RICHARD LLOYD: Basically, the
14 legislation in -- you get a better answer from -- from
15 Marjory, the Treasury Department. The legislation
16 allows us to -- to foreclose on the property or seize
17 the property, and that's a process that they'd be
18 moving towards.

19 MR. JOHN MATHER: Okay. So they were
20 moving towards that process. Do you know what you
21 mean by that?

22 MR. RICHARD LLOYD: We have a chat at
23 this point in time. Marjory had said to me that it's
24 critical. They need to do something quick or the
25 process will be started. And once the process

1 starts...

2 MR. JOHN MATHER: At this point in
3 time -- September 2011 -- would it have been unusual
4 for the Town not to have already started that process?

5 MR. RICHARD LLOYD: That would be a
6 good question for the Treasury. I know that -- that
7 Marjory is really good at what she does in the
8 Treasury Department. She -- she makes sure that the
9 rules are followed. I don't think this was the first
10 time that Daryl knew that they were in arrears. I
11 don't think it was the first time Mr. Bonwick knew
12 there -- that Amaizeingly Green was in arrears.
13 It -- again, I was trying to work with them to make
14 sure that they knew the urgency of -- that we've got
15 to get this thing done.

16 MR. JOHN MATHER: Okay. So in the
17 email, you write, "Please keep this very confidential
18 as this would be most embarrassing for our
19 municipality, as well as Amaizeingly Green."

20 What did you mean by that?

21 MR. RICHARD LLOYD: It's embarrassing
22 for our municipality to foreclose on anyone, and I
23 think that was the biggest concern. We're trying to
24 work with them out of one hand, and all of a sudden,
25 if we start pulling the rug from under them and saying

1 sorry, it's embarrassing. That's not what we want to
2 do. We want to make sure that -- that we work this
3 thing through and make it happen.

4 MR. JOHN MATHER: When you said "very
5 confidential," who are you -- who do you have in mind
6 of this not being disclosed to?

7 MR. RICHARD LLOYD: I just didn't
8 think that this should be going out to the employees
9 or -- or the local newspaper, anything like that. I
10 just thought it should be very confidential that we're
11 trying to work with you. You know, I'm putting you on
12 notice that I've been told that the arrears are at a
13 critical state. You need to do something quick; you
14 need to -- to make arrangements to make some payments.
15 You know, something has to happen.

16 MR. JOHN MATHER: At this point in
17 time, do you know if Amaizeingly Green's arrears had
18 been discussed in Council?

19 MR. RICHARD LLOYD: I don't know when
20 they was -- when it was. I know that -- that Marjory
21 had informed Council. She doesn't disclose quite
22 often all the -- the names, but we do get a -- a
23 report from her of tax arrears and -- when it gets
24 critical obviously.

25 If -- if something like this was this

1 big, obviously Council would know if it was going to
2 go in tax arrears and going to be collected because it
3 was putting -- putting all of nine of us into a
4 situation where we'd be asked comments. So you'd want
5 to make sure that you -- you knew what was going on.

6 MR. JOHN MATHER: Do you recall if you
7 spoke to Council before sending this email?

8 MR. RICHARD LLOYD: No. I don't know.

9 MR. JOHN MATHER: You don't know.

10 MR. RICHARD LLOYD: Yeah. I don't
11 know.

12 MR. JOHN MATHER: Do you think you
13 should have spoken to Council before sending this?

14 MR. RICHARD LLOYD: No. As chair of -
15 - of Finance, it wasn't keeping it away from Council.
16 It was just a matter of trying to help the Treasury
17 and get these -- these guys going. There wasn't any
18 skulduggery or anything else. It was trying to help
19 everybody to do it.

20 MR. JOHN MATHER: Do you remember what
21 happened after this email?

22 MR. RICHARD LLOYD: After this letter
23 went out?

24 MR. JOHN MATHER: Yes.

25 MR. RICHARD LLOYD: I know that going

1 down the road that -- that we worked with them. I
2 know that -- that we -- we all gave them as much slack
3 as we possibly could -- Amaizeingly Green -- to try
4 and get the -- back onto the rails.

5 I attended a -- a dinner with the
6 minister in Toronto with Mr. Bonwick and Mr. Dorchak,
7 and the mayor, I think, was there, as well, trying to
8 get government money, provincial money. Fortunately,
9 thanks to Mr. Bonwick and the mayor, we were able to
10 achieve -- or they were able to achieve funding from
11 the provincial government that paid all the tax
12 arrears back, paid the water bill and the hydro.

13 It was a happy story, so in the end --
14 thanks to the efforts of Mr. Bonwick and the mayor and
15 so on and us attending with the minister, convincing
16 him to -- to help with this business and help with
17 employees, it all turned out in a real positive note.

18 MR. JOHN MATHER: So it was -- it's
19 your recollection that it's the provision of public
20 funding that resolved this situation?

21 MR. RICHARD LLOYD: Oh, pardon me?
22 Did I --

23 MR. JOHN MATHER: Sorry. That wasn't
24 a very clear question. So it's your under -- it's
25 your recollection then after you met with the --

1 after -- there was the meeting with the minister, and
2 there was some public funding available that assisted
3 Amaizeingly Green pay their arrears?

4 MR. RICHARD LLOYD: Yeah. Well, it
5 wasn't for that specific reason, but they then had
6 enough cash flow and capital that -- that they could
7 get back on the rails, get working what they need to,
8 and thus, they were able to pay their -- their back
9 taxes and their water bill.

10 We were in a -- a critical situation of
11 the Town that -- that we could be in a situation where
12 we were going to lose a million dollars, which again,
13 in the hydro especially and the water, that would've
14 been spread out over the municipality over the next
15 few years on all the -- the people in the community.

16 MR. JOHN MATHER: So were you at the
17 conversation with the minister? I believe it was
18 Mr. Wilkinson? Is that correct?

19 MR. RICHARD LLOYD: In Toronto, yes.

20 MR. JOHN MATHER: Okay. So you were
21 there?

22 MR. RICHARD LLOYD: At -- at the
23 dinner. I went to a -- a Liberal fundraising dinner,
24 which I'm very Conservative. Anyway, I guess you do
25 what you have to do.

1 Anyway, so I went to it and sat with
2 the minister and discussed funding; discussed
3 Amaizeingly Green; what their business plan is; what
4 they're doing; and how important it is to the
5 employees in Collingwood; how important it is to our
6 community.

7 And that was the end of that, and it
8 wasn't too long after that, an announcement was that
9 they -- they received provincial funding and so on.

10 MR. JOHN MATHER: Do you remember what
11 the minister said at the dinner?

12 MR. RICHARD LLOYD: You know
13 something? It's eight, nine years ago. I can't even
14 remember what I -- what I did for my birthday.

15 MR. JOHN MATHER: Fair enough.

16 MR. RICHARD LLOYD: And I'd ask my
17 wife. She would know.

18 MR. JOHN MATHER: So I think you said
19 that Mr. Bonwick was there; Mayor Cooper was there;
20 you were there. Anyone else?

21 MR. RICHARD LLOYD: Nobody -- no. I
22 don't -- I don't recollect -- they were all Liberals.
23 Sorry.

24 MR. JOHN MATHER: So that's just a
25 blur to you then?

1 MR. RICHARD LLOYD: It's -- when
2 you're a Conservative and you're in a -- a Liberal
3 fundraising -- anyways. Sorry.

4 MR. JOHN MATHER: Fair enough. Okay.
5 Could we go to paragraph 91 of the Foundation
6 Document?

7

8 (BRIEF PAUSE)

9

10 MR. JOHN MATHER: So, Mr. Lloyd, I'm
11 going to take you back in time from the last email we
12 looked at, so that September 2011.

13 This paragraph refers to a Heritage
14 dinner in March 2011, and the paragraph states that
15 Mr. Bonwick arranged for AGP to provide a hotel room
16 in Toronto for you for the night of March 9th in
17 connection with the Heritage dinner, a political
18 fundraiser, and he forwarded you the booking
19 confirmation.

20 MR. RICHARD LLOYD: That's correct.

21 MR. JOHN MATHER: Do you recall AGP
22 making this booking?

23 MR. RICHARD LLOYD: Yes, I do.

24 MR. JOHN MATHER: Okay. What did
25 you -- and why did you understand AGP was making a

1 reservation for you?

2 MR. RICHARD LLOYD: This was a dinner
3 that I attended. They wanted my help. But here I am
4 going to a Liberal fundraising dinner. I'm not going
5 to pay any of my money towards it, and if they want my
6 help, they were going to cover some of my expenses.
7 My expenses were the hotel room. It was a very
8 positive outcome for them.

9 But yeah, I -- I -- they paid for the
10 hotel room. I wasn't going to pay for it, and I
11 certainly wasn't going to have the municipality pay
12 for it when I was down there helping them.

13 MR. JOHN MATHER: And be -- and to be
14 fair to you, I've taken you a bit out of sequence
15 here. So I just want to confirm: So the email we
16 looked at where you were writing Mr. Bonwick about the
17 arrears, that was September. I understood that the
18 meeting or the -- the dinner with Minister Wilkinson
19 happened after that. And this is in March, so this
20 would have been before that.

21 MR. RICHARD LLOYD: I don't know the
22 dates, but I know that we had this meeting and the --
23 one of the ministers were there, and we had
24 discussions. So it went over -- this wasn't just
25 something that happened in a window of -- of a month.

1 This was working with Amaizeingly Green over numerous
2 months.

3 MR. JOHN MATHER: So do you recall
4 whether the March 2011 Heritage dinner -- do you
5 recall that that was the dinner where you had the
6 conversation with Mr. Wilkinson?

7 MR. RICHARD LLOYD: Yes. Yeah. I
8 definitely had --

9 MR. JOHN MATHER: Is it possible there
10 was another event?

11 MR. RICHARD LLOYD: It's possible, but
12 I can't -- you know, I don't -- don't remember.

13 MR. JOHN MATHER: Okay. Did you see
14 any issues with having a local -- a company that was
15 in arrears to the Town buying you -- or paying for
16 your hotel room?

17 MR. RICHARD LLOYD: If they wanted my
18 help, they were going to cover my expenses if I was
19 going to go to Toronto, and it was as simple as that.
20 If they didn't want me to come down, that was fine,
21 too. I had no trouble with it if they didn't want me
22 to attend this. It -- it wasn't an event that I would
23 enjoy going to start with, but if it meant that it
24 would perhaps help them get funding, I was all in.

25 MR. JOHN MATHER: Was it common for

1 people who were looking for your assistance or the
2 Town's assistance to provide you accommodations or
3 other things?

4 MR. RICHARD LLOYD: I don't think -- I
5 can't remember any other time -- I don't ever remember
6 any other time that a business owed the Town in back
7 taxes 400,000 in -- in water and -- and hydro over a
8 million dollars. I don't remember any of that ever
9 happening before. So this kind of situation is
10 unique. I don't attend Liberal fundraising dinners
11 and having the -- my expenses covered by the company
12 made more sense to me.

13 MR. JOHN MATHER: Okay. Just looking
14 at the time, Your Honour. I'm happy to keep going or
15 happy to take a break.

16 THE HONOURABLE FRANK MARROCCO: Oh,
17 we'll take ten (10) minutes.

18 MR. JOHN MATHER: Okay. Thank you.

19

20 --- Upon recessing at 11:09 a.m.

21 --- Upon resuming at 11:22 a.m.

22

23 CONTINUED BY MR. JOHN MATHER:

24 MR. JOHN MATHER: So Mr. Lloyd, you
25 referenced a few times this morning that you were the

1 chair of the finance committee. What was your roles
2 and responsibilities as chair of the finance
3 committee?

4 MR. RICHARD LLOYD: To work with the
5 finance department, being Marjory Leonard, or through
6 budgets. We'd have, like I said, monthly meetings to
7 ensure that the budgets were -- other departments'
8 budgets were -- were appropriate. I don't know what
9 else to tell you, but it basically -- again,
10 micromanaging, but it really wasn't.

11 But how -- assisting the treasurer --
12 it was a lot easier for her by having somebody at
13 Council aware of things happening that I could bring
14 the Council table, if there was issues, or whatever,
15 for.

16 MR. JOHN MATHER: So you were sort of
17 a conduit between Council and treasury's office?

18 MR. RICHARD LLOYD: Exactly. That --
19 that's perfect. Thank you.

20 MR. JOHN MATHER: Those are -- so if
21 we could pull up email TOC59065 again.

22

23 (BRIEF PAUSE)

24

25 MR. JOHN MATHER: So this is the email

1 we already looked at. Why wouldn't Marjory Leonard
2 send this?

3 MR. RICHARD LLOYD: Good question. I
4 don't know. I -- I had spoken with Marjory. No -- no
5 question about it all.

6 I think probably in her position, if
7 she was going to be the tax collector or the enforcer,
8 it was a lot easier for somebody else to come back and
9 say, hey, guys, we've got an issue, and try to work
10 with them, where she's black and white, and what her
11 duties are.

12 So I don't know if she would want to be
13 sending a letter saying, you know, if -- this is how
14 it is. I think she's, you know, right to the point.
15 This is how it's going to be. This was a letter
16 before it got to be, this is how it's going to be.

17 MR. JOHN MATHER: So did you have a
18 conversation with Ms. Leonard about this letter?

19 MR. RICHARD LLOYD: I told her I was -
20 - I'm -- I'm sure I did. I don't know if I told her
21 the whole content of the letter or whatever, but I
22 said, you know, I'm -- I'm -- worked with Amaizeingly
23 Green to try and -- and put them on notice, or help
24 them. I don't remember the exact details of the
25 conversation with Marjory, but she knew that I was

1 doing this kind of thing. And in fact, she would have
2 given me some of information that I put in my letter.

3 MR. JOHN MATHER: So you said that she
4 would have known. Can you just provide any more
5 context on why you think she would have known?

6 MR. RICHARD LLOYD: Because she would
7 have given me some of the -- the wording that I've
8 used in the letter, because I wouldn't know -- some of
9 the stuff I put in here, because I would be talking to
10 her about it, and making sure that, you know, that I
11 got it right.

12 MR. JOHN MATHER: And you're saying
13 kind of should have, and would have. Do you recall
14 that specifically, or is this you --

15 MR. RICHARD LLOYD: So long ago. I --

16 MR. JOHN MATHER: -- for --

17 MR. RICHARD LLOYD: -- I just know
18 that I did -- that she would know.

19

20 (BRIEF PAUSE)

21

22 MR. JOHN MATHER: So if we could go to
23 TOC62875.

24

25 (BRIEF PAUSE)

1 THE HONOURABLE FRANK MARROCCO: I just
2 -- before you -- you do that, you -- you said in the
3 email that collection -- you -- you couldn't -- the
4 Town could not defer for more than a year. Is that
5 the calendar year, or is it a different...

6 MR. RICHARD LLOYD: In my -- in my
7 email or in my statement?

8 THE HONOURABLE FRANK MARROCCO: In the
9 email.

10 MR. RICHARD LLOYD: In the email, it
11 would be the -- the calendar year.

12 THE HONOURABLE FRANK MARROCCO: So the
13 email is written in September by Dec -- you --
14 sometime before December 31st, the Town would be
15 required to initiate foreclosure proceedings?

16 MR. RICHARD LLOYD: Perfect, yes.
17 Thank you. That's right.

18

19 CONTINUED BY MR. JOHN MATHER:

20 MR. JOHN MATHER: And then if we could
21 scroll to the bottom of the email chain, and to the
22 top of that email, yeah.

23 So we'll have the court operator scroll
24 through it, but I'll just give you some context.

25 MR. RICHARD LLOYD: Sure.

1 MR. JOHN MATHER: So this is an email
2 from a Collingwood citizen. It's about the
3 Amaizeingly Green plant. It appears to be a complaint
4 about certain alleged environmental abuses.

5 And you'll see that Ms. Wingrove is
6 copied on the email, and the email is to the deputy
7 minister. So if we could just scroll through it so
8 Mr. Lloyd can familiarize himself.

9

10 (BRIEF PAUSE)

11

12 MR. RICHARD LLOYD: Okay.

13 MR. JOHN MATHER: Okay. So I don't
14 have any specific questions about the content of the
15 complaint other than just to confirm that it's a --
16 seems to be a complaint about environmental conditions
17 at the plant.

18 So if you scroll up, you see that Ms.
19 Wingrove forwarded the email to Ms. Cooper, yourself,
20 and Ms. Almas. Do you recall receiving this forward?

21 MR. RICHARD LLOYD: I was reading it,
22 sorry.

23 MR. JOHN MATHER: Sorry. Do you
24 recall receiving this email from Ms. Wingrove which
25 contained the citizen's complaint?

1 MR. RICHARD LLOYD: It happened,
2 obviously. I don't -- yes, it happened, but I don't
3 remember.

4 MR. JOHN MATHER: Fair enough. Do you
5 recall there being environmental complaints or
6 concerns about the Amaizeingly Green plant?

7 MR. RICHARD LLOYD: Positively, yes.

8 MR. JOHN MATHER: Okay. And what do
9 you recall about that?

10 MR. RICHARD LLOYD: Even prior, when
11 it was Nacan, there was issues with -- with smell and
12 noise.

13 MR. JOHN MATHER: Okay. So we then
14 see in that you've taken this email that Ms. Wingrove
15 has forwarded to you containing a citizen's complaint,
16 and you forwarded it on to Mr. Bonwick. Why would you
17 forward this email to Mr. Bonwick?

18 MR. RICHARD LLOYD: Again, he was
19 working for Amaizeingly Green, and we were aware of
20 that. Through the refinancing, everything else, he
21 has -- he was -- I would think he was -- had a -- had
22 a contract or whatever with Amaizeingly Green, and he
23 was doing more of the PR work for them than anyone.

24 MR. JOHN MATHER: And before you
25 forwarded this to Mr. Bonwick, did you seek permission

1 from the citizen who sent the initial complaint?

2 MR. RICHARD LLOYD: No. No. I don't
3 think I had a conversation with the citizen or
4 anything.

5 MR. JOHN MATHER: Did you advise Ms.
6 Wingrove that you would be forwarding on the
7 complaint?

8 MR. RICHARD LLOYD: No. No.

9 MR. JOHN MATHER: Why not?

10 MR. RICHARD LLOYD: Back nine (9), ten
11 (10) years ago, the world was different. We didn't --
12 it just happened. We'd just forward stuff. It wasn't
13 till long in that -- that term of Council, when it was
14 saying, Well, you can't forward emails without the
15 permission of the author of the email. But at that
16 point in time, we weren't aware that you weren't
17 supposed to, and become aware a lot later down.

18 MR. JOHN MATHER: So you subsequently
19 became aware that it'd be best to --

20 MR. RICHARD LLOYD: Long -- yeah.
21 Maybe 2014, you know, a lot later than that.

22 MR. JOHN MATHER: And when you became
23 aware of that, what was the reason given for not
24 forwarding?

25 MR. RICHARD LLOYD: You're supposed to

1 get the permission of -- of the author to -- and it --
2 it's kind of grey, I guess, but that's what I
3 understand, even today, that you -- before you forward
4 somebody's email, you should get permission to forward
5 it. I still think it's a grey area.

6 MR. JOHN MATHER: Do you understand
7 why it's suggested you should seek their permission?

8 MR. RICHARD LLOYD: The only thing I
9 can think of is confidentiality, or if the intent of
10 the -- the person writing the email was to you only.

11 MR. JOHN MATHER: Okay. So if we
12 could scroll up a bit further. So Mr. Bonwick writes
13 back to you and says:

14 "I would recommend you get Kim to
15 send a note to Ms. Beggs" --
16 And that was the deputy minister.
17 -- "bringing into -- bringing in
18 question the citizen's credibility,
19 he he he he."

20 MR. RICHARD LLOYD: Can I answer --
21 comment on that?

22 MR. JOHN MATHER: I'm happy to have
23 you comment, yes.

24 MR. RICHARD LLOYD: At the time, the
25 plant was shut down. It wasn't operating at all. And

1 this individual would complain of the noise and the
2 smell. The plant wasn't even operating.

3 MR. JOHN MATHER: So what did you mean
4 by bringing into question the -- the citizen's
5 credibly?

6 MR. RICHARD LLOYD: Complaint, just
7 like what you see here, of environmental concerns, the
8 plant was shut down. It had a -- a breakdown of one
9 (1) of the digesters, or something like that, and
10 we're still getting complaints from this guy with the
11 noise and the smell. It was like, that's not
12 credible. Like, you know, all of a sudden -- I don't
13 know if he was on a weekly program to keep calling.

14 MR. JOHN MATHER: And just for the
15 benefit of the transcript, please wait until I'm
16 finished asking my question before you answer.

17 MR. RICHARD LLOYD: I'm sorry.

18 MR. JOHN MATHER: No, that's okay. I
19 just want to make sure everything is as clear as it
20 can be.

21 So if we could now pull up TOC62881.

22

23 (BRIEF PAUSE)

24

25 MR. JOHN MATHER: And if you scroll

1 down just a little bit, we see that after you got an
2 email from Mr. Bonwick suggesting that you bring into
3 question -- or suggesting that you suggest to Kim that
4 she bring into question the citizen's credibility,
5 that is, in fact, what you do.

6 MR. RICHARD LLOYD: Exactly.

7 MR. JOHN MATHER: Why did you do that?

8 MR. RICHARD LLOYD: Why'd I do what,
9 sorry?

10 MR. JOHN MATHER: Why did you follow
11 up on what Mr. Bonwick had suggested?

12 MR. RICHARD LLOYD: With Kim?

13 MR. JOHN MATHER: Yes.

14 MR. RICHARD LLOYD: Because I thought
15 it was -- when Mr. Bonwick made the suggestion, and I
16 thought of it, I thought, Well, the plant's shut down.
17 There is a credibility issue, here, and perhaps Kim
18 should -- should deal with it, so I sent it through.
19 And I know Kim had been dealing -- or Ms. Wingrove's
20 been dealing with a lot of Amaizeingly Green issues at
21 that point.

22 MR. JOHN MATHER: So when you do this,
23 did you understand yourself to be advancing Mr.
24 Bonwick's client's interest?

25

1 (BRIEF PAUSE)

2

3 MR. RICHARD LLOYD: No, I -- I didn't
4 take it as -- as that. I was taking it more that, you
5 know, this nonsense has to stop, you know, like, we're
6 trying to -- to make sure that -- that this company
7 conforms. The Ministry of the Environment is -- is --
8 they were doing sniff tests, they call them, to make
9 sure that they're conforming.

10 And, you know, I take citizens'
11 complaints very serious, but when the plant is shut
12 down, and not operating, and we're still getting
13 complaints from the guy, it's like, this is just
14 ridiculous.

15 I wasn't trying to advance Amaizeingly
16 Green. I was -- benefit of the doubt was that, like,
17 what's this guy complaining about?

18 MR. JOHN MATHER: And if we scroll up
19 here, we see that you then forward this to Mr.
20 Bonwick?

21 MR. RICHARD LLOYD: Yes, I did.

22 MR. JOHN MATHER: Why did you forward
23 that to him?

24 MR. RICHARD LLOYD: To let him know
25 that -- and Amaizeingly Green that the Town were

1 acting upon it.

2 MR. JOHN MATHER: So if we could go to
3 paragraph 71 of the Foundation Document.

4

5 (BRIEF PAUSE)

6

7 MR. JOHN MATHER: So just to
8 summarize, in this paragraph, we see that Mr. Bonwick
9 sends Mr. Houghton a draft proposal for a company
10 owned by Mr. Bonwick to perform paid work for the
11 Town. The company was called Gemba Environmental
12 Services Limited.

13 Did you know, put it this way -- did
14 you know that Gemba was one (1) of Mr. Bonwick's
15 companies?

16 MR. RICHARD LLOYD: No, I did not.

17 MR. JOHN MATHER: At this time period,
18 April 2011, did you know anything about Gemba?

19 MR. RICHARD LLOYD: Only that it had
20 come to me, as chair of Public Works, that -- you'll
21 see later emails. I'm sure you're going to bring them
22 forth.

23 MR. JOHN MATHER: Would you -- I -- I
24 -- and I will bring them forth. So why --

25 MR. RICHARD LLOYD: Yeah.

1 MR. JOHN MATHER: -- why -- why don't
2 we just go to them? So if we could go to paragraph
3 72. So this is the following paragraph that says, "In
4 early 2012," so the -- the -- what we were looking
5 was, I believe, April 2011. It's now January 2012.
6 you email Town staff about Gemba. You say that you
7 had a meeting with Ed and regarding Public Works
8 budgets and one (1) item we discussed was the risks
9 associated with our many fuel storage tanks.

10 Ed mentioned that Collus and Public
11 Utilities had hired Gemba Environmental Services to
12 perform an initial assessment of the fuel storage
13 facilities.

14 Then you go on, and then in the second
15 paragraph, you say:

16 "As budget chair, I would suggest
17 that makes sense from a consistency
18 perspective that consideration be
19 given to have Gemba perform an
20 initial assessment of our
21 facilities."

22 MR. RICHARD LLOYD: Correct.

23 MR. JOHN MATHER: So does that refresh
24 your memory about what you knew about Gemba at the
25 time?

1 MR. RICHARD LLOYD: I didn't know
2 anything more than this company was -- was already
3 doing work for Collus, PUC, at the fuel tanks, and it
4 made sense, as the email says, to hire them to look at
5 Public Works and -- we had one at the Fire Department,
6 Police Department, and Public Works, and I think they
7 did actually find a problem with -- with the one at
8 Public Works. I don't think they were dipping the
9 tanks daily and so on, but I have no idea that Bonwick
10 had anything to do with a fuel company or anything
11 like that, so.

12 MR. JOHN MATHER: So -- so at the
13 beginning of your email it suggests that you had a
14 meeting with Ed earlier --

15 MR. RICHARD LLOYD: Yes.

16 MR. JOHN MATHER: -- that day. Do you
17 recall that meeting with Ed?

18 MR. RICHARD LLOYD: I don't remember -
19 - we had a meeting no doubt. It says in the email. I
20 don't -- like, again, it's eight (8), nine (9) years
21 ago. Probably we did have a meeting, and I'm sure
22 that he explained to me that -- that, as the email
23 says, the consistency of it was -- was doing it on one
24 side of the town while -- if we have it we our budget,
25 we should continue and have our checks -- our tanks

1 checked.

2 MR. JOHN MATHER: Okay. Do you -- and
3 you said you're sure you had a meeting with him. I
4 just want to know what you recall. Do you recall
5 having any discussions at any time with Ed about
6 Gemba?

7 MR. RICHARD LLOYD: No, no, other than
8 what's here, the budget.

9 MR. JOHN MATHER: Okay.

10 MR. RICHARD LLOYD: And in fact I
11 don't think I ever had a conversation about this
12 company with Ed other than with budget.

13 MR. JOHN MATHER: Did you look into
14 any other companies that could provide the services
15 that Gemba provides?

16 MR. RICHARD LLOYD: What I did is I
17 forwarded this to staff, made a recommendation of
18 them, not a direction, a recommendation, something
19 they should look into. They did, I think, hire Gemba.
20 So the question would be with staff, you know, did
21 they go out and search other companies, did they do
22 anything else?

23 Probably not I don't know, probably
24 because of consistency. I have no idea. But I do
25 know that I was doing my due diligence by suggesting -

1 - I never thought of the fuel tanks and -- just came
2 to my attention and said let's do it.

3 MR. JOHN MATHER: So at this point you
4 are also the Chair of Public Works. Is that --

5 MR. RICHARD LLOYD: That's correct.

6 MR. JOHN MATHER: Did you understand
7 it to be part of your role as the Chair of Public
8 Works to suggest companies that the department should
9 retain?

10 MR. RICHARD LLOYD: I -- positively.
11 I'd even get -- the Works manager would even bring the
12 specs of trucks to me, different times, and ask me my
13 thoughts on -- being in the trucking business. Quite
14 often I'd have staff pick me up at the flower shop to
15 take me to -- to ask me about a road construction job.
16 Again I have expertise in that.

17 So again it wasn't -- the relationship
18 I had with staff was a very positive relationship. It
19 wasn't giving direction. They were always working
20 with me and I was working with them. This is just one
21 of the fine examples that -- that check
22 environmentally to make sure our tanks aren't leaking.
23 It was something that hadn't been done before. Some
24 of these tanks were twenty-five (25), thirty (30)
25 years old. So it just -- when it came to me that they

1 were doing it over the PUC, the light came on. I
2 thought, oh, maybe we should be doing it.

3 MR. JOHN MATHER: So it sounds like
4 you identified there's an issue here that we may want
5 to look into.

6 MR. RICHARD LLOYD: Potential issue.
7 Potentially should be checked into. I know that the
8 former Fire Chief, Sandy Cunningham, over the years
9 had concerns with the fuel tanks over at the former
10 Fire Department, Police Complex. This just -- this
11 just seemed like a natural thing to do. And obviously
12 staff followed up on it and did whatever and I was
13 involved at that point.

14 MR. JOHN MATHER: Did you take any
15 steps to see if staff would look at other options?

16 MR. RICHARD LLOYD: No. That would be
17 staffs' responsibility, to -- to see if it was -- if
18 financially it made sense, whether they knew the other
19 -- they had other estimates or whatever. I think
20 what's the key here is the consistency of if it was
21 doing it on one part of the town, we can maybe
22 piggyback that, but, no.

23 MR. JOHN MATHER: What do you mean by
24 "piggyback that"?

25 MR. RICHARD LLOYD: Piggyback if -- if

1 they got a rate already, if ABC Company was doing a
2 job for the PUC, perhaps we could piggyback the rate
3 that they were getting to have our tanks done at the
4 same price. But again, that was staff issue; not my
5 issue. My issue was bringing their attention to it.

6 MR. JOHN MATHER: So -- and I
7 understand that you're saying that it was staffs'
8 responsibility at that point to determine how to
9 proceed. I -- I would like to know what was your
10 understanding at the time about how -- the proper way
11 for staff to procure someone to inspect fuel tanks?

12 Was this a sort of thing that required
13 an RFEI, maybe some sort of procurement process, a
14 sole source?

15 MR. RICHARD LLOYD: They have --
16 again, and I can't remember the amount of money --
17 each department had an amount of money they could
18 spend, without coming back to Council, within the
19 budget to change stuff.

20 I'm sure that if they went ahead with
21 it, which they did, that they had money in their
22 budget to do it, that they had the -- the
23 authorization to be able to do it through the process.
24 Yeah, this is sole source, no question about it. But
25 even today the -- the company -- town still sole

1 sourced some things. There's no favoritism here.

2 It was brought to my attention that --

3 that this company was doing it over at -- at Collus.

4 Due diligence said, whoa, maybe we should have our

5 check -- tanks checked. I send an email to staff

6 saying so you're aware, here's what's going on, maybe

7 it should be something you should check into. Done

8 deal. I'm done with it. If staff hadn't gone with

9 this company, that would be fine. It was up to staff

10 then to -- to take that and -- and do the work.

11 MR. JOHN MATHER: Could you understand

12 why a staff member who received your suggestion might

13 interpret it as a direction, because it was coming

14 from the deputy mayor?

15 MR. RICHARD LLOYD: No, because that's

16 just a daily occurrence or -- or things that happened

17 quite often.

18 MR. JOHN MATHER: How frequently would

19 you suggest contractors or companies to staff members

20 responsible for retaining?

21 MR. RICHARD LLOYD: Wouldn't -- it --

22 it was only a unique situation. It was brought to my

23 attention that this company was already working in the

24 Town of Collingwood, that maybe this is time that you

25 should get them to look at ours. No different I

1 guess, give you an instance, in my -- again, I'm just
2 trying to articulate what maybe could happen.

3 So quite often we get companies that
4 would clean our catch basins in the Town of
5 Collingwood. A company is contracted, tendered, and
6 we hire them for two (2) or three (3) years to clean
7 out our catch basins once or twice a year. If
8 something, one of the other departments needed
9 cleaned, I would think they would lean towards a
10 company that we contracted already and use them rather
11 than going out and tendering for another one, if it
12 was a small -- under \$20,000 job. This is not unlike
13 that.

14 All of a sudden you've got a company
15 already in town, inspecting tanks. You know, take
16 Bonwick out of the equation, it wouldn't be out of the
17 norm at all. As soon as you put Bonwick in the
18 equation, it's like the red flags go up and everybody
19 is, ah -- I had no idea he was involved in this
20 company.

21 MR. JOHN MATHER: So any information
22 you had about this company, would you have received
23 anything other than what Ed told you?

24 MR. RICHARD LLOYD: Nothing.

25 MR. JOHN MATHER: Did you have any

1 dealings with, I guess, Gemba it might be -- if I've
2 mispronounced it -- but did you have any other
3 dealings with Gemba after you sent this email?

4 MR. RICHARD LLOYD: Nothing. Nothing,
5 no.

6 MR. JOHN MATHER: So if we could pull
7 up TOC135342.1.

8

9 (BRIEF PAUSE)

10

11 MR. JOHN MATHER: And if we could
12 scroll down to the bottom of the chain. Actually
13 scroll up to the next email. So, yeah, stop here. So
14 this is an email from Leo Longo, who I understand is
15 the Town solicitor. Is that correct.

16 MR. RICHARD LLOYD: Yes, that's
17 correct.

18 MR. JOHN MATHER: Okay. So Mr. Longo
19 writes that he's been invited by a -- a redacted name:

20 "to participate in a conference call
21 that has been set for 1 p.m. to --
22 tomorrow, discuss how, whether it is
23 possible to buy out" [redacted]
24 "from the front ending agreement
25 respecting servicing the south end

1 of town."

2 MR. RICHARD LLOYD: Right.

3 MR. JOHN MATHER:

4 "The discussion may influence how
5 the Town's draft plan conditions
6 for" [blank] "are worded."

7 So without identifying the individuals
8 or -- or the project being -- being involved here, it
9 sounds to me -- well, I guess I'll back up.

10 Do you recall receiving this email from
11 Mr. Lloyd (sic)?

12 MR. RICHARD LLOYD: I read it now.
13 I'm sure that I did see it at the time. If you'd
14 asked me without seeing the email, I wouldn't have
15 recalled it at all, but I do now recognize it.

16 MR. JOHN MATHER: Right. And it
17 sounds to me like Mr. Lloyd (sic) is discussing
18 ongoing negotiations that he's involved with in
19 respect of a town matter.

20 THE HONOURABLE FRANK MARROCCO: Mr.
21 Longo?

22 MR. RICHARD LLOYD: Longo, yes.

23 MR. JOHN MATHER: Thank you. Mr.
24 Longo, yeah.

25 MR. RICHARD LLOYD: Yes.

1 MR. JOHN MATHER: Yes. Thank you.

2

3 CONTINUED BY MR. JOHN MATHER:

4 MR. JOHN MATHER: And if we scroll up
5 we will see that you respond. So you write back to
6 Mr. Longo and say:

7 "I agree, Leo, and I now feel that
8 it may be prudent not to deal with
9 the issue at Monday's -- in --
10 Council in camera. Perhaps Sandra
11 will call a special Council meeting
12 on April 12th to deal with this.

13 This way it'll give you" --

14 And then you go on to discuss more
15 things about the matter at hand.

16 There's a couple of questions about
17 this email. The first is, if the issue to be
18 discussed was going to be discussed in camera, I take
19 it then that you understood this matter to be
20 confidential?

21 MR. RICHARD LLOYD: Again it -- it --
22 was a suggestion that perhaps it would be an in camera
23 meeting or a special Council meeting, so a special
24 Council meeting may not be in camera.

25 MR. JOHN MATHER: Fair enough. And

1 then I also just wanted to note, and then we'll move
2 on, but at the end you say:

3 "My hope is that we can come up with
4 a satisfactory agreement for the
5 April 15th OMB pre-hearing, that is
6 -- that all is resolved."

7 So it sounds like this -- whatever this
8 is about one (1) of the points down the road is an OMB
9 pre-hearing.

10 MR. RICHARD LLOYD: Probably, and
11 again I'm going to assume.

12 MR. JOHN MATHER: Yeah.

13 MR. RICHARD LLOYD: We don't like be
14 embroiled in Ontario Municipal Board hearings, we the
15 Town of Collingwood, any more than we have to because
16 the costs are atrocious for Ontario Municipal Board
17 hearings. If you can satisfy it ahead of time and go
18 to a hearing that all parties agree, it's a much
19 smarter way of -- of coming, if you can come to those
20 agreements.

21 MR. JOHN MATHER: Okay. So then if we
22 can scroll up the email, we see that Leo writes back
23 again to the group, which is you and Ms. Cooper, and
24 says that he'll report back after the call that's
25 being contemplated. And then he said:

1 "Let's determine where and how
2 things are shaping up before we
3 decided if a special Council meeting
4 is required."

5 And then if we scroll up --

6 MR. RICHARD LLOYD: Basically saying
7 it may not be required at all, yeah.

8 MR. JOHN MATHER: Yeah.

9 MR. RICHARD LLOYD: Yeah.

10 MR. JOHN MATHER: Yeah, under --
11 understand that. So if we scroll up -- further up.
12 Sorry, scroll down.

13 So then we see you forward this email
14 chain between you and Mr. Longo to Paul Bonwick.

15 MR. RICHARD LLOYD: That's correct.

16 MR. JOHN MATHER: Why did you forward
17 this email chain to Paul Bonwick. And before you
18 answer, if you can without identifying the individuals
19 or the matter involved, I'd want to know why you would
20 forward a chain containing a conversation with your
21 lawyer to Mr. Bonwick.

22 MR. RICHARD LLOYD: Mr. Bonwick was
23 actually working for the parties involved here and
24 looking after the communications and all this kind of
25 stuff with them. I was keeping him abreast of what

1 was going on, that -- that obviously we, the Town of
2 Collingwood, were trying to come to an agreement with
3 them and -- and the other company that actually wasn't
4 blacked out, and --

5 MR. JOHN MATHER: So you sent this to
6 Mr. Bonwick because you understood that he was working
7 for one of the parties involved?

8 MR. RICHARD LLOYD: Positively, yeah.

9 MR. JOHN MATHER: At the time you
10 forwarded this, did you understand that?

11 MR. RICHARD LLOYD: Yeah.

12 MR. JOHN MATHER: And did you
13 understand or did you know whether this party was
14 paying Mr. Bonwick for his services?

15 MR. RICHARD LLOYD: It'd be crazy if
16 they weren't. I don't think he'd be doing it for
17 gratis. How is that? I don't -- we never had any
18 conversations on payments or anything like that but I
19 would assume that --

20 MR. JOHN MATHER: Understood.

21 MR. RICHARD LLOYD: Yeah.

22 MR. JOHN MATHER: Did you understand
23 when you forwarded this email that communications with
24 the Town solicitor would be privileged?

25 MR. RICHARD LLOYD: Not in this case.

1 I didn't believe that -- that -- that there's anything
2 of -- of a confidential nature. It was basically
3 saying that, you know, the Ontario Municipal Board
4 hearing, perhaps we can get settlement -- have to go
5 through the -- the content of the email -- get
6 settlement and there's nothing confidential that --
7 that, in my opinion, that would be of -- of any nature
8 that we'd have to worry about.

9 MR. JOHN MATHER: So it looks to me
10 from reading the email that one of the things Mr.
11 Longo is discussing is a potential negotiation
12 strategy or approach in advance of an OMB hearing.

13 MR. RICHARD LLOYD: Yeah.

14 MR. JOHN MATHER: Is that not
15 something you would think is confidential?

16 MR. RICHARD LLOYD: No, because you
17 didn't do the details of the negotiation. Like --
18 like, we always as a municipality, try to negotiate
19 with the parties before we go to the actual OMB, and
20 even sometimes when you get to the Ontario Municipal
21 Board, you still negotiate and you still try to come
22 to a settlement rather than having an adjudicator
23 force something.

24 MR. JOHN MATHER: At this point in
25 time, do you know if the discussions Mr. Longo is

1 referring to have been discussed publicly at all?

2 MR. RICHARD LLOYD: I don't know, I
3 don't know.

4 MR. JOHN MATHER: Did you consult with
5 anyone to determine whether or not Mr. Longo's
6 communications were privileged?

7 MR. RICHARD LLOYD: No. No, not at
8 all.

9 MR. JOHN MATHER: How frequently would
10 you forward communications from the Town solicitor?

11 MR. RICHARD LLOYD: Not only the Town
12 solicitor, but anyone, any department head, I'd quite
13 often forward e-mails to different developers if
14 they're working with the Town.

15 It wasn't unusual, put it that way.

16 MR. JOHN MATHER: At the time did you
17 understand that there was a distinction between
18 communications with the Town's lawyer versus
19 communications with department heads or anyone who was
20 not the Town's lawyer?

21 MR. RICHARD LLOYD: If it wasn't
22 marked confidential and the Town solicitor is quite
23 often at the very top, would put down confidential.

24 I -- I never gave it any thought.
25 Again, my role in the Town was trying to make things

1 happen, get things working, try to -- like, for
2 instance, the Ontario Municipal Board, not unlike
3 Amaizeingly Green, trying to come to a successful
4 conclusion that will cost the taxpayers the least
5 amount of money as possible.

6 Unfortunately, Bonwick was the -- the
7 person looking after this project for the unnamed
8 company. If -- if you go back on other e-mails you'll
9 see where I have done the same thing, trying to come
10 to a satisfactory agreement on -- with other people in
11 the community, not just Bonwick.

12 So this isn't just isolated to him.

13 MR. JOHN MATHER: When you -- I think
14 what you said was that you wanted to keep Mr. Bonwick
15 updated about the status of things. Is that --

16 MR. RICHARD LLOYD: Anything with this
17 kind of stuff, yes.

18 MR. JOHN MATHER: I mean in this
19 specific instance.

20 MR. RICHARD LLOYD: That specific
21 incident, yes, that -- that, you know, we're -- we're
22 trying to come up with an amicable solution to it.

23 We're also hopefully not having to have
24 another in-camera meeting or special council meeting,
25 we're hoping that we can come up with -- with

1 satisfactory arrangements.

2 Twenty (20) years ago, I would have
3 picked up the phone and done this. As times change
4 and electronics got involved, all of a sudden we -- we
5 were having general conversations electronically
6 instead of by phone. Never thought anything of it.
7 It just -- you pick up the phone and say 'Hey this is
8 what we're doing', instead I send an e-mail and all of
9 a sudden it looks suspicious, but all of a sudden all
10 this e-mail is happening. Well, it isn't.

11 MR. JOHN MATHER: Do you understand
12 why someone might be concerned that you are forwarding
13 information from your Council to a third party?

14 MR. RICHARD LLOYD: Today, yes. Back
15 then, not necessarily.

16 Things changed a lot in ten years in
17 the -- the whole electronic world. Again, I can
18 remember at Council when we didn't have computers,
19 period. When I first got elected.

20 Times evolve and times change and
21 you've got to look at then and now. Now, yes,
22 everybody is aware and there's been all kinds of
23 changes, social media is like is a mess.

24 You know, just go check out Donald
25 Trump's e-mails.

1 MR. JOHN MATHER: Did you tell anyone
2 that you were forwarding this correspondence on --

3 MR. RICHARD LLOYD: I wouldn't even
4 have thought to. It would be -- like I -- again,
5 that's being suspicious. I -- I wouldn't think
6 nothing of it, I would have forwarded it saying here
7 it is, here's what we're up to.

8 MR. JOHN MATHER: Again, sorry, just
9 wait till I finish asking my question before you
10 answer, just for the transcriptionist's benefit more
11 than -- more than anyone.

12 MR. RICHARD LLOYD: Sorry.

13 MR. JOHN MATHER: So you didn't -- you
14 didn't -- you didn't tell anyone before you sent it.
15 Why did you think it was okay for you, as Deputy
16 Mayor, to be the one updating Mr. Bonwick on -- on Mr.
17 Longo's thinking of how to approach this issue?

18 MR. RICHARD LLOYD: I didn't think
19 there was anything wrong with it at the time. I never
20 thought about it, it just -- what we did. It just --
21 it was a -- a general practice I did with others, not
22 just Bonwick that, you know, to try and come up with a
23 successful conclusion on -- and I think there was a
24 successful conclusion out of all of this. But --

25 MR. JOHN MATHER: And again, without

1 going in -- going into who was involved, you think
2 there was a successful conclusion, is it your
3 recollection that that successful conclusion was
4 achieved because of what you were doing?

5 MR. RICHARD LLOYD: Partly working
6 with them. My -- my idea on Municipal Council was to
7 work with the people to try and interject to try and
8 solve issues like this. And I felt that that's
9 exactly what I was doing, trying to work between the
10 Town and the -- the blocked out companies to try and
11 come up with a successful conclusion. And we did.

12 MR. JOHN MATHER: And it sounds to me
13 that you -- you've sort of appointed yourself to this
14 position. Is that a fair characterization?

15 MR. RICHARD LLOYD: No, I think it's
16 more micro-managing, it's more what I do. I've
17 admitted from day one that I get involved in stuff. I
18 take everything serious. I try to work with people,
19 try to -- to get stuff done. That's probably why,
20 over the years, I was very popular, the people would
21 come into the flower shop because they knew I would
22 make things happen or get stuff done or follow-up, but
23 -- and take great pride in doing that.

24 I wouldn't just sit around the table
25 and put my hand up and then go home for the week and

1 the next week do the same. I was an actual working
2 Council member trying to achieve goals to try and help
3 businesses and people in Collingwood.

4 I -- if you go back on -- on e-mails
5 you'll find I've done exactly the same thing for other
6 companies, exactly the same thing throughout.

7 So it was just the norm. It's just
8 what I was going.

9 MR. JOHN MATHER: So when you're
10 sending this information to Mr. Bonwick, do you
11 understand yourself to be assisting his client?

12 MR. RICHARD LLOYD: No. What I
13 understand myself doing is trying to mediate for the
14 Town of Collingwood to try and make sure that -- that
15 -- to try and avoid Ontario Municipal Board hearings,
16 try and avoid court cases, try and avoid tax
17 collection, trying to work with all these different
18 businesses and people to try and make it work.

19 I've also worked with -- with people in
20 the community where one in particular where his front
21 yard set back was not a zero lot line, in fact it was
22 on Town land. Didn't find -- he was 83 years old and
23 he didn't find that out until he wanted to sell the
24 property and to take it and get a survey done on his
25 property. He got a survey and he was encroaching on

1 Town property, the house was pre-existing non-
2 conforming, he was having difficulty trying to deal
3 with Town.

4 He called me, I went over, seen the
5 issue, went to -- to the Town, to the staff on his
6 behalf and helped him out and got it all solved.

7 That's what I did. Should I have done
8 that? Some would say well, you shouldn't -- shouldn't
9 be micro-managing to the degree of helping that
10 person, he should have done it himself or hired a
11 lawyer. No. I went and helped him. And that's
12 exactly what I did for everybody in the community if
13 anybody ever approached me.

14 MR. JOHN MATHER: In this instance you
15 said that you were trying to mediate.

16 MR. RICHARD LLOYD: Yes.

17 MR. JOHN MATHER: And I didn't mean to
18 cut you off, but my question was isn't that what Mr.
19 Longo's job is?

20 MR. RICHARD LLOYD: No, Mr. Longo's
21 job, perhaps, in my opinion, is -- is -- he's a lawyer
22 and he's, as you are, and he's trying to come up with,
23 you know, he gets paid the longer it takes.

24 MR. JOHN MATHER: Yes.

25 MR. RICHARD LLOYD: Thank you. And if

1 I can come to a conclusion that will make it quicker
2 and the bills are less --

3 MR. JOHN MATHER: So you were
4 interested in finding a more cost-effective solution?

5 MR. RICHARD LLOYD: Cost-effective,
6 coming to solutions that made sense, not to say
7 lawyers don't make sense, but as in Town staff too,
8 things can be dragged out ridiculously, trying to come
9 to a conclusion that is amicable to everyone, and
10 that's what I did consistently. If you look at all
11 the stuff, I consistently always try to help
12 everybody.

13 MR. JOHN MATHER: And just to confirm,
14 did anyone ask you to do that in this instance?

15 MR. RICHARD LLOYD: It's the way I
16 operate.

17 MR. JOHN MATHER: Did you consider
18 asking Ms. Wingrove to attempt to engage in
19 negotiations if you didn't want to pay for Mr. Longo's
20 time?

21 MR. RICHARD LLOYD: Do that again, I'm
22 sorry.

23 MR. JOHN MATHER: Did you ever
24 consider asking Ms. Wingrove or anyone on staff to
25 undertake this mediation work or this resolution work

1 you're -- you were seeking to implement?

2 MR. RICHARD LLOYD: No, I -- I -- just
3 to make it very clear, know just make it very clear,
4 that's what I assess myself as, what I was doing.

5 Quite often I would -- would talk to
6 staff about coming to solutions on things. Staff
7 would ask me, quite often, different issues to come to
8 a -- a quick solution on stuff. Quite often the --
9 the treasury would ask me to -- about different things
10 about Council and maybe trying to get it -- bring it
11 forth to Council to see if we can get it approved to
12 make it like -- like, one thing that our Treasurer had
13 planned was to try and have enough money that we could
14 self-finance our own projects. We discussed all this.

15 I -- I don't know if the CAO knew about
16 it, I don't know. Marjory and I discussed it, we
17 brought it to Council. So what we were doing, we were
18 creating loans within the Town departments and, for
19 instance, if -- if the Town of Collingwood was
20 rebuilding Beech Street, we would lend the Public
21 Works the money to do Beech Street, and instead of
22 having a debenture, we would -- would take that money
23 and at a low interest rate and prepay ourselves back
24 to our -- our funds so we could always build our
25 reserves up.

1 So there's things like that we were
2 doing all the time. Staff were asking me to get
3 involved, and I was involved and I loved getting
4 involved.

5 MR. JOHN MATHER: So in this instance
6 where no one has asked you to get involved, was it the
7 case that you understood that other people could do
8 this?

9 MR. RICHARD LLOYD: Never thought
10 about it. I -- it just -- again, I -- I don't know if
11 you really understand I -- and maybe I'm not making
12 myself clear. The way I personally operate wasn't
13 trying to undo other people's work, I wasn't trying to
14 take other jobs, I was -- I felt that I could assist
15 and help by getting Mr. Bonwick up to speed on what
16 we're doing to try and mediate to -- to ensure that --
17 that we wouldn't have this go on and on and on because
18 there's a tendency that that happens.

19 MR. JOHN MATHER: So you -- it was the
20 case then that you thought you could achieve results
21 sooner.

22 MR. RICHARD LLOYD: Thank you.

23 MR. JOHN MATHER: Is that fair? And I
24 don't --

25 MR. RICHARD LLOYD: That's fair, yes.

1 MR. JOHN MATHER: Okay. So if you
2 could scroll up in the e-mail.

3 So then we see that Mr. Bonwick
4 forwards your -- the e-mail chain to a person whose
5 name has been redacted. The person who Mr. Bonwick
6 forwarded it to responds and says "We need the special
7 council meeting."

8 And you recall that was something Leo
9 wasn't sure if would be necessary.

10 "We need the special council
11 meeting. Leo is not in a panic and
12 may feel that it may be dealt with
13 the OMB at a later date. It's
14 imperative that the draft plan is
15 reinstated on the 16th at the OMB."

16 Scroll up. Mr. Bonwick then sends that
17 response on to you.

18 MR. RICHARD LLOYD: Yes. And again --
19 oh, sorry.

20 MR. JOHN MATHER: No, no.

21 MR. RICHARD LLOYD: Again, I just find
22 things get dragged out and dragged out and dragged
23 out.

24 MR. JOHN MATHER: What do you mean by
25 that?

1 MR. RICHARD LLOYD: Well, it's obvious
2 Leo said that -- that he's not in panic, obviously, is
3 what this e-mail says.

4 This thing could go on forever. But
5 these people want to solve it, I want to get it solved
6 and I want it done and the -- stop the lawyer bills.

7 MR. JOHN MATHER: What did you
8 understand Mr. Bonwick wanted you to do with the
9 information he sent you?

10 MR. RICHARD LLOYD: I didn't get that,
11 I'm sorry.

12 MR. JOHN MATHER: So Mr. Bonwick has
13 sent you a response from somebody who -- who has an
14 interest in this.

15 MR. RICHARD LLOYD: Yes.

16 MR. JOHN MATHER: Why do you think he
17 sent it to you?

18 MR. RICHARD LLOYD: I think that --
19 that he's basically saying we want to get on with
20 this, we want to get it solved, we want to deal with
21 it. And if there is urgency, that we don't -- when I
22 read this it looks like -- and again, I don't remember
23 seeing this, it's been so long, that at a later date I
24 think these people wanted to deal with it and get it
25 dealt with, behind them and get on with whatever their

1 projects were.

2 Leo had a different mind, obviously,
3 when you look at his e-mail.

4 MR. JOHN MATHER: Do you remember what
5 you did after you received this e-mail?

6 MR. RICHARD LLOYD: No clue at all.

7 MR. JOHN MATHER: Did you report back
8 to Mr. Longo about this?

9 MR. RICHARD LLOYD: No, no. It would
10 be up to them to try and -- I don't -- I have no idea,
11 but I would think that at least I'm aware of what's
12 going on.

13 MR. JOHN MATHER: Did you take any
14 steps to push the process forward after receiving
15 this?

16 MR. RICHARD LLOYD: I don't remember,
17 you know that, I -- probably, if there's an
18 opportunity I would have, you know, try and push it.

19 MR. JOHN MATHER: And -- and if you
20 had done that, would you understand that you were then
21 advancing whoever's interest this is that's writing to
22 Mr. Bonwick?

23 MR. RICHARD LLOYD: I don't agree with
24 that because I don't think that that -- again,
25 anybody's interest. That's all Town of Collingwood,

1 and no different than this old gentleman that I was
2 helping with his -- his setback problem.

3 I was advancing to his benefit, but
4 isn't that what I'm supposed to do? Aren't I supposed
5 to help the businesses? Aren't I supposed to help to
6 create jobs? Aren't I supposed to help to -- to
7 ensure that -- that the -- the fine-tuned machine of
8 Collingwood is working well for the people? That's
9 what I was doing.

10 MR. JOHN MATHER: So I understand from
11 your answer that, in this case, is -- this case or
12 other cases, you understood that you were helping
13 local businesses?

14 MR. RICHARD LLOYD: Exactly, and
15 helping the local people. And -- and that's what I
16 think my role as a councillor is.

17 MR. JOHN MATHER: In this case, or in
18 any other case that was similar, did you expect
19 anything returned for -- in return --

20 MR. RICHARD LLOYD: Nothing.

21 MR. JOHN MATHER: -- from those
22 business?

23 MR. RICHARD LLOYD: No. Like, it's --
24 yes, twenty-two thousand dollars (\$22,000) a year for
25 being deputy mayor.

1 MR. JOHN MATHER: Did you expect
2 anything return -- in return from Mr. Bonwick?

3 MR. RICHARD LLOYD: Did I expect
4 anything? Never. The eighty (80) some-year-old man,
5 I had coffee in his house, that's it. Like, I didn't
6 expect to get any money. That's what my job was.
7 That's what I was being paid to do, I felt.

8 MR. JOHN MATHER: Can you understand
9 why to an outsider they may think that you were
10 expecting something in return because you're providing
11 this Council information, you're receiving information
12 back from how Mr. --

13 MR. RICHARD LLOYD: No. The only --
14 the only thing I see with all this document and all is
15 a conspiracy thing that it -- it -- when you read the
16 whole thing, it almost looks -- it's been written to
17 look like conspiracy. Believe you me it isn't. It's
18 -- it's just -- if Bonwick's name wasn't involved in
19 that, we wouldn't even be discussing it.

20 MR. JOHN MATHER: So -- so leaving
21 aside that, do you understand at all why, if there was
22 a different name on this email, that might cause
23 someone concern, if it was a different individual
24 representing a --

25 MR. RICHARD LLOYD: If I had forwarded

1 that to Joe Blow, you mean?

2 MR. JOHN MATHER: Yeah.

3 MR. RICHARD LLOYD: We wouldn't even
4 be discussing it.

5 MR. JOHN MATHER: But you --

6 MR. RICHARD LLOYD: You wouldn't even
7 be bringing it to me. You wouldn't -- because there's
8 many emails that I forwarded for Joe Blow. So, in my
9 opinion, that -- that -- only because it's the mayor's
10 brother and all this stuff, that's the only reason all
11 this noise is happening.

12 It -- this isn't unusual. As I said
13 before, I had forwarded all kinds of other emails to
14 other businesses over the years. If Bonwick wasn't
15 attached to this, it wouldn't even be here, I don't
16 think.

17 MR. JOHN MATHER: So at this point in
18 time, when you're communicating with Mr. Bonwick about
19 one (1) of his clients, did you turn your mind to the
20 fact that, unlike another consultant, he was the
21 mayor's brother?

22 MR. RICHARD LLOYD: No. I -- I --
23 because -- I'm sorry, were you finished?

24 MR. JOHN MATHER: No, that was -- I
25 finished my question.

1 MR. RICHARD LLOYD: Knowing that there
2 was no conflict of interest according to the Municipal
3 Act, I treated him no different than I would my own
4 brother, who has no conflict of interest when he's
5 working for the town.

6 In fact, if my brother was bidding a
7 job in the Town of Collingwood and came to me for
8 advice, I'd give him advice because there's no
9 conflict of interest, according to the Municipal Act.

10 I've got to make that very clear
11 because there's a perceived conflict, and you and I
12 have discussed that, that -- what really used to irk
13 me with this perceived conflict stuff was when we'd
14 get -- pardon me -- when we'd get to a vote at the
15 table on a controversial issue, you'd see some
16 councillors declaring a conflict when it was only
17 perceived because they didn't want to make the vote.

18 It was easier politically to say, oh,
19 well, I've got a conflict, and they'd stay out of it.
20 You either have a conflict or you don't have a
21 conflict, in my mind. And all of this noise that I'm
22 hearing and seeing and stuff is noise, and it's only
23 because of the way the document's been -- been
24 written, the way the email's been -- been concluded,
25 to -- to look like, oh, this -- there's something

1 wrong with this.

2 As I said, go back on my emails and
3 you'll find there's hundreds of emails I've sent to
4 other people in other businesses. They're not here.
5 Why? Because Bonwick's name's not attached to them.
6 And that -- that is a concern that -- through this
7 whole hearing, that, you know, get it, he's not in
8 conf -- the mayor's not in conflict.

9 I'm not in conflict. I'm just trying
10 to help somebody. I guess I've said enough, sorry.
11 Sorry, Your Honour.

12 MR. JOHN MATHER: I'm happy to have
13 you give a full answer. So I take it from that answer
14 that when you say he was not in conflict, are you
15 referring to the fact that the Municipal Conflict of
16 Interest Act does not identify siblings as an indirect
17 pecuniary interest?

18 MR. RICHARD LLOYD: That's right.

19 MR. JOHN MATHER: And is that
20 something you recall turning your mind to --

21 MR. RICHARD LLOYD: No.

22 MR. JOHN MATHER: -- at this period of
23 time?

24 MR. RICHARD LLOYD: Twenty (20) years
25 ago I did. Or twenty-five (25) years ago, when I was

1 first elected, I -- I made sure I knew the Act and
2 understood and any updates and so on.

3 Every time somebody would call me I
4 wouldn't be thinking is there a conflict. I would
5 know if there's a conflict. I would -- you know, it
6 was a natural thing. You know, I knew -- knew
7 Sandra's husband. I know his -- their son. I know my
8 kids, obviously, and everybody else at the council
9 table because we all know.

10 It's just almost ridiculous, to be
11 honest with you. And I'm just being totally honest.

12 MR. JOHN MATHER: So, at this point in
13 time, you understand that there's no conflict as
14 defined by the Municipal Conflict of Interest Act?

15 MR. RICHARD LLOYD: That's correct.

16 MR. JOHN MATHER: You talked about
17 perceived conflicts?

18 MR. RICHARD LLOYD: M-hm.

19 MR. JOHN MATHER: Did you turn your
20 mind at this time to whether or not there might be a
21 perceived conflict even though it may not --

22 MR. RICHARD LLOYD: Because I'm so
23 peeved about people with perceived conflicts. Either
24 you have a conflict or you don't. Just because it's a
25 controversial vote at the table, don't chicken out and

1 say, oh, I got a conflict or a perceived conflict and
2 -- and not vote.

3 To me, it's -- that's not what the
4 Municipal Act was written for.

5 MR. JOHN MATHER: Okay.

6 MR. RICHARD LLOYD: And, again, it --
7 the Municipal Act is very clear. No doubt it needs
8 updated because times have changed, but it -- it's
9 very clear on what -- what constitutes a conflict.

10 MR. JOHN MATHER: So is it fair to say
11 then that, unless you understood there to be a
12 conflict under the Municipal Conflict of Interest Act,
13 that -- that was the end of your inquiry?

14 MR. RICHARD LLOYD: If somebody in the
15 community called me on any issue and if I wasn't in
16 conflict, I would help them, anyone. It didn't matter
17 if it was somebody I liked or didn't like. It didn't
18 matter what colour, race, religion or anything, I
19 would help them, even a liberal.

20 MR. JOHN MATHER: And again, I just
21 wanted -- my question was, in determining whether that
22 conflict existed, I just wanted to confirm because I
23 think I understand this, is that you're referencing to
24 what the -- your reference point would be the
25 municipal conflict of interest?

1 MR. RICHARD LLOYD: Totally, yeah, a
2 hundred percent.

3 MR. JOHN MATHER: Sorry, if you can
4 just wait until I've finished my question.

5 MR. RICHARD LLOYD: Oh, sorry.

6 MR. JOHN MATHER: Yeah. That's okay.
7 Can we go to TOC15565 -- sorry, let me say that again,
8 TOC155656.1?

9

10 (BRIEF PAUSE)

11

12 MR. JOHN MATHER: If you can scroll
13 down. So this is an email from you which you've
14 marked as confidential. Again, the individuals' names
15 have been redacted. But you were writing to them to
16 say that:

17 "A person has received an offer on
18 the Mountain View property from the
19 town frontage required."

20 And then:

21 "To move this project forward in a
22 timely fashion, the town has an
23 irrevocable -- irrevocable date of next
24 Friday, May 18th, and a closing date
25 of June 28th or sooner if at all

1 possible.

2 These aggressive dates are
3 reflective of the construction
4 season with our plan to demolish the
5 building in July and the
6 reconstruction of the intersection
7 completed by the end of August.

8 I -- it is my hope that this -- with
9 this information you will understand
10 the importance of quickly
11 progressing with the sale of your
12 property as soon as it may be
13 possible so that this project can be
14 completed during this construction
15 season."

16 And then you go on to discuss further
17 the project. So I take it from this email that the
18 town has put an offer in on a Mountain View property
19 and you're sharing this information with individuals
20 with -- again, without identifying who they are, why
21 are you forwarding on this information?

22 MR. RICHARD LLOYD: I explained what I
23 do on a consistent basis; this is a good one. The
24 town has an offer on the Mountain View, which is an
25 old building at the end of the main street.

1 Prior to our election, there's -- the
2 prior council widened First Street and, unfortunately,
3 was unable to purchase the Mountain View Hotel. There
4 -- there seemed -- and I don't know all the details of
5 it, but the -- the owner of the -- the building in the
6 Town got at loggerheads. He boarded up the building
7 and left it as it was.

8 Knowing the owner, we're able to talk
9 with them. I talked with the -- the owner of the
10 building. I know that the Town of Collingwood --
11 again, this is after the construction of First Street
12 had already gone. There was a choke for the traffic.
13 It was -- it wasn't a good scenario.

14 But we -- I think there was even a move
15 by the municipality to try and expropriate it, and
16 they weren't successful going that route. Again, this
17 is past council, not the council I was sitting.
18 There's some history there, if -- the lack of better.

19 So the deal that was happening on the
20 Mountain View is we had a purchaser that's willing to
21 buy the property at the Mountain View if the town was
22 willing to buy the frontage that they needed and tear
23 the building down. But the person buying the property
24 also wanted to purchase part of the property to the
25 north, a piece that was there.

1 Mr. Bonwick was, in fact, helping or
2 working for the person who was buying the rest of the
3 Mountain View property. I was trying to help to get
4 the whole deal together so the town could get the road
5 widening, knock the building down and get the money
6 back from the rest of the property.

7 As well, we were getting provincial
8 funding, which was kind of unheard of, to help us
9 purchase the actual right of way because it is a
10 connecting link, or was a connecting link. But, at
11 that point in time, the province stopped giving
12 funding for connecting links, but we were -- through
13 Mr. Bonwick, was able to get some funding to help us
14 with the purchase.

15 Not very clear, but...

16 MR. JOHN MATHER: So it sounds like
17 there's multiple parties involved?

18 MR. RICHARD LLOYD: Well, there is.

19 MR. JOHN MATHER: And Mr. Bonwick is
20 representing one (1) of the parties. There was a
21 consultant to one (1) of the parties?

22 MR. RICHARD LLOYD: That's correct.
23 And the interesting thing with this, it was my email.
24 I marked it confidential. And I did forward it to Mr.
25 Bonwick, as it was my email, I could do, you know.

1 Just when I read the transcript that I
2 forwarded a confidential email, it was like, oh, but
3 it's my own email.

4 MR. JOHN MATHER: So if we scroll up a
5 bit, we can -- is this what you're referring to?

6 MR. RICHARD LLOYD: Yes. Thank you.

7 MR. JOHN MATHER: Yes. So you forward
8 this email to Mr. Bonwick. I think you've already
9 addressed it, but I just want to make sure. Why did
10 you forward it to Mr. Bonwick?

11 MR. RICHARD LLOYD: Because he was
12 representing the purchaser of the -- of the Mountain
13 View property that the Town didn't need. Does that
14 make sense?

15 MR. JOHN MATHER: Yes. He -- he was
16 representing one (1) of the interested parties in --

17 MR. RICHARD LLOYD: That's correct.

18 MR. JOHN MATHER: -- in the
19 transaction that's being contemplated?

20 MR. RICHARD LLOYD: That's right.

21 MR. JOHN MATHER: Did you send this
22 email on to any of the other parties or their
23 representatives?

24 MR. RICHARD LLOYD: The only parties
25 that were important was person -- the private person

1 buying the rest of the property. But unfortunately,
2 without this other property to the north the deal
3 wouldn't come together. He -- that individual needed
4 that extra property for the site.

5 MR. JOHN MATHER: And so, I understand
6 what you're saying is you marked this confidential to
7 the individuals who originally received it. And you
8 sent it to Mr. Bonwick because, as -- as you -- maybe
9 I -- I want to make sure I understand this question.

10 Because you were the one who determined
11 it was confidential, you were also able to determine
12 who would --

13 MR. RICHARD LLOYD: Who I would want
14 to send it to, that's correct. Sorry for interfering.

15 MR. JOHN MATHER: No. No, that's --
16 that's fine. I want to make sure I understand
17 correctly.

18 MR. RICHARD LLOYD: Okay.

19 MR. JOHN MATHER: How did you
20 determine that this was confidential?

21 MR. RICHARD LLOYD: A property matter.

22 MR. JOHN MATHER: So when you say
23 that, are you referring to, for instance, matters
24 dealing with property are held in camera at council
25 meetings?

1 MR. RICHARD LLOYD: Some -- some
2 property matters at council is. But I -- I felt that,
3 again, it didn't involve the town, this back piece of
4 property, because a private person would be buying it.
5 I was trying to put that deal together, or help with
6 the deal, so that the whole thing would come together
7 because a person buying the other Mountain View
8 property that was leftover wouldn't be closing the
9 deal if he didn't get that property.

10 So in the Town's best interest, to
11 bring the whole thing together made sense. So 'A'
12 company was the company buying what was leftover from
13 the Mountain View if they could acquire 'B' company's
14 property.

15 MR. JOHN MATHER: And again, did you
16 tell anyone on staff or council that you were sending
17 the original email or corresponding with Mr. Bonwick?

18 MR. RICHARD LLOYD: Not likely. I
19 have no idea, it's just what I do.

20 MR. JOHN MATHER: Was this matter,
21 again, without identifying, at the top of a
22 conversation at council?

23 MR. RICHARD LLOYD: The -- the
24 Mountain View Hotel was, yes. And the road widening
25 was a big one (1). It was a big issue for public

1 works, which I was chair of, to try and -- and we were
2 successful. It cost the Town next to nothing in the
3 end because of the provincial money and the individual
4 buying the leftover property, which is now a pharmacy
5 down there, and a doctor's office. It was a win/win
6 for everybody.

7 MR. JOHN MATHER: Okay. And so, I
8 understand you to be saying that you sent this to Mr.
9 Bonwick because one (1) of his clients was one (1) of
10 the interested parties and you wanted to keep him
11 updated about what was happening?

12 MR. RICHARD LLOYD: That's right.

13 MR. JOHN MATHER: Did you update the
14 other parties about what was going on?

15 MR. RICHARD LLOYD: There's no other
16 parties.

17 MR. JOHN MATHER: Okay.

18 MR. RICHARD LLOYD: There's nobody --
19 there's nobody else.

20 MR. JOHN MATHER: So only Mr.
21 Bonwick's client was going to be affected by this?

22 MR. RICHARD LLOYD: The one I sent the
23 email to originally --

24 MR. JOHN MATHER: Yeah.

25 MR. RICHARD LLOYD: -- would be

1 affected because they'd be selling it. The Town would
2 affected because good news story. Instead of having a
3 million dollars tied up in a piece of property, we
4 were going to have nothing tied up into it and had a -
5 - have our road widening.

6 MR. JOHN MATHER: Okay.

7

8 (BRIEF PAUSE)

9

10 MR. JOHN MATHER: In going back -- and
11 I -- I apologize for jumping back, but when we were
12 looking at the email with Mr. Longo, and, again, you
13 were -- again, you said you -- you sent that email to
14 Bonwick to update him about what was going on.

15 In that case, did you send that email
16 to anyone else or provide anyone else that updated who
17 was interested in the --

18 MR. RICHARD LLOYD: No, because --

19 MR. JOHN MATHER: -- transaction?

20 MR. RICHARD LLOYD: Oh, I'm sorry.

21 MR. JOHN MATHER: Sorry. I was just
22 going to say in the transaction.

23 MR. RICHARD LLOYD: Yeah, because of
24 the -- the transaction or the -- the client was the
25 only client that was trying to put those things

1 together on that one.

2 MR. JOHN MATHER: So I'm just looking
3 at the time. I'm happy to continue going or --

4 THE HONOURABLE FRANK MORROCCO: Oh,
5 you can just keep going.

6 MR. JOHN MATHER: -- keep -- yeah, I'm
7 happy. Okay.

8

9 CONTINUED BY MR. JOHN MATHER:

10 MR. JOHN MATHER: Okay. So can we
11 pull up TOC173501.1?

12

13 (BRIEF PAUSE)

14

15 MR. JOHN MATHER: So if you can scroll
16 down to the bottom, which is where we are. So this is
17 an email from you to Mr. Bonwick on June 18th, 2012.
18 And you -- the subject is, "Di Poce." And then you
19 say, "Di Poce industrial park was passed; all in
20 favour."

21 And the foundation document indicates
22 that this email was sent during a council meeting?

23 MR. RICHARD LLOYD: Probably.

24 MR. JOHN MATHER: Okay.

25 MR. RICHARD LLOYD: A public Council

1 meeting that was televised.

2 MR. JOHN MATHER: Okay. If that's the
3 case, why are you updating Mr. Bonwick about what's
4 happening at a Council meeting?

5 MR. RICHARD LLOYD: That this was his
6 client, Di Poce was, and letting him know that it was
7 passed, that everyone was in favour of it. Why
8 wouldn't I? Put it that way.

9 Like, quite often, others, when there's
10 business arising, if they weren't in the council
11 chambers, I would forward them and say it's been
12 passed, it's good.

13 MR. JOHN MATHER: This was a practice
14 you had? You would forward updates about things that
15 happened in Council to people you understood to be
16 interested?

17 MR. RICHARD LLOYD: When I'm sitting
18 at council I would quite often email parties to say
19 this is what's happened or it's being deferred or
20 whatever. It was at a public meeting.

21 MR. JOHN MATHER: Again, I'm just
22 trying to understand why you would do this if it was
23 at a public meeting and Mr. Bonwick or any other
24 person could equally figure out what was going on?

25 MR. RICHARD LLOYD: Jump ahead of the

1 curve, let them know ahead of time, as soon as we
2 know, as soon as it passed, hey, this has happened.
3 Again, working in the community, you'll see other
4 emails I've sent to other businesses, other
5 developers.

6 Whenever we'd -- we'd pass something to
7 council, quite often, if I had time, if it was a
8 boring council meeting, listen to some of the
9 presentations, I'd quite often do some of my homework
10 -- or my emails while at council -- that would be
11 something I would do, let's say it's been passed, you
12 know, congratulations, stuff like that.

13 MR. JOHN MATHER: And I think one (1)
14 of the first things you said is you wanted to get
15 ahead of the curve. And again, I'm just trying to
16 understand why you would want to get ahead of the
17 curve in this instance with Mr. Bonwick?

18 MR. RICHARD LLOYD: Take Mr. Bonwick
19 out of it for a minute. The reason I'd want to get
20 ahead of the curve is because I have a whole bunch of
21 work to do, so I'd want to get ahead of all of the
22 work that I'd have to do. So I'd sent emails out
23 informing them, hey, it's been passed.

24 I don't see the issue that -- you know,
25 it -- it's a public meeting. Even if somebody's

1 sitting in the audience and they had a BlackBerry, I'd
2 -- I would quite often send a congratulations, you
3 know.

4 Or if we had a presentation at the
5 podium by an organization and I knew them, if I had
6 their -- their email, I'd email them and say great
7 presentation.

8 MR. JOHN MATHER: Do you recall in
9 this instance if Mr. Bonwick asked you to provide an
10 update?

11 MR. RICHARD LLOYD: No. No, I don't
12 think. I don't know that if he did or didn't, but it
13 wouldn't have mattered because I would have, knowing
14 that he's involved in -- in the thing, just send him
15 an update on it.

16 MR. JOHN MATHER: So is that generally
17 true in your time as deputy mayor, that if you knew
18 that Mr. Bonwick had an interest in a matter before
19 council, you'd provide him an update?

20 MR. RICHARD LLOYD: It is true for
21 twenty-five (25) years with the taxpayers of
22 Collingwood, not just Mr. Bonwick, that I would send,
23 you know, updates, things happening at council, not
24 unusual.

25 For heaven sakes, even sometimes when

1 we're at -- at council meetings we would get emails
2 from the media that were in the audience that we
3 responded to. You know, like, that's not on here
4 because Mr. Bonwick's not attached to it. It's just -
5 - this Bonwick thing just drives me crazy.

6 MR. JOHN MATHER: So if we could go to
7 TOC193240.1?

8

9 (BRIEF PAUSE)

10

11 MR. JOHN MATHER: So if we can scroll
12 down. And scroll up a bit. So, again, you're
13 emailing with Mr. Bonwick. And the Foundation
14 Document indicates that this is during a council
15 meeting. And you say:

16 "A [redacted] person is at Council
17 and looks uncomfortable."

18 And scroll up. And Mr. Bonwick asks
19 where the bylaw is on the agenda. And then you
20 provide a response of, "Anticipated timing." And then
21 he asks for another update. And then you -- you
22 provide him that there's -- respond that there's one
23 (1) more item. And he says, "By the way, great job,
24 next."

25 Again, why are you having this

1 conversation with Mr. Bonwick on email?

2 MR. RICHARD LLOYD: A public meeting.

3 I -- I really don't know the parties here. I -- I
4 can't read through it. But no different than I've
5 done, as I said earlier, through council meetings, not
6 only -- only because Mr. Bonwick's name comes up here.

7 But you'll find there's all kinds of
8 other emails to many other people. And like I said,
9 even the media would email during a council meeting.
10 We'd email one another at the council table. We'd
11 email that, you know, you missed the whatever bylaw,
12 you know, rather than embarrass them at the table.

13 I can remember me reading a bylaw off
14 the agenda and not having the bylaw because it was
15 missing, though -- it was -- couldn't be found at the
16 table. So, you know, there's all kinds of things that
17 we did at council.

18 Only because Bonwick's name's attached
19 to this does it all of the sudden put up a red flag,
20 oh. But if you went back and looked at all the other
21 emails, you'd think, oh, well, I see that he does that
22 all the time.

23 MR. JOHN MATHER: So if we could pull
24 up TOC216131.1.

25

1 (BRIEF PAUSE)

2

3 MR. JOHN MATHER: So this is an email
4 from Mr. Bonwick to you on September 17th, 2012. He
5 says:

6 "Hi, Rick. As per your request,
7 here are draft letters for your
8 review. I also want to offer my
9 thanks for making a public statement
10 of this nature. I know the
11 employees very much appreciate your
12 support."

13 And I'm going to pull up one (1) of the
14 letters now, so TOC216131.1.1.

15

16 (BRIEF PAUSE)

17

18 MR. JOHN MATHER: So this is one (1)
19 of the attachments to the email, Mr. --

20 MR. RICHARD LLOYD: I remember them
21 well.

22 MR. JOHN MATHER: So can you tell me
23 about why Mr. Bonwick was sending you letters for you
24 to sign and put on your letterhead?

25 MR. RICHARD LLOYD: There was a local

1 company that was trying to expand their quarry,
2 remained unnamed, I guess. And I know Mr. Bonwick was
3 helping them. And I was helping then, as well, to try
4 and get through the Ontario Municipal Board. In fact,
5 I was a witness at the Ontario Municipal Board for
6 them. I know that council passed a resolution
7 supporting them, as well.

8 Mr. Bonwick wrote two (2) letters for
9 me to the ministries, two (2) reasons. 1) As busy as
10 I am, I embrace any help I can get from anybody and
11 the letters were well written.

12 If -- obviously, I review them before I
13 would sign them and send them out. It's not unusual
14 for a lot of politicians to have ghostwriters or
15 people help them with their letters. This is nothing
16 more than that. I know he was involved helping this
17 company. I don't know if he was being paid or
18 volunteer, whatever, but I was helping them, as well.

19 There's a tremendous amount of rapport
20 within the community, within the -- the rural
21 community, as well, helping them. So politically, it
22 was a good move for me, I believe.

23 The letters, I think nothing of it, but
24 he wrote those. I've had other people help with
25 letters, too -- write letters for me. I can -- can

1 tell you this that I'm not the greatest at -- at
2 punctuation and -- and spelling and all that stuff for
3 reasons that'll -- that I'm not going to get into.
4 But this wasn't an unusual thing. This was something
5 that -- that I embraced doing.

6 MR. JOHN MATHER: And at this point in
7 time, you said you understood Mr. Bonwick was helping
8 Walker -- sorry -- helping the aggregate company or --
9 but you weren't sure whether or not he was being paid
10 as a consultant?

11 MR. RICHARD LLOYD: Yeah. On that
12 one, I don't know. I have no idea at all. A lot --
13 there's tons of people helping consultants, lawyers.
14 I think it got to be a cost to Walkers of near
15 \$50 million to get that through.

16 MR. JOHN MATHER: And how often did
17 Mr. Bonwick prepare communications for you?

18 MR. RICHARD LLOYD: Not often because
19 it wasn't required. I didn't send a lot of letters
20 for reasons that I didn't need to, and I wasn't great
21 at it. I -- I can only think of a -- maybe less than
22 a half a dozen times. I had others help me more than
23 him with letters. I'd dictate them what I -- I felt I
24 wanted to say, and they would punctuate it, and put it
25 in the right content, and get it done properly.

1 MR. JOHN MATHER: Who would the --
2 would be the other people who would help you with the
3 letters?

4 MR. RICHARD LLOYD: My wife was one.
5 My lawyer would -- would assist me. I'd send letters
6 to him and get him to check over to make sure they're
7 done right, or he would just completely change it
8 around for me. A former mayor used to help me a bit.

9 MR. JOHN MATHER: In the 2010 to 2014
10 term, was there anyone at Council or on staff who you
11 went to for assistance in preparing communications?

12 MR. RICHARD LLOYD: That -- that
13 helped me on --

14 MR. JOHN MATHER: Yeah.

15 MR. RICHARD LLOYD: Ian Chadwick
16 would -- Councillor Chadwick would help me quite
17 often. He's -- he's really good at writing. Kevin
18 Lloyd would. The -- I'd throw them a -- a
19 scribbled-up draft that they would take and -- and fix
20 it up and give it back to me, and I'd put it on a
21 letterhead and away we'd go. But, again, my forte is
22 not writing letters.

23 MR. JOHN MATHER: Okay. In this
24 instance, why wouldn't you ask Mr. Chadwick to write
25 this letter for you?

1 MR. RICHARD LLOYD: He had nothing to
2 do with this, didn't know the topics, didn't
3 understand, didn't have the connection to even know
4 who probably could find out who the chair of the
5 Niagara Escarpment is, and others. I knew that
6 Bonwick had his fingers on the pulse; he knew these
7 individuals; would know how to address a letter
8 because he's been in Parliament before. It just was a
9 natural. And he was also suggesting that it would be
10 a good move, and it was.

11 MR. JOHN MATHER: And I think you said
12 you reviewed the letter?

13 MR. RICHARD LLOYD: Always reviewed
14 the letters before I ever send them. I wouldn't sign
15 it if it didn't make sense.

16 MR. JOHN MATHER: Do you recall if you
17 sent these letters?

18 MR. RICHARD LLOYD: Were they sent
19 out? Yes, they were. Yeah.

20 MR. JOHN MATHER: Do you recall if you
21 made any changes to them?

22 MR. RICHARD LLOYD: No, I did not make
23 any changes at all.

24 MR. JOHN MATHER: Was this a common
25 occurrence for someone to come to you and request that

1 you -- you draft a letter in support of either their
2 business or their client's business?

3 MR. RICHARD LLOYD: Yes. We quite
4 often had people requesting help, perhaps a letter or
5 whatever. I'd be quick to send an email or -- or jump
6 on the phone because, again, I don't like sending
7 letters or writing letters, you know.

8 MR. JOHN MATHER: We've seen now in a
9 few instances where you have provided Mr. Bonwick with
10 information about matters that were pertinent to his
11 clients. Would those -- would those clients been --
12 have been able to address those matters in the same
13 way if Mr. Bonwick wasn't their consultant?

14 MR. RICHARD LLOYD: Ask me the
15 question again. I'm sorry.

16 MR. JOHN MATHER: No, that's fair. It
17 wasn't necessarily well put. It seems to me by going
18 to you -- by going through you, Mr. Bonwick's clients
19 were able to get the more efficient results or the
20 quicker results that -- that you hoped to implement;
21 is that fair?

22 MR. RICHARD LLOYD: That's a fair
23 statement.

24 MR. JOHN MATHER: And would that
25 opportunity be open to other businesses in the

1 community who did not have Mr. Bonwick's assistance?

2 MR. RICHARD LLOYD: Sure. The -- the
3 difference is -- yes -- and the difference is
4 Mr. Bonwick -- people would hire him for exactly
5 what -- what he does. If there's any other
6 consultant, it'd be the same thing. It was not usual
7 for other people hiring consultants to come to us
8 because he was probably the best in the area, and
9 that's what was happening.

10 But I had a lot of developers that
11 would approach me directly, and you'll see emails
12 directly to developers with -- with what they were
13 doing. So it wasn't unusual that, you know, people
14 would come to me and -- and ask for that. Does that
15 answer the question? Sort of.

16 MR. JOHN MATHER: As -- as I put it,
17 was there anyone else other than Mr. Bonwick in -- in
18 the town who was doing that sort of work for clients?

19 MR. RICHARD LLOYD: The only one that
20 I know is Terry Geddes, a former mayor. He was a
21 consultant. And he had approached me different times,
22 too, on different projects. That's about it.

23 MR. JOHN MATHER: So again, so we've
24 seen a few instances of you providing Mr. Bonwick with
25 information about matters relevant to his clients.

1 MR. RICHARD LLOYD: That's correct.

2 MR. JOHN MATHER: You've also told us
3 that -- about your experience at the gravel pit where
4 you, you know, provide services, oversee safety, do
5 other things. And in exchange, you don't get paid,
6 but you do get something in return, in that case, in
7 the form of having the gravel pit use your trucks.

8 In these instances and during this
9 Council term, were you hoping or expecting you would
10 receive something in return from Mr. Bonwick?

11 MR. RICHARD LLOYD: No, never. No.
12 It's not that way. He won't even buy a beer for me at
13 the bar, he's so cheap. Sorry.

14 MR. JOHN MATHER: Do you understand
15 why an outsider may question or consider whether you
16 were receiving something in return?

17 MR. RICHARD LLOYD: Only because of
18 the formatting of -- of this document. If all the
19 other emails that I had sent out to other businesses
20 and -- and helping other people, I think it wouldn't
21 look so lopsided one way. Honestly, I just think that
22 it -- it looks lopsided because that's the way that --
23 the approach in the document is?

24 MR. JOHN MATHER: I'm happy to keep
25 going or we can take a break?

1 THE HONOURABLE FRANK MARROCCO: We'll
2 take ten (10) minutes.

3

4 --- Upon recessing at 12:41 p.m.

5 --- Upon resuming at 12:51 p.m.

6

7 MR. GEORGE MARRON: I have a meeting
8 with Mr. Amin that I scheduled last -- I guess on
9 Thursday of last week, for one o'clock.

10 THE HONOURABLE FRANK MARROCCO: We --
11 we'll stop at one o'clock so you -- you're just going
12 downstairs? Right. So we'll stop at 1:00.

13 MR. GEORGE MARRON: Thank you for
14 that.

15

16 CONTINUED BY MR. JOHN MATHER:

17 MR. JOHN MATHER: So, Mr. Lloyd,
18 before we took a break you were telling the inquiry
19 about how if someone came and asked you for
20 assistance, you were inclined to provide them
21 assistance.

22 MR. RICHARD LLOYD: That's correct.

23 MR. JOHN MATHER: So an individual
24 would have to ask you in order to get your assistance?

25 MR. RICHARD LLOYD: Not necessarily.

1 If I knew that there was a resident in town that
2 needed assistance, I would help them.

3 In fact, there's two (2) occasions
4 where the Hydro was going shut their hydro off and I
5 went and paid their bill.

6 MR. JOHN MATHER: So I take --

7 MR. RICHARD LLOYD: They didn't know
8 who it was that did it.

9 MR. JOHN MATHER: So I take it then
10 that the people you assisted were either people who
11 knew you well enough to ask you for assistance or
12 people who you knew well enough to know that they
13 needed your assistance?

14 MR. RICHARD LLOYD: All of the above,
15 yes.

16 MR. JOHN MATHER: What do you recall
17 about the solar vent initiative?

18 MR. RICHARD LLOYD: I read the
19 document.

20 MR. JOHN MATHER: And -- and I don't
21 mean to stop you from answering, I just want to know
22 what you recall at the time the 2011 period, not what
23 you may have since learned from reading the document.

24 MR. RICHARD LLOYD: What I -- what I
25 remember is the launch of it, I guess. Council was

1 invited up to Creekside for the launch of -- of the
2 solar vents. They had one on a house. Andy Kidd
3 (phonetic) is the owner of -- of Creekside and I don't
4 know how he participated or whatever.

5 I think at that presentation Mr.
6 Bonwick was there, Houghton was there, and I think
7 when I go back over the notes that Brian Bentz was
8 there as well, but I -- I can't be positive, but I
9 think he was. And the media was there as well. And I
10 went up with councillor Lloyd to -- to see what the
11 hubbub was all about and it was the launching of the -
12 - of the roof vents or the solar-powered roof vents.

13 MR. JOHN MATHER: Was that the first
14 time you'd heard of the roof vents or the company that
15 was making them?

16 MR. RICHARD LLOYD: I know it's the
17 first time ever seen them. I don't think I knew about
18 it prior to that, that I can remember. But I know
19 that was the very first time I ever actually seen the
20 roof vents.

21 MR. JOHN MATHER: Did you know when
22 you attended the launch event that Mr. Bonwick was
23 involved in the business?

24 MR. RICHARD LLOYD: Oh yeah, because
25 he was speaking and whether he was consulting for it

1 or involved in the business, he was definitely
2 involved.

3 MR. JOHN MATHER: So you saw him
4 speaking there. Is there any other basis on which you
5 knew him to be involved?

6 MR. RICHARD LLOYD: Was there?

7 MR. JOHN MATHER: Again, apologies for
8 the question.

9 So I understood from your answer, one
10 (1) of the reasons you thought he was involved is
11 because he was at the event speaking. Was there any
12 other reason you thought he was involved?

13 MR. RICHARD LLOYD: No. It looked
14 like he was in charge, put it that way, of -- of the
15 press release or the -- of the -- not press release,
16 but the launch of it. It looked like he was in charge
17 of it.

18 MR. JOHN MATHER: Did you know what
19 his role was with the company?

20 MR. RICHARD LLOYD: No idea at all.

21 MR. JOHN MATHER: And at the time did
22 you know if he was being paid by the company that was
23 manufacturing the solar vents?

24 MR. RICHARD LLOYD: No idea, but I
25 would assume, but I have no idea.

1 MR. JOHN MATHER: In the 2010 to 2012
2 time period, were you aware of any interests that Mr.
3 Bonwick may have had in an ethanol plant?

4 MR. RICHARD LLOYD: No. That he had
5 involvement?

6 MR. JOHN MATHER: Yes. Other than --
7 I mean, we've talked about Amaizeingly Green, I mean
8 other than Amaizeingly Green.

9 MR. RICHARD LLOYD: No, no. No, no.

10 MR. JOHN MATHER: Okay. In the 2010
11 to 2014 time period, what was your relationship with
12 Mr. Houghton?

13 MR. RICHARD LLOYD: He was a friend.
14 Business associate, I could call him, only because of
15 my role on Council and him being chair of -- of Collus
16 -- or not chair, but manager or whatever.

17 MR. JOHN MATHER: So was he a business
18 associate of yours in any other capacity?

19 MR. RICHARD LLOYD: No. Not at all.

20 I knew when I used that word it was
21 like oh.

22 MR. JOHN MATHER: And if you were the
23 chair of the Public Works committee, I take it Mr.
24 Houghton was the department head?

25 MR. RICHARD LLOYD: Yes.

1 MR. JOHN MATHER: As -- if I'm not
2 accurate, please correct me.

3 MR. RICHARD LLOYD: He was executive
4 director of Public Works. Yes.

5 MR. JOHN MATHER: And did you
6 understand that to make him the department head in
7 that department?

8 MR. RICHARD LLOYD: Yes, I did.

9 MR. JOHN MATHER: In the 2010 to 2012
10 time period, what did you know about Mr. Houghton and
11 Mr. Bonwick's relationship?

12 MR. RICHARD LLOYD: I think they were
13 professional friends, that was better than using the
14 word business friends. They were professional
15 friends. Other than that, I don't think there's
16 anything more than that.

17 MR. JOHN MATHER: And what do you mean
18 by a "professional friend"?

19 MR. RICHARD LLOYD: I -- I don't think
20 they were chummy and hanging out and going to bars and
21 -- and doing all that stuff. I think they were
22 professional business -- like, friends because of
23 business and that was it.

24 MR. JOHN MATHER: And again, I want to
25 know what you understood at the time. At the time did

1 you understand that Mr. Houghton and Mr. Bonwick were
2 in the same sort of contact that you and Mr. -- you
3 and Mr. Bonwick may be in contact?

4 So we looked at instances of you
5 communicating with Mr. Bonwick about his clients?

6 MR. RICHARD LLOYD: Yes, yes.

7 MR. JOHN MATHER: Did you understand
8 Mr. Houghton and Mr. Bonwick to be in the same sort of
9 contact?

10 MR. RICHARD LLOYD: Sure.

11 MR. JOHN MATHER: And how did you come
12 to form that understanding?

13 MR. RICHARD LLOYD: Read the document.
14 But prior to that --

15 MR. JOHN MATHER: Before you read the
16 document.

17 MR. RICHARD LLOYD: Yes, but there's
18 e-mails that involved me too, back and forth. I was
19 on the chain, quite often, of e-mails. I -- I knew
20 that they -- they were e-mailing back and forth.

21 MR. JOHN MATHER: So from what you've
22 said is it fair to say that you, Mr. Houghton, and Mr.
23 Bonwick were regularly in e-mail communication about
24 Town or Collus matters?

25 MR. RICHARD LLOYD: And many others.

1 MR. JOHN MATHER: Many other matters
2 or many other people?

3 MR. RICHARD LLOYD: Many other people,
4 many other businesses. Again, we've isolated Bonwick
5 into this thing.

6 If you go back over my e-mails, you'll
7 find there's a tremendous amount of others that I was
8 involved with e-mailing, as well, Houghton would be
9 involved in some of those e-mails as well.

10 MR. JOHN MATHER: When Sandra Cooper
11 was mayor, what was the nature of the relationship as
12 you understood it between Ms. Cooper and Mr. Bonwick?

13 MR. RICHARD LLOYD: They're siblings,
14 like every other sibling, love and hate probably, you
15 know, like love one another, hate one another, love
16 one another. I have -- there's six, including me, in
17 my family and it's the same thing.

18 Like, one day it's great, the next day
19 it's not so great, the next day it's fine again.

20 MR. JOHN MATHER: Would Mr. Bonwick
21 provide Ms. Cooper with advice or direction on policy
22 matters?

23 MR. RICHARD LLOYD: He assisted the
24 mayor quite a bit. He assisted me as well, quite
25 often, as others did too, and I thought it was very

1 helpful.

2 MR. JOHN MATHER: Starting with Ms.
3 Cooper, how would Mr. Bonwick assist Ms. Cooper with
4 policy?

5 MR. RICHARD LLOYD: Wording,
6 communication skills aren't one of the mayors fortes
7 and it's not one of my fortes either. And Mr. Bonwick
8 is very good at communications, as others that helped
9 me too, and would assist. And I'd reach out, I'm sure
10 she did too, to assist.

11 MR. JOHN MATHER: At the time, would
12 you have considered Mr. Bonwick to be one of Ms.
13 Cooper's advisors?

14 MR. RICHARD LLOYD: I think that's a
15 little hard -- like, harsh. I don't -- don't know
16 that he was actually one of the advisors. She had a
17 committee that -- that she worked with. I think that
18 -- her campaign team. And I think they assisted her
19 quite a bit and I would -- if I was putting anybody as
20 advisors, I think they were assisting her with a lot
21 of advice.

22 But brothers and sisters, why wouldn't
23 he help her too?

24 MR. JOHN MATHER: And was Mr. Bonwick
25 part of Mayor Cooper's campaign team?

1 MR. RICHARD LLOYD: I don't think so.

2 MR. JOHN MATHER: Okay.

3 MR. RICHARD LLOYD: Not that I know of
4 anyway.

5 MR. JOHN MATHER: If there was a
6 matter that was being discussed in Council or was
7 going to come before Council, and you wanted Mayor
8 Cooper's support, would you ever reach out to Mr.
9 Bonwick in -- as a way to try to obtain that support?

10 MR. RICHARD LLOYD: Yes, as I have
11 with other people around the table, to try and get
12 support, because sometimes it's very difficult when
13 you're -- you're dealing with issues, to have
14 everybody on the same page. It's nice to be and I've
15 had other people do the same to me, where they've --
16 we call it lobbying, where we lobby one another to --
17 to ensure that -- to try and get everybody on board
18 and try to get a feel for it.

19 There's nothing worse than when you
20 bring something to Council and it's dead in the water.
21 I'd rather not bring it to Council if --

22 MR. JOHN MATHER: Right. And so
23 you're talking about a process of lobbying other
24 Council members to support an initiative, and I take
25 it from your answer then, when you were trying to

1 lobby Mayor Cooper on something, you might go to Mr.

2 Bonwick first --

3 MR. RICHARD LLOYD: Positively. And -
4 - and have his assistance. I even talked to her
5 mother sometimes and Fran to say gee, Fran, it just --
6 it's what we do.

7 MR. JOHN MATHER: And why would you go
8 to Mr. Bonwick or --

9 MR. RICHARD LLOYD: To Fran? Throw
10 ideas at them to say you know, I think Sandra should
11 be doing this or whatever.

12 Sandra is a big girl, she made up her
13 own mind and whether Paul Bonwick was advising her or
14 her mother or Rick Lloyd or anybody else, she pretty
15 much evaluated what information she had and she made
16 her own determination, if it was she wanted to do.

17 She wasn't pushed. She wasn't bullied,
18 she wasn't -- and she is not a pushover. So she's
19 pretty smart.

20 MR. JOHN MATHER: And I would hate to
21 be the reason Mr. Marron is too late for an
22 appointment. So we're ready to take our break.

23

24 --- Upon recessing at 1:02 p.m.

25 --- Upon resuming at 2:15 p.m.

1 MR. JOHN MATHER: So, Mr. Lloyd,
2 there's one thing I want to follow-up on, further to
3 our discussions this morning about the e-mails we were
4 looking at where you were sending information to Mr.
5 Bonwick in relation to his clients. And one (1) of
6 the things you said was that one of the reasons you
7 were doing it was to assist those local businesses in
8 what they were trying to achieve in their dealings
9 with the Town.

10 Is that fair?

11 MR. RICHARD LLOYD: That's fair.

12 MR. JOHN MATHER: When you were doing
13 that, did you ever consider that the Town's interests
14 might be different than what those business interests
15 were?

16 MR. RICHARD LLOYD: No, I -- I tried
17 to take the Town's interest and that's more of what I
18 was representing, the Town's interest to try and move
19 this business along or to help in whatever way.

20 MR. JOHN MATHER: Okay. So right
21 before the break we were talking about the Mayor
22 Cooper and Mr. Bonwick.

23 MR. RICHARD LLOYD: Yes.

24 MR. JOHN MATHER: And I'd like to go
25 to paragraph 95 of the Foundation document.

1 So in this paragraph it's describing an
2 e-mail conversation that was happening before a
3 Council meeting on April 4, 2011. One of the issues
4 before Council was shifting oversight of the downtown
5 revitalization committee from Town staff to the BIA.
6 And we see that Mr. Bonwick drafted a statement for
7 Mayor Cooper to read in support of the motion, and he
8 shared the statement with you.

9 At this point in time, in April 2011,
10 did you know why Mr. Bonwick was writing a -- a draft
11 statement for Mayor Cooper.

12 MR. RICHARD LLOYD: As I said earlier,
13 Mr. Bonwick did help the Mayor, helped many at the --
14 not only on this Council, but other councils with
15 letters and -- and drafts and suggestions and so on.

16 So as before, it's not unusual.

17 MR. JOHN MATHER: In this instance, do
18 you know what interest Mr. Bonwick had in the motion
19 before Council?

20 MR. RICHARD LLOYD: I don't believe
21 any at all.

22 MR. JOHN MATHER: So if he had no
23 interest, what -- why -- did you have any
24 understanding of why he would do it?

25 MR. RICHARD LLOYD: Because it's his

1 sister, trying to help. Generally any of us that
2 asked for help from him, he was more than willing to
3 assist us. Whether -- and again, the mayor makes her
4 own decisions. If she didn't want to go with this,
5 she wouldn't have done it.

6 But I think he was -- as a sibling, as
7 a friend, whatever, was trying to assist. He is good
8 with his communications.

9 MR. JOHN MATHER: And were you aware
10 at the time of any -- any clients of Mr. Bonwick that
11 would have had an interest in the outcome of the
12 motion regarding the BIA?

13 MR. RICHARD LLOYD: No, I don't think
14 there was any.

15 MR. JOHN MATHER: Can we pull up TOC
16 44255. And if we could scroll down to the bottom.

17 So the first e-mail in the chain is the
18 e-mail that was referenced in the Foundation document,
19 so it's an e-mail from Mr. Bonwick to Ms. Cooper. And
20 if we scroll up.

21 So Mr. Bonwick then forwards that e-
22 mail that he sent to Ms. Cooper to you. Do you see
23 that?

24 MR. RICHARD LLOYD: Okay.

25 MR. JOHN MATHER: At this point do you

1 know -- sorry, at the time you receive -- first of
2 all, do you recall receiving this e-mail?

3 MR. RICHARD LLOYD: I don't -- no.
4 When I see it I read it and I understand it, but I
5 don't remember.

6 MR. JOHN MATHER: Do you have any
7 recollection of why Mr. Bonwick marked it
8 "confidential" to you?

9 MR. RICHARD LLOYD: None.

10 MR. JOHN MATHER: Did you understand
11 the motion before Council relating to the BIA to be
12 confidential?

13 MR. RICHARD LLOYD: No.

14 MR. JOHN MATHER: So Mr. Bonwick
15 writes:

16 "This is the background I am
17 providing Sandra. I would recommend
18 you incorporate a similar approach,
19 as all councillors at the table made
20 a commitment to this type of
21 approach during the election. It
22 makes them look like supporters of
23 the old guard if they don't support
24 Chadwick's motion."

25 And just pausing on one thing there,

1 it's my understanding that Mr. Chadwick was bringing
2 forward the motion.

3 MR. RICHARD LLOYD: Yes. And if I can
4 enlarge on that a little bit?

5 MR. JOHN MATHER: Yes.

6 MR. RICHARD LLOYD: Councillor
7 Chadwick was on the BIA board, the Business
8 Improvement Area board. And I think there's a -- a
9 concern that the BIA board weren't involved in the
10 revitalization of the reconstruction of the main
11 street.

12 So Councillor Chadwick felt that the
13 tail was wagging the dog instead of the dog wagging
14 the tail. The -- the BIA should be the one, the
15 driving force behind the revitalization.

16 As well, each of the business owners or
17 property owners were contributing an -- an additional
18 tax to pay for the revitalization.

19 So that was the other reason why they
20 felt that the BIA, because they're helping to pay for
21 it, should be more involved than they were.

22 MR. JOHN MATHER: And so I take from
23 this e-mail that Mr. Bonwick also was requesting that
24 you support the motion. Was that your understanding?

25 MR. RICHARD LLOYD: Well, and I would

1 have, as well if I can, I am a BIA member. I do own
 2 property on the main street where my flower shop was.
 3 It wasn't a conflict because it was the whole main
 4 street was being done, I checked that. Without this
 5 e-mail, I was supporting it because I was a BIA
 6 member, made sense, because I felt that we should have
 7 been an -- doing more of the revitalization or
 8 involved in what the Town -- as a business owner.

9 MR. JOHN MATHER: And I know you say
 10 that Mr. Bonwick didn't have a specific interest in
 11 this matter.

12 Does it strike you unusual at all that
 13 Mr. Bonwick is asking the mayor and the deputy mayor
 14 to support Mr. Chadwick's motion when he has no
 15 interest?

16 MR. RICHARD LLOYD: No, not at all.
 17 The only -- I don't know how he got involved or why he
 18 got involved, but this kind of thing is typical of Mr.
 19 Bonwick.

20 MR. JOHN MATHER: And what do you mean
 21 "typical of Mr. Bonwick"?

22 MR. RICHARD LLOYD: Helping anybody
 23 and everybody. Like, I don't know if it was one of
 24 the business owners complaining more Mr. Chadwick,
 25 whoever, so it's just typical that he would forge in

1 to help.

2 MR. JOHN MATHER: What did you
3 understand Mr. Bonwick to mean by it makes them look
4 like supporters of the old guard?

5 MR. RICHARD LLOYD: I -- I really
6 don't know.

7 MR. JOHN MATHER: Fair enough. So you
8 know, thinking back, is there anything you would
9 understand that to mean?

10 MR. RICHARD LLOYD: The old guard was
11 -- the way that I have interpreted the old guard was
12 the old councils and the old way we did stuff.

13 This is just saying the opposite. If -
14 - it makes them look like supporters of the old guard
15 if they don't support Chadwick's motion. So the old
16 guard would've been the Town just done it, you know,
17 in spite of the BIA members or the residents, they'd
18 have a couple of public meetings, but -- but that was
19 it.

20 So I'm sure that he's thinking or I'm
21 guessing that he's thinking from this email that --
22 that rather than just the Town do it like they've done
23 in the past, I was here for the revitalization before
24 this last one, the BIA should be more involved. The
25 BIA board should be more involved with its members,

1 and they should be right at the table with the Town
2 making decisions on what we're doing on the main
3 street.

4 MR. JOHN MATHER: Did you at this
5 time, so it's April 2011, it's shortly after the
6 elections in October of 2010, did you view Council as
7 a new guard of some sort or that there had been a
8 changing of the guard?

9 MR. RICHARD LLOYD: I didn't view it -
10 - like, I was one of the old Council, so business as
11 usual, but -- now I wasn't elected consecutively for
12 the 25 years, but you know.

13 MR. JOHN MATHER: So if we can scroll
14 up in the e-mail, so you respond to Mr. Bonwick saying
15 that that will do it, but did you discuss it with
16 Sandra just to reinforce it?

17 What did you mean by "that will do it"?

18 MR. RICHARD LLOYD: The motion, from
19 the mayor being involved, I'm in -- like, I'm already
20 sold on it, like, I felt this is what should be done.

21 Chadwick obviously was. There would be
22 enough support at the table that would do it.

23 MR. JOHN MATHER: Before you received
24 this e-mail from Mr. Bonwick, had you formed a view
25 about how you were going to vote on the matter?

1 MR. RICHARD LLOYD: I'm a BIA member,
2 downtown business owner, property owner, contributing
3 to revitalizing this -- the main street. There's no
4 question that I would've been in favour of -- of my
5 private life being involved in this.

6 MR. JOHN MATHER: In that regard, did
7 you consider whether you had a conflict in voting on
8 the matter?

9 MR. RICHARD LLOYD: Yes, as I said
10 earlier, I didn't have a conflict because if you read
11 in the Municipal Act, it's very clear that if it's for
12 the betterment of all the people, then I can vote for
13 it. No different than if I had lived on Maple Street
14 and they were reconstructing Maple Street, I could
15 vote for it, because it wasn't specifically just
16 helping me. And again, I was paying.

17 MR. JOHN MATHER: So you then say "but
18 did you discuss it with Sandra just to reinforce it,"
19 why did you write that?

20 MR. RICHARD LLOYD: Just to make sure
21 that -- that what the -- if Paul was involved in the
22 motion, to reinforce what the intention of the motion
23 was to make sure she was totally, I guess, briefed on
24 -- on where it was going and so on, just to assist
25 her.

1 THE HONOURABLE FRANK MARROCCO: Excuse
2 me?

3 MR. RICHARD LLOYD: Yes?

4 THE HONOURABLE FRANK MARROCCO: But I
5 thought he wasn't, I thought he had no interest in the
6 motion.

7 MR. RICHARD LLOYD: I'm sorry, you
8 mean Bonwick?

9 THE HONOURABLE FRANK MARROCCO: Yes.

10 MR. RICHARD LLOYD: Well --

11 THE HONOURABLE FRANK MARROCCO: I
12 thought you said that a few minutes ago.

13 MR. RICHARD LLOYD: Yes. What I was
14 saying is that Bonwick had no interest in -- in
15 advancing this, other than assisting his sister with
16 it. Like, I don't think he was being paid by the BIA
17 board or -- or other than just assisting.

18 Does that make sense? How's that?

19

20 CONTINUED BY MR. JOHN MATHER:

21 MR. JOHN MATHER: Okay, so if we could
22 go to paragraph 97 of Foundation document 1.

23

24 (BRIEF PAUSE)

25

1 MR. JOHN MATHER: So paragraph 97, I'm
2 just going to walk through a few of these paragraphs
3 to give you some context. On 97 we see that mayor
4 Cooper spoke in support of the motion at the meeting.

5 We then see in paragraph 98 that the
6 motion passed. And then, at paragraph 99, you write,
7 after the debate, you -- Mr. Bonwick asked you how --
8 how did she do. I assume that was Mayor Cooper, is
9 that correct?

10 MR. RICHARD LLOYD: Positively, yes.

11 MR. JOHN MATHER: And you responded
12 she was good.

13 Other than what you've already told us
14 about, reasons you would e-mail with Mr. Bonwick
15 regarding Council meetings, is there any other reason
16 in -- in this instance you were e-mailing with him
17 about his sister?

18 MR. RICHARD LLOYD: No, I think
19 because of his involvement in the motion she wanted to
20 know how she came across and so on, and she did good.

21 MR. JOHN MATHER: Okay. To an
22 outsider it may appear that Mr. Bonwick is trying to
23 influence Council policy through his sister and is
24 also relying on you to assist him in those efforts.

25 Would that be a fair characterization

1 of what's going on?

2 MR. RICHARD LLOYD: No, I can see
3 somebody maybe thinking that, that's not anywhere near
4 what was going on.

5 Sandra's communication skills, as mine,
6 are limited and any help she can get I'm sure she --
7 she embraced it. But she was the master of what she
8 was going to do, not Paul Bonwick or Rick Lloyd.

9 MR. JOHN MATHER: And can you
10 understand why someone might be confused about why Mr.
11 Bonwick's doing this if he -- he has no interest in
12 it?

13 MR. RICHARD LLOYD: Not if he lived
14 and grew up in Collingwood and knew all the
15 connections and knew it was his sister and so on. I
16 don't think there'd be confusion.

17 But who knows? I don't think that
18 would be confusing at all.

19 MR. JOHN MATHER: Okay. So I'm now
20 going to change gears and talk more about Collus and
21 PowerStream.

22 MR. RICHARD LLOYD: Okay.

23 MR. JOHN MATHER: When did you first
24 become aware of a potential sale of all or part of
25 Collus?

1 MR. RICHARD LLOYD: You know, I -- I -
2 - to put a specific date or a time, I have no idea.

3
4 2011 -- I don't know if --

5 MR. JOHN MATHER: Fair enough. And we
6 will maybe take you to some points in time that may
7 help refresh your memory. I just wanted to see if you
8 could recall.

9 MR. RICHARD LLOYD: Yeah.

10 MR. JOHN MATHER: Do you remember at
11 any point Councillor Gardhouse suggesting that there
12 should be a sale of all or part of Collus?

13 MR. RICHARD LLOYD: There was
14 discussion of that, yes.

15 MR. JOHN MATHER: Do you remember when
16 and -- when that was?

17 MR. RICHARD LLOYD: No, but I -- I do
18 remember that -- that Gardhouse brought it up, but
19 just exactly what you said, should be all or part of
20 it.

21 MR. JOHN MATHER: Okay. Was that at a
22 Council meeting?

23 MR. RICHARD LLOYD: I'm going to
24 assume yes, but I'm only assuming. I'm only
25 speculating because --

1 MR. JOHN MATHER: So -- so if I
2 understand this, you remember that he brought it up
3 but you don't recall the -- the -- the context?

4 MR. RICHARD LLOYD: And I don't
5 remember when or -- I just know it was discussed or
6 brought up as a -- a --

7 MR. JOHN MATHER: Okay. So I
8 appreciate you don't recall right now when you first
9 learned about a potential sale of Collus.

10 Do you recall when you first learned
11 that Mr. Bonwick was working for PowerStream?

12 MR. RICHARD LLOYD: Officially I know
13 that in reviewing the document, on June 29th I think
14 it was, there was a meeting in the boardroom
15 downstairs by the mayor's office. In that meeting was
16 Brian Bentz, the Mayor of Barrie, Jeff Lehman, the
17 Mayor, myself, and the CAO, Kim Wingrove.

18 MR. JOHN MATHER: Okay. Just give me
19 a moment and we'll pull up the reference to that
20 meeting.

21 MR. RICHARD LLOYD: Thank you.

22 MR. JOHN MATHER: So if we could go to
23 paragraph 207 of the Foundation Document.

24

25 (BRIEF PAUSE)

1 MR. JOHN MATHER: So in this -- this
2 paragraph references an email from June 14th, 2011,
3 from -- from Mr. Bonwick to you, proposing a meeting -
4 - a meeting, PowerStream, June 29th, 2011. And then
5 it goes on to say that there was a calendar
6 appointment for a meeting on that date.

7 Now, when you first gave your answer
8 you -- you said something about having reviewed the
9 documents.

10 MR. RICHARD LLOYD: That's right.

11 MR. JOHN MATHER: Do you have an
12 independent recollection of that meeting?

13 MR. RICHARD LLOYD: I do.

14 MR. JOHN MATHER: And what's your
15 recollection?

16 MR. RICHARD LLOYD: I remember, well,
17 all the individuals being there. I don't remember
18 Houghton was there at all, so I don't think he was
19 there.

20 It was an introduction meeting, but it
21 got into discussing that Bonwick was working for
22 PowerStream, officially, and I was little surprised at
23 that, only because there's no conflict and I guess
24 they just wanted to be open and transparent about it,
25 and, you know, they -- they talked about PowerStream

1 and -- and again just briefly touched on the Bonwick
2 involvement. I remember after Dean Muncaster when we
3 were leaving had said, made the comment that if
4 Bonwick can help with the sale of -- of Collus to the
5 benefit of Collingwood, God bless him.

6 MR. JOHN MATHER: So I take it -- I'm
7 going to ask you a few questions about what you said
8 there.

9 MR. RICHARD LLOYD: Sure.

10 MR. JOHN MATHER: Just picking up on
11 what Mr. Muncaster said. So I take it at that point -
12 - so when he -- so when he's referring about -- to Mr.
13 Bonwick assisting with the sale of Collus, at that
14 point did you understand that Collus was going to
15 proceed with an RFP?

16 MR. RICHARD LLOYD: I didn't think
17 that far into it at all. I just -- you know, it was a
18 meeting and obviously that we'll be getting into an
19 RFP, we'll be doing -- there'd be a whole bunch of
20 stuff involved.

21 MR. JOHN MATHER: So I take it --
22 maybe I'll -- maybe I'll do it this way. Who
23 described what Mr. Bonwick would be doing for
24 PowerStream at that --

25 MR. RICHARD LLOYD: Brian Bentz.

1 MR. JOHN MATHER: Brian Bentz. And
2 what did he say Mr. Bonwick was going to be doing?

3 MR. RICHARD LLOYD: I don't know the
4 exact words. That's eight (8), nine (9) years ago. I
5 don't --

6 MR. JOHN MATHER: Do you remember
7 having any -- you know, as best you can today, having
8 any impression about what Mr. Bonwick would be doing
9 after that meeting for PowerStream?

10 MR. RICHARD LLOYD: He was going to
11 help them. That's all I -- I remember. He was
12 involved with PowerStream, but to the details --

13 MR. JOHN MATHER: Again going back to
14 that point in time, did Mr. Bentz say that Mr. Bonwick
15 will be involved if there was going to be an RFP?

16 MR. RICHARD LLOYD: I don't think
17 specifically, no.

18 MR. JOHN MATHER: And so we see here
19 on the -- on the screen, it appears that the invitees
20 were Mayor Cooper, Mr. Houghton, who you said you
21 don't recall to be at the meeting --

22 MR. RICHARD LLOYD: Yeah.

23 MR. JOHN MATHER: -- yourself, Mr.
24 Muncaster, Ms. Wingrove, and Mr. Bentz. Was there
25 anyone else at the meeting?

1 MR. RICHARD LLOYD: No. I -- I also
2 don't think Houghton was there.

3 MR. JOHN MATHER: And I think one of
4 the other things you said was that this was when it
5 was officially announced that Mr. Bonwick would be
6 working for PowerStream.

7 MR. RICHARD LLOYD: That's the first I
8 ever -- I'm sorry.

9 MR. JOHN MATHER: Go ahead.

10 MR. RICHARD LLOYD: That's the first I
11 ever heard from PowerStream because it's the first I
12 ever met them, and I heard officially that he was
13 working for -- for PowerStream, and --

14 MR. JOHN MATHER: Did you know that he
15 might be working for them before this meeting?

16 MR. RICHARD LLOYD: Not official --
17 not -- no.

18 MR. JOHN MATHER: So if you look at
19 the top of the paragraph where Mr. Bonwick emails you
20 on June 14th, 2011, with an untitled email that says,
21 "Meeting PowerStream," what did you understand him to
22 be asking you in that email?

23 MR. RICHARD LLOYD: When I -- I see
24 that and I see that -- that -- it's like everything
25 else he ever sends. All of a sudden you get an email

1 from him that there's a meeting and it's like, okay.
2 So obviously he was working for PowerStream prior to
3 that or setting up meetings or whatever he was doing.

4 MR. JOHN MATHER: Prior to receiving
5 that email, had you spoken with Mr. Bonwick about him
6 working for PowerStream or PowerStream at -- in
7 general?

8 MR. RICHARD LLOYD: Not that I recall
9 at all, no.

10 MR. JOHN MATHER: And you may be --
11 we're getting at this, but did it strike you as
12 unusual that he was sending you an email with a
13 company name in it and you hadn't spoken about it
14 before?

15 MR. RICHARD LLOYD: No. Honestly, if
16 there's a -- a meeting being set by him, whether it
17 was Amaizeingly Green or whoever, it wouldn't be
18 unusual -- this could be just an introduction of what
19 he's -- he's doing. Could be setting up a meeting for
20 them. I have no idea half the time what the man's
21 involved in. I just...

22 MR. JOHN MATHER: And again I just
23 want to make sure I understand. I take it from your
24 answer that it's not -- it was not unusual then for
25 Mr. Bonwick to send you an email about a company that

1 he may or may not be working for, but you -- and --
2 and you wouldn't know yet because he wanted to meet
3 with you about them.

4 MR. RICHARD LLOYD: If he was inviting
5 -- I was being invited to a meeting, yes, you're
6 right. He wouldn't just send me an email out of the
7 blue for no reason. This had a reason. Obviously the
8 reason was there was going to be a meeting, an
9 introduction meeting so.

10 MR. JOHN MATHER: Between him sending
11 you this email and the meeting itself, did he give you
12 any more information about what the meeting would be
13 about?

14 MR. RICHARD LLOYD: No. You're quite -
15 - can I add? I never asked either.

16 MR. JOHN MATHER: We'll come back to
17 this --

18 MR. RICHARD LLOYD: Sure.

19 MR. JOHN MATHER: -- in a bit but I
20 wanted to bring it up while it was on your mind.

21 So if we could go to paragraph 115 of
22 the Foundation Document.

23

24 (BRIEF PAUSE)

25

1 MR. JOHN MATHER: So I'm showing you a
2 paragraph involving an email from Mr. Bonwick to Mr.
3 Bentz. I appreciate you're not on the email. I'm
4 just presenting it to you as a point in time. So
5 January 10th, 2011, Mr. Bonwick sent an email
6 introducing himself to Brian Bentz at PowerStream.

7 I take it from your earlier answers you
8 didn't know that Mr. Bonwick had been in contact with
9 PowerStream in January 2011?

10 MR. RICHARD LLOYD: I don't think so.
11 I can't -- again it's eight (8) years ago. I don't
12 believe I did.

13 MR. JOHN MATHER: All right. When was
14 the first time you recall hearing the name Brian
15 Bentz?

16 MR. RICHARD LLOYD: I don't know if it
17 was -- again I'm not -- I'm confused on dates and when
18 things happened. I don't know if it was the kickoff
19 of the roof event, if that was prior to this email you
20 just showed me or if it was in fact the meeting that
21 we had at the Town hall.

22 MR. JOHN MATHER: Okay. And -- and
23 this may assist you, the solar launch event, which I
24 believe you're referring to was in August 2011.

25 MR. RICHARD LLOYD: Okay. So it was

1 after this.

2 MR. JOHN MATHER: So after the June
3 29th --

4 MR. RICHARD LLOYD: Yeah.

5 MR. JOHN MATHER: Okay. So maybe I'll
6 put it to you this way, is the June 29th meeting the -
7 - the first time you recall meeting -- meeting Brian
8 Bentz?

9 MR. RICHARD LLOYD: Yes, that's right.

10 MR. JOHN MATHER: And had you heard of
11 him before that?

12 MR. RICHARD LLOYD: I don't think so,
13 no.

14 MR. JOHN MATHER: What did you know
15 about PowerStream before that meeting?

16 MR. RICHARD LLOYD: Not very much,
17 other than they're owned by municipalities. I think
18 the City of Vaughan, Markham, the City of Barrie, and
19 I remember at the time when the City of Barrie was
20 being brought into the umbrella of PowerStream and --
21 and watching that unfold.

22 MR. JOHN MATHER: So if we could now
23 go to paragraph 122.

24

25 (BRIEF PAUSE)

1 MR. JOHN MATHER: So we see this
2 email. It's dated January 17th, 2011. And you are
3 emailing the town clerk, Sara Almas, and it says:

4 "My brother is considering again
5 bidding on Town work but was worried
6 about putting me in a conflict, me
7 into conflict," [sorry]. "I am not
8 involved in his business and I told
9 him that I will not have a conflict
10 (pecuniary) interest as I am not
11 involved in his business and the
12 Conflict of Interest Act clearly
13 states that I must declare interest
14 if it's -- if it is spouse, sons or
15 daughters, and parents. I am
16 sending this to you only to ask if
17 this is your understanding as well
18 and I do realize that you cannot
19 give me advice on this matter."

20 Do you recall sending Ms. Almas this
21 email?

22 MR. RICHARD LLOYD: Yes.

23 MR. JOHN MATHER: Why did you send Ms.
24 Almas this email?

25 MR. RICHARD LLOYD: The night before,

1 or nights before that, I was out with my brother and a
2 bunch of other guys and Bonwick was there, and it
3 almost got into an argument about conflict and my
4 brother being involved, taking all the Town business,
5 and all. And he hadn't been doing any business for
6 the Town.

7 And I was pretty distressed about it,
8 to say the least, so I sent the email to -- to Sara
9 and she responded and I forwarded it on to Bonwick so
10 he could show these other characters that I didn't
11 have a conflict. I showed my brother and he was -- he
12 was more devastated that -- thinking, well maybe I
13 did, but I didn't have a conflict.

14 MR. JOHN MATHER: Okay. I'm just
15 again going to ask you some questions about that.
16 When you said you forwarded it on, you sent it to
17 Bonwick so he could forward it on to these other
18 characters?

19 MR. RICHARD LLOYD: He could talk to
20 the other characters about it that, hey, he doesn't
21 have a conflict.

22 MR. JOHN MATHER: Who were those other
23 characters?

24 MR. RICHARD LLOYD: I don't -- I don't
25 remember who was with us that night, honestly. I know

1 my brother was there and -- and it just was a big
2 discussion that got around to --

3 MR. JOHN MATHER: So you were -- you
4 were out with Mr. Bonwick, your brother, and some
5 other people?

6 MR. RICHARD LLOYD: That's correct.

7 MR. JOHN MATHER: At that time was
8 your brother doing any work for the Town?

9 MR. RICHARD LLOYD: If any tenders
10 came up and so on, he -- he would work off and on with
11 them. I really don't know how much work he was doing
12 because I didn't pay attention because there was no
13 conflict of interest.

14 MR. JOHN MATHER: What sort of work
15 does your brother do?

16 MR. RICHARD LLOYD: Construction work,
17 excavation, bulldozing, that kind of stuff, very
18 similar to what I -- I do.

19 MR. JOHN MATHER: And in your email
20 you said your brother is considering again bidding on
21 Town work.

22 MR. RICHARD LLOYD: M-hm.

23 MR. JOHN MATHER: So that sounds to me
24 like he had done so in the past.

25 MR. RICHARD LLOYD: Well, he has.

1 MR. JOHN MATHER: Yeah.

2 MR. RICHARD LLOYD: Yeah.

3 MR. JOHN MATHER: When he had done so
4 in the past, had you gone to Ms. Almas and asked her
5 about it?

6 MR. RICHARD LLOYD: No. Only because
7 of this argument that -- that occurred, that I figured
8 I'd get somebody to -- to explain.

9 MR. JOHN MATHER: Outside of this
10 argument, had anyone raised concerns with you about
11 your brother bidding on Town work?

12 MR. RICHARD LLOYD: I used to get a
13 lot of -- I used to get a lot of -- of different
14 people concerned about Rick Lloyd bidding Town work
15 and Steve Lloyd bidding Town work. I got so I never
16 bid anything, and I'd even declare a conflict if I
17 did. Then it all of a sudden was my brother and then
18 -- even when I sold flowers to the Town, we used to,
19 in the old days, back when I was first elected, every
20 payment I'd received would come through Council and
21 I'd have to declare a conflict for \$24 and all this,
22 and what the perceived -- what people perceived at
23 that point was that I was the only flower shop selling
24 flowers to the Town.

25 Well, no, but I was the only guy that

1 was on Council that owned a flower shop, that I had to
2 declare it every -- every month that I did. So -- and
3 it would be in the newspaper, and it just got silly
4 after a while.

5 But then finally, the process changed,
6 that once I declared I was the owner of the flower
7 shop and so on, then when the payment went through, I
8 didn't have to declare them every month, like it was.

9 MR. JOHN MATHER: After having this
10 discussion with -- or argument with Mr. Bonwick and
11 some other people, why did you want the Town clerk to
12 confirm whether or not she shared your view of the
13 Conflict of Interest Act?

14 MR. RICHARD LLOYD: I really didn't
15 know who else in the Town to ask. The clerk looks
16 after the administration of that kind of stuff, and I
17 knew Sara well enough that I felt comfortable sending
18 her an email to say exactly what I said into it.

19 MR. JOHN MATHER: Had you gone to her
20 before with a question like this?

21 MR. RICHARD LLOYD: I probably have
22 asked, or I've even suggested that perhaps somebody
23 else might have a conflict and -- about the raise up -
24 - raised the issue up with -- with Sara.

25 MR. JOHN MATHER: In your email, at

1 the end, you say:

2 "And I do realize that you cannot
3 give advice on this matter."

4 What did you mean by that?

5 MR. RICHARD LLOYD: As I said earlier,
6 if -- as the Municipal Act reads, you need to get a
7 solicitor to give you the actual ruling on it. And
8 again, quite often, lawyers will say, if you think you
9 have a conflict, you have one.

10 Well, that's not a good answer. Either
11 you have one or you don't. I didn't feel necess --
12 that it was necessary to go to a lawyer, because this
13 is what the Act says, and I was just having her
14 confirm it.

15 MR. JOHN MATHER: And I understand
16 that. I'm just wondering why you specifically told
17 her, You know, I understand you can't give advice.
18 Were you concerned that she might try to give you
19 advice?

20 MR. RICHARD LLOYD: No, that was more
21 covering her. But -- but, you know, I understand
22 that, you know, whatever you tell me, you know, you're
23 not liable for it, basically, that, you know, you --
24 because you're not -- you can't give advice on this
25 matter. You can concur. You can say, yeah, that's

1 what the Act reads, but you can't say, you have a -- a
2 conflict.

3 She can sometimes say, maybe you should
4 check and see if you have a conflict.

5 MR. JOHN MATHER: When you sent her
6 this email, were you intending to forward any response
7 you received to Mr. Bonwick or other people?

8 MR. RICHARD LLOYD: To Bonwick, I was.

9 MR. JOHN MATHER: Did you tell Ms.
10 Almas that?

11 MR. RICHARD LLOYD: No.

12 MR. JOHN MATHER: Why not?

13 MR. RICHARD LLOYD: Never thought
14 about it as an issue. The -- the big thing I wanted
15 to find from her was, am I correct, which I believe I
16 was. And when she said yes, then I thought, Fine,
17 I've got the information I need. And then I -- I
18 forwarded it on. There's nothing confidential about
19 it. It's fact.

20 MR. JOHN MATHER: So we see in
21 paragraph 123, if you scroll down, so Ms. Almas writes
22 you back and confirms more or less your understanding?

23 MR. RICHARD LLOYD: That's right.

24 MR. JOHN MATHER: And then if we could
25 go to paragraph 128. So this is three (3) days after

1 you and Ms. Almas have exchanged emails about your
2 brother, and Mr. Bonwick writes Mr. Bentz at
3 PowerStream and says:

4 "I want to -- I wanted to be
5 perfectly clear on my understanding
6 of the conflict guidelines contained
7 in the Municipal Act. The Town
8 solicitor provided a legal opinion
9 to the deputy mayor clarifying that
10 there is no breach of conflict of
11 interest guidelines in this
12 situation."

13 At this point in time, January 20th,
14 2011, had the Town solicitor provided you a legal
15 opinion?

16 MR. RICHARD LLOYD: My own lawyer
17 hasn't. The Town solicitor hadn't. There had been
18 none. And I don't know why I would provide a conflict
19 of interest response to it, if -- if it's about the
20 mayor. The mayor would have. It's simple, it's open,
21 transparent, there's no issue.

22 MR. JOHN MATHER: And at this point in
23 time, in January 20th, had you told Mr. Bonwick that
24 you had obtained a legal opinion?

25 MR. RICHARD LLOYD: No. No, but I'd

1 clarify, I have in the past on different occasions
2 sought legal opinions on whether something was in
3 conflict or whatever, right.

4 MR. JOHN MATHER: So when Mr. Bonwick
5 writes:

6 "The Town solicitor provided a legal
7 opinion to the deputy mayor,
8 clarifying that there is no breach
9 of conflict of interest guidelines
10 in the situation."

11 The situation would be him working for
12 PowerStream. Well, his sister's the mayor. I
13 appreciate that that's not before you, but in and
14 around January 20th, had you obtained a legal opinion
15 from the Town solicitor that you provided to Mr.
16 Bonwick?

17 MR. RICHARD LLOYD: No, and if there
18 was, you'd have an email and a chain, so.

19 MR. JOHN MATHER: After you emailed --
20 and I believe you said this, that after you got Ms.
21 Almas's response to your inquiry about your brother,
22 you forwarded it on to Mr. Bonwick.

23 How soon after did you forward that
24 response to Mr. Bonwick?

25 MR. RICHARD LLOYD: It'll be on the

1 email trail, I -- the times will show. I don't know
2 how --

3 MR. JOHN MATHER: Do you have a
4 recollection?

5 MR. RICHARD LLOYD: None. None at
6 all.

7 MR. JOHN MATHER: Would it have been
8 before January 20th?

9 MR. RICHARD LLOYD: I would think it
10 would be the same day as I received it, I would guess.

11 MR. JOHN MATHER: So that would be
12 your guess? You don't --

13 MR. RICHARD LLOYD: Yeah.

14 MR. JOHN MATHER: -- recall?

15 OBJ MR. MICHAEL WATSON: Your -- Your
16 Honour, if I may, the information is readily
17 available, and its right in the Foundation Document,
18 and it strikes me there's a matter of fairness to the
19 witness that reference should be made, if I may, to
20 paragraph -- I believe it is -- sorry, 124.

21 MR. JOHN MATHER: I -- I have no
22 objection. We can go to paragraph 124.

23

24 (BRIEF PAUSE)

25

1 CONTINUED BY MR. JOHN MATHER:

2 MR. JOHN MATHER: Mr. Watson is
3 correct. I was actually going to get to that, so.

4 Anyway, so it appears you forwarded it
5 on January 27th?

6 MR. RICHARD LLOYD: Okay.

7 MR. JOHN MATHER: So you forwarded
8 your email from Ms. Almas to Mr. Bonwick on January
9 27th. Would you have -- do you recall speaking to him
10 between -- before January 27th, about talking to Ms.
11 Almas?

12 MR. RICHARD LLOYD: No. No.

13 MR. JOHN MATHER: So going back to
14 paragraph 128.

15

16 (BRIEF PAUSE)

17

18 MR. JOHN MATHER: So apologies for
19 jumping around in time, but --

20 MR. RICHARD LLOYD: That's fine.

21 MR. JOHN MATHER: -- it's -- it's my
22 issue. On January 20th, so before you had emailed Mr.
23 Bonwick Ms. Almas's response, did you know that he was
24 writing to Power -- did you know he was writing this
25 email to PowerStream?

1 MR. RICHARD LLOYD: No, I wouldn't
2 have any -- I'm not on the email. I wouldn't have any
3 idea at all.

4 MR. JOHN MATHER: So going back to
5 paragraph 124, as we pointed out, you forwarded Ms.
6 Almas's response to Mr. Bonwick on January 27th, which
7 was ten (10) -- I believe ten (10) days after you had
8 received it from Ms. Almas, January 17th.

9 And if we -- if you see -- scroll up to
10 123, we can see that -- or up to 122.

11 MR. RICHARD LLOYD: Back where we
12 were, if we can.

13 MR. JOHN MATHER: Yeah.

14 MR. RICHARD LLOYD: Email from Deputy
15 Mayor Lloyd to Clerk Almas, January 17th. That's
16 right.

17 MR. JOHN MATHER: And then if you look
18 at paragraph 123, Ms. Almas responds on the same day.

19 MR. RICHARD LLOYD: Yeah.

20 MR. JOHN MATHER: And then ten (10)
21 days later, if we go down to paragraph 124.

22 MR. RICHARD LLOYD: Yeah, that's
23 possible.

24 MR. JOHN MATHER: It got forwarded ten
25 (10) -- ten (10) days later?

1 MR. RICHARD LLOYD: I would have
2 thought I would have sent it sooner, but...

3 MR. JOHN MATHER: That's fine. And
4 then that was my -- that was not my intention earlier
5 to -- to --

6 MR. RICHARD LLOYD: Okay.

7 MR. JOHN MATHER: -- suggest
8 otherwise. I was -- was getting to this.

9 Do you remember why -- now seeing this,
10 why you -- why you forwarded the email ten (10) days
11 later?

12 MR. RICHARD LLOYD: No reason at all,
13 other than I was dealing with it.

14 MR. JOHN MATHER: Do you remember,
15 having seen this now, if Mr. Bonwick ever asked you at
16 any point prior to the 27th, to send you the
17 conversation you'd had with Ms. Almas in email?

18 MR. RICHARD LLOYD: No. But I've got
19 to tell you that -- that there'd be no reason to.
20 There's no reason to -- I don't know why it was even
21 used for PowerStream at all, because they have enough
22 lawyers on staff, and a lawyer could very well given a
23 -- an -- a -- a legal opinion that there isn't, so.

24 Sara Almas is not a lawyer. She gave
25 me her -- she concurred with me, with my brother, but

1 it's not a legal opinion. They could have got a legal
2 opinion quite easily.

3 MR. JOHN MATHER: Okay. So with that
4 in mind, if we can go to paragraph 130. So this
5 paragraph says:

6 "As noted above, Deputy Mayor Lloyd
7 sent a copy of the clerk's email
8 about conflict of interest to Mr.
9 Bonwick on January 27th, which we
10 looked at, and then on January 29th,
11 Mr. Bonwick forwarded that email to
12 Mr. Bentz at PowerStream."

13 Did you know that Mr. Bonwick forwarded
14 your email chain?

15 MR. RICHARD LLOYD: No. The other
16 thing I want to say is that it -- it's not a Sara is -
17 - email is not a legal opinion. Mr. Bonwick served on
18 Council; would know this by legal opinion.

19 MR. JOHN MATHER: Right. And so in
20 the email, Mr. Bonwick writes to Mr. Bentz:

21 "The Deputy Mayor had informed me
22 that it was a legal opinion."

23 That suggests that you had spoken to
24 Mr. Bonwick about speaking with Sara Almas. Does that
25 spark any recollections?

1 MR. RICHARD LLOYD: None at all, no.
2 And I wouldn't have said it was a legal opinion.

3 MR. JOHN MATHER: Other than
4 forwarding the email from Ms. Almas to Mr. Bonwick on
5 January 27th, did you have any other discussions with
6 him about speaking with Ms. Almas?

7 MR. RICHARD LLOYD: No, I don't
8 believe so at all.

9 THE HONOURABLE FRANK MARROCCO: And
10 just -- just before you -- do you agree that -- that
11 the clerk is the person responsible for the
12 interpretation of the Municipal Act for Council?

13 MR. RICHARD LLOYD: In most cases,
14 yes. With legal issues, no. When it comes to
15 conflict of interest or some other sections that --
16 that we're advised to seek independent legal advice,
17 the clerk does interpret for us or help -- assist us
18 with -- with the Municipal Act. She as well would be
19 the one that would go to the lawyer to get
20 clarification before she'd respond back to Council on
21 the Municipal Act matters.

22

23 CONTINUED BY MR. JOHN MATHER:

24 MR. JOHN MATHER: So if we could go to
25 TOC38100.

1 (BRIEF PAUSE)

2

3 MR. JOHN MATHER: So -- and scroll
4 down. So at -- at the outset, Mr. Lloyd, I'll let you
5 know that you're not on this email chain. I am just
6 bringing you here again as some -- for some points of
7 reference.

8 So you see that Mr. Houghton, on
9 January 30th, 2011, emails Mr. Bonwick, saying:

10 "We have a board meeting tomorrow
11 and I'm wondering if we should
12 chat."

13 MR. RICHARD LLOYD: Yes.

14 MR. JOHN MATHER: And then we scroll
15 up. And Mr. Bonwick responds:

16 "Good idea. I will call you in a
17 few minutes, if that works."

18 And then we scroll up. Mr. Houghton
19 writes back with a draft letter for Mayor Cooper. And
20 if you want to take a second and --

21 MR. RICHARD LLOYD: Please.

22 MR. JOHN MATHER: -- and look at it.

23

24 (BRIEF PAUSE)

25

1 MR. RICHARD LLOYD: Okay.

2 MR. JOHN MATHER: So at this point in
3 time, January 30th, 2011, did you know that Mr.
4 Houghton was preparing a draft letter for Ms. Cooper
5 to send about Collus?

6 MR. RICHARD LLOYD: No.

7 MR. JOHN MATHER: If you look at the
8 second paragraph, it says:

9 "I would like to ask that Collus
10 look for similar opportunities to
11 help reduce our debt. Make no
12 mistake, I see significant value in
13 Collus, and I recognize the
14 significant contribution that Collus
15 team has given to our municipality."

16 Then she goes on to say:

17 "My specific request would be for
18 Mr. Houghton and Mr. Muncaster to
19 undertake a val -- a valuation of
20 Collus and to look at the positives
21 and negatives of selling the assets
22 of Collus."

23 At this point in time, did you know
24 that Collus was considering a valuation?

25 MR. RICHARD LLOYD: No, and I guess

1 the other question -- if I can ask a question is, who
2 is this addressed to, like...

3 MR. JOHN MATHER: So -- and I can take
4 you to it, if you'd like, but this -- a version of
5 this letter ultimately is put on Ms. Cooper's
6 letterhead, and is sent to Mr. Houghton and Mr.
7 Muncaster.

8 MR. RICHARD LLOYD: To the Collus
9 board, not to Council?

10 MR. JOHN MATHER: To the Collus
11 board, yeah.

12 MR. RICHARD LLOYD: Okay.

13 MR. JOHN MATHER: So I just wanted to
14 ask if you knew about this going on.

15 MR. RICHARD LLOYD: No, I don't
16 believe so.

17 MR. JOHN MATHER: Do you remember when
18 you learned that Collus had completed a valuation?

19 MR. RICHARD LLOYD: I don't remember
20 when it -- I didn't know about this, obviously, I
21 wasn't in the email chain, and I don't know when.

22 MR. JOHN MATHER: Okay. I would like
23 -- no, this has been marked. So if we can go to
24 TOC38108.

25

1 (BRIEF PAUSE)

2

3 MR. JOHN MATHER: And if we can scroll
4 down to the bottom. And you can see this is the same
5 email chain we were looking at. Mr. Houghton sends
6 Mr. Bonwick an email asking about the -- the Board
7 meeting tomorrow and wanted to chat.

8 And so if we scroll up... Keep
9 scrolling up. So in the past email chain, the
10 response we looked at was the draft letter. This is -
11 - starts from the same email chain but is a different
12 response on the same day.

13 And Mr. Houghton writes to Mr. Bonwick
14 and says:

15 "It is so important that Rick does
16 not know what I'm doing."

17 And then if you scroll up, Mr. Bonwick
18 responds:

19 "No kidding. That applies to
20 absolutely everyone. Sandra
21 mentioned that she thought Rick was
22 not playing nice with you. She
23 wondered what was up."

24 And then if we scroll up, Mr. Houghton
25 writes:

1 "He scares the crap out of me. I
2 think he's out to get me because of
3 Carrier."

4 I appreciate you're not on the email
5 chain, Mr. Lloyd, but do you have any understanding of
6 who Rick might be?

7 MR. RICHARD LLOYD: Yes.

8 MR. JOHN MATHER: And who is that?

9 MR. RICHARD LLOYD: The former mayor,
10 Chris Carrier, and I were not best of friends. Down
11 in the -- the hall where all the mayors' picture are,
12 there's a coloured picture of -- of Chris Carrier.
13 All the other pictures are black and white.

14 And there's a lot of debate about the
15 picture being changed to black and white to match all
16 the heritage pictures that were there. Ed seemed to
17 be moving afoot. It was -- it almost sounds like a
18 domestic.

19 Ed had this move afoot, that leave it
20 alone, don't worry about, it's fine. Well, I was of
21 the mind that, no, heritage in the hall looked a lot
22 better if they were all matching and so on.

23 Eventually, the picture did get
24 changed, but there's a lot of controversy between Ed
25 and I on it. So I'm sure that -- when I read this, I

1 think, okay, that's what it's about.

2 MR. JOHN MATHER: So you think Rick is
3 you?

4 MR. RICHARD LLOYD: Pardon me?

5 MR. JOHN MATHER: You think you're the
6 Rick being referred to in this email cha --

7 MR. RICHARD LLOYD: There's no
8 question I'm the Rick behind it.

9 MR. JOHN MATHER: So given the email
10 we looked at before this is where there was the draft
11 letter about a pi -- a Collus evaluation, it appears
12 possible that what Mr. Bonwick and Mr. Houghton were
13 speaking about was proceeding with a Collus valuation?

14 MR. RICHARD LLOYD: Yeah.

15 MR. JOHN MATHER: It's possible. I --
16 my question for is, is there any reason why Mr.
17 Houghton and Mr. Bonwick would want to keep that a
18 secret from you?

19 MR. RICHARD LLOYD: I don't think they
20 were. This email has nothing to do with that. This
21 has everything to do with that photograph and the
22 battle that -- that was ensuring (sic).

23 I don't know if you can go down over.
24 I scanned it as you were moving it. This email was
25 about a picture in the hallway of the mayor's office,

1 not about keeping me out. I don't think Ed wanted
2 them to know what he was doing about the picture
3 because I was pretty adamant that the damn thing
4 should have been black and white.

5 MR. JOHN MATHER: So your -- is it
6 your recollection that the issue of Mayor Carrier's
7 picture -- let me put it this way.

8 When do you recall that being an issue?

9 MR. RICHARD LLOYD: This whole email.
10 If you look at the trail, the whole email has nothing
11 to do with PowerStream. It's got everything to do
12 with -- with...

13 MR. JOHN MATHER: So if we can scroll
14 down the email. So, again, we've seen the beginning
15 of the email chain?

16 MR. RICHARD LLOYD: Sure. Yeah.

17 MR. JOHN MATHER: Ed is writing to you
18 about a bor -- sorry, Ed is writing to Paul Bonwick,
19 apologies, about a Board meeting --

20 MR. RICHARD LLOYD: Yeah.

21 MR. JOHN MATHER: -- and, "I was
22 wondering if we should chat." Would the issue of Ms.
23 -- Mayor Carrier's picture be related to the Coll --

24 MR. RICHARD LLOYD: Not to that.
25 Definitely --

1 MR. JOHN MATHER: Yeah.

2 MR. RICHARD LLOYD: -- not to that.

3 MR. JOHN MATHER: Okay. So if we
4 scroll up, Paul writes back and says, "I'll give you a
5 call in a few minutes if that works." And then what
6 we saw in the other email chain which starts the same
7 way as he responds, with the --

8 MR. RICHARD LLOYD: New topic, new
9 subject. That was about the picture.

10 MR. JOHN MATHER: Okay. So scroll up.
11 So what would Mr. Houghton be doing -- sorry, what
12 would -- is there anything in this time period that
13 Mr. Houghton would be doing that he would not want you
14 to know about?

15 MR. RICHARD LLOYD: Go to the next
16 email up.

17 MR. JOHN MATHER: Okay. And then Mr.
18 Bonwick replies:

19 "No kidding. That applies to
20 absolutely everyone. Sandra
21 mentioned that she thought Rick was
22 not playing nice with you. She
23 wondered what was up."

24 MR. RICHARD LLOYD: You can go to the
25 next one (1) up.

1 MR. JOHN MATHER: Yeah. And then Mr.
2 Houghton writes:

3 "He scares the crap out of me. I
4 think he is out to get me because of
5 Carrier."

6 MR. RICHARD LLOYD: And then when you
7 go on, it even says about Carrier.

8 MR. JOHN MATHER: Well, and then Mr.
9 Bonwick writes:

10 "I believe that is the ca -- likely
11 the case. Keep your guard up and
12 let me know if he does anything out
13 of the norm."

14 MR. RICHARD LLOYD: And -- because of
15 the Carrier statement. That's what it's all about.

16 MR. JOHN MATHER: So -- and if we go
17 back down the email chain... So when Mr. Houghton
18 says, "It's so important that Rick does not know what
19 I am doing," what do you understand him to be -- me --
20 to mean there?

21 MR. RICHARD LLOYD: I'm only -- like,
22 again, I'm -- I'm speculating.

23 MR. JOHN MATHER: M-hm.

24 MR. RICHARD LLOYD: I see the Carrier
25 name. I know at the time there's -- I was pretty

1 peeved about the controversy over this picture. I
2 would think that's what he's talking about.

3 MR. JOHN MATHER: Is there something
4 that Mr. Houghton would be doing with Chris Carrier's
5 photo that you -- that -- that he wouldn't want you to
6 know that he was doing?

7 MR. RICHARD LLOYD: Probably trying to
8 get it so it stayed black -- or coloured.

9 MR. JOHN MATHER: Okay. And is there
10 a reason, if we look at Mr. Bonwick's response, that
11 absolutely everyone should not know about that?

12 MR. RICHARD LLOYD: That he's
13 involved? I don't know.

14 MR. JOHN MATHER: Okay.

15 MR. RICHARD LLOYD: Like, honestly, I
16 do remember the issue about the picture, so the rest -
17 - I wasn't even involved in the emails, so I -- I
18 can't speculate.

19 MR. JOHN MATHER: Fair enough. So
20 then I'll put this to you more generally then.

21 Would there be any reason if in January
22 2011 that Ms. -- any reason that Mr. Houghton wouldn't
23 want you to know that he was considering having a
24 valuation done of Collus?

25 MR. RICHARD LLOYD: None, no.

1

2

(BRIEF PAUSE)

3

4

5

MR. JOHN MATHER: Okay. If we could
go to paragraph 198 of the Foundation Document.

6

7

(BRIEF PAUSE)

8

9

MR. JOHN MATHER: So this is an email
from June 3rd, 2011. It's from Mr. Bonwick to Mr.

Glicksman and copied to Mr. Bentz, both of whom work

for PowerStream. The subject lines reads,

"Agreement." Mr. Bonwick reports that:

14

"The clerk has been thoroughly

15

briefed by me. Previously, the

16

discussion had taken place between

17

the mayor and the deputy mayor. I

18

have also informed both parties that

19

Brian and I will -- will be

20

requesting a meeting over the next

21

two (2) or three (3) as time

22

permits."

23

24

Actually, maybe we should open the --
the document up. So if we could go to ALE178.

25

1 (BRIEF PAUSE)

2

3 MR. JOHN MATHER: So Mr. Bonwick is
4 emailing with individuals about -- at PowerStream.
5 And in doing that, he says that a discussion had
6 previously taken place between the mayor and the
7 deputy mayor.

8 Do you know what he's referring to in
9 this email?

10 MR. RICHARD LLOYD: I'm reading it.
11 And then I'll just try to get a grasp on it.

12 MR. JOHN MATHER: Yeah. Take your
13 time.

14

15 (BRIEF PAUSE)

16

17 MR. RICHARD LLOYD: Okay. Thank you.

18 MR. JOHN MATHER: Do you know what
19 he's referring to in this letter?

20 MR. RICHARD LLOYD: I don't know what
21 the original documents are.

22 MR. JOHN MATHER: And I appreciate
23 that. So I'm going to ask you this question. Did you
24 ever speak with Ms. Cooper prior to June 3rd, 2011,
25 about Mr. Bonwick working for PowerStream?

1 MR. RICHARD LLOYD: I don't -- don't
2 remember that I ever did.

3 MR. JOHN MATHER: Did you ever have
4 any conversations with Ms. Cooper more generally about
5 any potential conflicts with -- between her and her
6 brother?

7 MR. RICHARD LLOYD: No. No. I know
8 that from the onslaught of -- of getting elected and
9 serving on council with Sandra, I think she had a
10 pretty good general knowledge of the Municipal Act as
11 I did with the Conflict of Interest Act.

12 MR. JOHN MATHER: Okay. So if you
13 could go to -- back to the Foundation Document,
14 paragraph 199.

15

16 (BRIEF PAUSE)

17

18 MR. JOHN MATHER: So on June 6, 2011,
19 we see that Ms. Almas forwarded an email from Mr.
20 Bonwick to Ms. Wingrove. And then in paragraph 200,
21 we see that Mr. Bonwick and Mr. Wingro -- sorry, Mr.
22 Bonwick proposed a meeting to Ms. Wingrove, that he
23 would like to discuss a company that he has recently
24 started to provide services. The purpose of this
25 meeting is to provide disclosure as well as propo --

1 purpose -- I believe, propose an additional meeting.

2 Then it indicates that Ms. Wingrove
3 agreed and there was a meeting on Tuesday June 14th.
4 And then it indicates that Mr. Bonwick forwarded the
5 email conversation to you with a note that says:

6 "Hey, Bubba (phonetic), let me know
7 if you have time to discuss this."

8 Do you recall Mr. Bonwick sending you
9 the email about meeting with Ms. Wingrove?

10 MR. RICHARD LLOYD: I don't.

11 MR. JOHN MATHER: Okay. Do you know,
12 looking at this, what the company is he's referring
13 to?

14 MR. RICHARD LLOYD: No. That's why
15 I'm reading, thinking would like to discuss a company
16 that he recently started to provide services; no idea.

17 MR. JOHN MATHER: Do you recall having
18 any discussions with Mr. Bonwick about any meeting he
19 had with Ms. Wingrove?

20 MR. RICHARD LLOYD: Yes.

21 MR. JOHN MATHER: Okay. What do you
22 recall?

23 MR. RICHARD LLOYD: Mr. Bonwick and I
24 discussed a meeting that he had with -- with Kim
25 Wingrove. He was in his office -- in her office. And

1 the whole time, she was on her BlackBerry, I guess.
2 And then he said she just dismissed him and said she
3 had to go somewhere else or to another meeting, to
4 reschedule it.

5 MR. JOHN MATHER: Okay. And do you
6 remember when Mr. Bonwick told you about that meeting?

7 MR. RICHARD LLOYD: No. No.

8 MR. JOHN MATHER: Is -- do you have
9 any way of determining when that meeting might have
10 taken place?

11 MR. RICHARD LLOYD: Definitely after
12 whatever meeting it was, yeah.

13 MR. JOHN MATHER: And I appreciate
14 that he told you about the meeting after it had
15 happened?

16 MR. RICHARD LLOYD: Yeah.

17 MR. JOHN MATHER: An -- anything to
18 put it in a point of time?

19 MR. RICHARD LLOYD: No. No.

20 MR. JOHN MATHER: Do you remember what
21 the meeting was about?

22 MR. RICHARD LLOYD: With Kim Win --
23 well, when I read this, would like to discuss a
24 company. I don't know what the company is.

25 MR. JOHN MATHER: Do you recall

1 whether the meeting referenced here is the meeting
2 that Mr. Bonwick told you about?

3 MR. RICHARD LLOYD: I don't know. No,
4 I don't know.

5 MR. JOHN MATHER: So if we could
6 continue to paragraph 209.

7

8 (BRIEF PAUSE)

9

10 MR. JOHN MATHER: So I'm going to ask
11 you questions about the June 27th, 2011, council
12 meeting.

13 MR. RICHARD LLOYD: Right.

14 MR. JOHN MATHER: And, as you can see,
15 Mr. Houghton made a pre -- an in camera presentation
16 at that meeting about a study Collus had done into
17 strategic opportunities.

18 So if we could go to paragraph 212. So
19 this is describing the same meeting. It's describing
20 a presentation that was given at the meeting that
21 identified four (4) options mainta -- with respect to
22 Collus:

23 "Maintain the current ownership,
24 sell the Town's entire interest,
25 sell part of the Town's interest, or

1 a strategic partnership where the
2 Town would receive cash and either
3 retain a partial ownership interest
4 in Collus or become a minority
5 shareholder -- holder."

6 And then if we go on, then there was
7 another slide about the next steps, including
8 identifying and in -- investigating potential parties
9 to be a strategic partner, preparing expressions of
10 interest, forming a team.

11 Does this help you recall that meeting?

12 MR. RICHARD LLOYD: Sure. Yeah.

13 MR. JOHN MATHER: What do you recall
14 about the June 27th meeting just generally?

15 MR. RICHARD LLOYD: When I read this
16 and understand it, I believe that I was appointed the
17 Council repre -- representative on it. I think it was
18 just an information meeting to -- to Council. I think
19 Council was excited about it, but it was more of an
20 information meeting at this point.

21 MR. JOHN MATHER: Okay. So if we go
22 down to paragraph 214. Oh, actually, stop. Sorry, go
23 to the next page, apologies.

24 So these are the slides that I was
25 describing to you if it helps you see them.

1 And if we can go up to the next step
2 slides, it says, number 1:

3 "It would be the intention to
4 identify and investigate potential
5 parties interested in the
6 opportunity surrounding a strategic
7 partnership."

8 Then it's what we were looking at, so
9 that's what is being presented as the next steps.

10 And if we go to paragraph 214, it says:

11 "Council did not provide any formal
12 direction by way of resolution on
13 June 27, 2011."

14 Do you recall if any form of direction
15 was provided at that meeting about whether to pursue
16 potential strategic partners?

17 MR. RICHARD LLOYD: It was an in
18 camera meeting?

19 MR. JOHN MATHER: Yes.

20 MR. RICHARD LLOYD: And again, you can
21 check with the clerk on this, but we didn't make
22 motions in in-camera meetings. We'd have to rise and
23 report. I think there was a consensus perhaps at the
24 meeting. And again, the -- the clerk was very
25 thorough in her job. She does a really good job. She

1 would -- at the meeting. I don't think there'd be --
2 I know Kim would've been -- the CAO.

3 The minutes for any in camera meetings
4 are very sporadic or very minimal. That's the way --
5 it's -- it's kind of crazy to be honest with you
6 because the Municipal Act only allows minutes in
7 detail at open Council meetings, but when you go back
8 on the in camera meetings, there's very little to --
9 very little that's done. It can't -- there's no
10 decisions made at in camera meetings. The decision's
11 made at open Council. But a consensus generally is
12 drawn at in camera.

13 MR. JOHN MATHER: Okay. So in your
14 answer, I understand you to be talking -- to be
15 talking about what should have happened or what
16 would've happened. I want to know if you recall at
17 this specific meeting when the strategic partnership
18 is presented to Town Council, if you recall Council
19 giving any directions or instructions.

20 MR. RICHARD LLOYD: I would -- I
21 would definitely feel that Council gave direction to
22 some degree within -- that was allowed under the
23 Municipal Act in an in-camera meeting.

24 MR. JOHN MATHER: And I understand
25 that you -- you think that's what would've happened --

1 MR. RICHARD LLOYD: Yeah.

2 MR. JOHN MATHER: -- based on the
3 limitations about what can be done in camera and not
4 in camera. Do you have an actual recollection of that
5 occurring?

6 MR. RICHARD LLOYD: No, no. I said
7 it's eight (8) years ago; it's -- it's a fog. There's
8 so many meetings I went to.

9 MR. JOHN MATHER: M-hm. Did you think
10 that Collus needed at this point in time to get
11 direction from Council to proceed with identifying
12 potential strategic partners, preparing an RFP?

13 MR. RICHARD LLOYD: I honestly think
14 that we're splitting hairs. I think the information
15 meeting that Council received, Council was satisfied
16 to proceed. Maybe there's not a formal motion saying
17 they should and that could be in error, but I think
18 the intent of Council was supporting Collus to proceed
19 to the next step.

20 MR. JOHN MATHER: Okay. And why do
21 you think that was the intent of Council?

22 MR. RICHARD LLOYD: Because the
23 outcome and all the -- the updates all the way through
24 to Council from the committee, from the strategic
25 team, and that. So if there was a -- a red flag, it

1 would have come up way sooner than that.

2 There's no doubt there should have been
3 motions, and I'm not clear on why the clerk didn't
4 prepare, and I'm not trying to say she didn't do her
5 job 'cause she does it really well. It could have
6 been because she didn't want to disclose what was
7 going on at this point publicly. I have no idea.

8 But my -- my thought would be that it
9 was pretty clear where we were going, and there was
10 never a red flag put up from that moment through to
11 the end by anybody saying, woah, we didn't have a
12 motion, or we didn't give direction, or we didn't put
13 Rick Lloyd on the committee, or we -- none of that at
14 all. So I think it was -- everybody that was involved
15 in Council knew that that's what was happening.

16 MR. JOHN MATHER: Do you recall --
17 and, again, I appreciate you're talking about the
18 whole process, and I want to focus right on the
19 June 27th meeting.

20 Do you recall if at that meeting it was
21 explained to Council what it meant to enter a
22 strategic partnership?

23 MR. RICHARD LLOYD: I think it was --
24 yeah, I think it was pretty clear. I think the -- the
25 explanations, the slides, everything else. And again,

1 you got to give the benefit of the doubt to the
2 members of Council. I don't think there was any doubt
3 at the table that the members knew exactly what they
4 were doing.

5 MR. JOHN MATHER: Do you recall -- and
6 I appreciate you think there was -- but do you recall
7 anyone at that meeting explaining what it means to be
8 a strategic partner, as opposed to selling 51 percent
9 or 49 percent?

10 MR. RICHARD LLOYD: I think the whole
11 thing was explained. Like, all the -- the bullets
12 that you had on there, I believe that -- that
13 Mr. Houghton gave a good explanation of it or
14 Dean Muncaster of the whole process, where we're
15 going, what we should be looking at, and so on.

16 MR. JOHN MATHER: So -- and I just
17 want to be clear -- is that what you think happened,
18 or is that what you know, based on a recollection?

19 MR. RICHARD LLOYD: It's what I think
20 happened.

21 MR. JOHN MATHER: Do you remember
22 outside of the June 27th meeting if anyone ever
23 explained to you what it meant -- what was a strategic
24 partner?

25 MR. RICHARD LLOYD: I don't remember

1 anybody specifically doing that. I don't see it as an
2 issue. I think everybody understood.

3 MR. JOHN MATHER: At this point in
4 time -- June 27th, 2011 -- do you recall if you had a
5 view about -- personally about what was the best thing
6 to do with Collus?

7 MR. RICHARD LLOYD: Because of --
8 definitely. There was an announcement that -- I --
9 I'm going to go back a number of years ago. And I'm
10 not going to be accurate on the numbers, but I'm going
11 to try my best.

12 There was something like 146 LDCs in
13 the province of Ontario. The province of Ontario
14 moved to decrease that number and amalgamate a lot of
15 them and -- and so on. And a lot of the LDCs were put
16 up for fair market value. That's what you could buy
17 them for. You -- there's no other incentives. So it
18 kind of -- there was some deals out there.

19 The Town of Collingwood -- Collus --
20 were able to purchase the Town of Thornbury, the hydro
21 in -- in Clearview Township. That brought the -- so
22 that was the beginning of trying to amalgamate or
23 downsize or -- or getting rid of some of the small
24 LDCs. We were successful in our bid to buy two of
25 them, and it's worked really well. So it -- it grew

1 Collus to be a -- a bigger organization.

2 As time went on, there was a move afoot
3 by the province again to downsize it, and there was --
4 there was discussion that they were going to downsize
5 to -- to a dozen or even ten (10).

6 So what was happening here was we were
7 trying to strengthen Collus by trying to bring in a
8 strategic partner that we didn't want to sell the
9 whole utility. We wanted to make it stronger. So by
10 amalgamating with other -- another utility that's
11 large, then we wouldn't be gobbled up or sold for fair
12 market value, just for -- book -- book value. I'm
13 sorry, not fair market value, the book value. You get
14 that?

15 So the book value is somewhat different
16 than fair market value or whatever. So we didn't want
17 to get trapped into that situation where we would be
18 caught only selling for book value.

19 LDCs have amalgamated more. There
20 isn't as much of a push as we thought there would be.
21 There should be more.

22 So getting back your question. You had
23 said that -- that basically why we were looking for a
24 strategic partner.

25 MR. JOHN MATHER: I was asking what

1 your -- your view was in June 27th, 2011 of the
2 potential options for Collus, whether to keep full
3 ownership, majority ownership, minority ownership, or
4 strategic partner.

5 MR. RICHARD LLOYD: I think it was
6 very obvious to me that a strategic partner was the
7 only way we could go to strengthen us; we wouldn't
8 lose our autonomy in Collingwood. I could see us
9 being taken over by Ontario Hydro or one of the other
10 ones.

11 We want to keep our -- we want to keep
12 Collus in Collingwood. We want to employ the local
13 people that were working there. They were doing a --
14 and they still are doing a fantastic job. If you have
15 a power -- power outage in the Township, quite often
16 it's a lot longer than in the town of Collingwood.
17 The Town of Collingwood responds, it's done quick, and
18 these people live in the community.

19 MR. JOHN MATHER: And I understand
20 that -- that there was interest and benefits in
21 retaining a level of control over Collus or interest
22 in Collus. My question is: How did you come to
23 understand what it would mean to sell a 50 percent
24 share, as opposed to a minority share or a majority
25 share?

1 MR. RICHARD LLOYD: Okay. On that
2 one -- again, I think that's a little different
3 question, but thank you. I wasn't convinced that the
4 share level should be 50:50. I wasn't convinced.
5 Anything I'd ever been involved in was 49, 51 percent.
6 Somebody was always -- somebody always had the upper
7 hand.

8 Dean Muncaster sat -- and I explained
9 this to Dean that, you know, I'm having a little bit
10 of trouble understanding 50:50. He sat down with me,
11 and he said, well, if you want a real true partnership
12 so nobody's got the upper hand, you put in all kinds
13 of escalation -- or clauses so they can escape and so
14 on.

15 But if you want a true partner, you
16 treat a true partner the same as you expect your
17 partner to treat you. By selling 50 percent of it,
18 you have a true partner. And he went on to explain
19 what true partners are and -- and at the end of it --
20 I have a lot of respect for Dean Muncaster -- I -- I
21 was convinced.

22 MR. JOHN MATHER: So it sounds like --
23 and again, that you -- you were -- prior to this
24 conversation with Dean, you were thinking of 51 or a
25 control --

1 MR. RICHARD LLOYD: No. Just when you
2 go through it, your question was, why 50 percent?

3 MR. JOHN MATHER: No, no, no, no. And
4 I appreciate that. I just want to understand -- maybe
5 I'll put it this way. Do you remember when you spoke
6 with Dean Muncaster about that?

7 MR. RICHARD LLOYD: No. It would be
8 after this, no doubt.

9 MR. JOHN MATHER: So after the
10 June 27th presentation?

11 MR. RICHARD LLOYD: That's right.
12 Yeah. It was -- when the committee was formed, when I
13 was on the committee, and there's discussions then.

14 And the RFP, I believe, said up to 50
15 percent, and that's where the discussion go into,
16 okay, I'm having trouble with the "up to 50 percent"
17 because I've always been the 49, 51 percent. And the
18 explanation was given to me then by Dean Muncaster,
19 and he wasn't trying to sell me on it. He was just
20 explaining to me what he felt was a true partner, and
21 he was right.

22 MR. JOHN MATHER: Okay. And so it
23 sounds like you -- you recall this happening at a
24 strategic -- Strategic Partner Task Team meeting?

25 MR. RICHARD LLOYD: Exactly, yes.

1 MR. JOHN MATHER: Other than that
2 conversation with Mr. Muncaster, did you have any
3 other conversations with anyone else who explained to
4 you the benefits or even the drawbacks of having a
5 50 percent partner?

6 MR. RICHARD LLOYD: No, no, no.

7 MR. JOHN MATHER: During that
8 conversation with Mr. Muncaster, was there any -- did
9 he raise what effect a partnership might have on the
10 shared services between the Collus entities and the
11 Town?

12 MR. RICHARD LLOYD: No. My
13 understanding was with the shared services that it
14 would continue. That was part of -- of the whole
15 process that we wanted to ensure that the -- that the
16 water would be maintained by -- by Collus or the PUC
17 or whoever through that entity, and that -- that we
18 continue with our shared services.

19 MR. JOHN MATHER: And how did you come
20 to form that understanding?

21 MR. RICHARD LLOYD: I don't know if it
22 was part of the RFP process or -- or what, but that --
23 my understanding was business as usual.

24 MR. JOHN MATHER: Do you recall
25 anyone, either in Council or when you were on the

1 Strategic Task Team, explaining to you that there
2 might be any change to the shared services, or this is
3 something that would have to be discussed or
4 negotiated?

5 MR. RICHARD LLOYD: It was never --
6 and I knew that -- my understanding was that I think
7 that we had a five-year agreement on it or something
8 to that effect. And it was just something that
9 obviously was going to be discussed, but it was
10 something that we, the Town, wanted.

11 And Collus were providing great
12 services, and it was part -- at that point in time, it
13 was part of our dividend, as well, that we were
14 receiving. We were -- in lieu of cash, we were
15 getting services provided to us.

16 THE HONOURABLE FRANK MARROCCO: While
17 you're doing that, then maybe we'll take a break.

18 MR. JOHN MATHER: Yeah. I was going
19 to --

20 THE HONOURABLE FRANK MARROCCO: Can
21 you just scroll down from 214 to the bullets? I think
22 it was closer to 200. Not those -- the conclusions
23 but the options.

24 Well, that's -- what did you understand
25 the difference to be between selling part of the

1 Town's ownership interest, which is number 2 --
2 number 3 and the strategic partnership where the Town
3 would receive cash and either retain a partial
4 ownership or become a minority owner of the acquiring
5 partner? What did you understand the difference to be
6 between the two of them?

7 MR. RICHARD LLOYD: The one --
8 number 3 was an out and out sale --

9 THE HONOURABLE FRANK MARROCCO: Right.

10 MR. RICHARD LLOYD: -- of 50 percent
11 or whatever, a portion of it. It was not trying to
12 bring somebody in as a partner. Just getting the cash
13 infusion and -- and you bring a partner.

14 The number 4 was trying to find a
15 partner that would fit in with the Collus that would
16 take Collus to the next step, which would be to grow
17 Collus and make it even more larger.

18 So one was just an out and out sale of
19 50 percent or 25 percent or whatever, a percentage of
20 it. And the other one was deliberately looking for a
21 partner.

22 THE HONOURABLE FRANK MARROCCO: All
23 right.

24 MR. RICHARD LLOYD: Okay? Thank you.

25 THE HONOURABLE FRANK MARROCCO: Take

1 ten (10).

2

3 --- Upon recessing at 3:30 p.m.

4 --- Upon resuming at 3:42 p.m.

5

6 MR. JOHN MATHER: So, Mr. Lloyd,
7 before the break we were talking about the June 27th,
8 2011 Council meeting where the options were presented
9 to Council.

10 And as you recall, two (2) days after
11 that you met with Mr. Bentz and Mr. Muncaster and Mr.
12 Bonwick to discuss Mr. Bonwick formally being --
13 working for PowerStream.

14 I just have a couple more questions for
15 you about the June 29th meeting. I believe you said
16 that after the meeting, Mr. Muncaster said to you well
17 if Mr. Bonwick is going to be able to assist us sell
18 Collus, then God bless him or something along those
19 lines. Do I have that right?

20 MR. RICHARD LLOYD: But he didn't say
21 it specifically to me.

22 MR. JOHN MATHER: Okay.

23 MR. RICHARD LLOYD: When he was coming
24 to the meeting he said that. I'm sure everybody heard
25 it.

1 MR. JOHN MATHER: So he said it
2 generally to ---

3 MR. RICHARD LLOYD: Generally, that's
4 correct.

5 MR. JOHN MATHER: Okay, was there a
6 concern at that point that there would be difficulty
7 in selling Collus?

8 MR. RICHARD LLOYD: I don't think so,
9 no.

10 MR. JOHN MATHER: So do you have any
11 understanding of why Mr. Muncaster would make a
12 comment that it would be helpful to have Mr. Bonwick
13 sell Collus?

14 MR. RICHARD LLOYD: I -- I assuming
15 again, I'm speculating that was because of ---

16 MR. FREDERICK CHENOWETH: I think it's
17 important that the -- the words that counsel puts --
18 in any event, it would seem to be important that the
19 words that counsel chooses to put to the witness with
20 respect to the question should mirror what the witness
21 said at earlier times.

22 And I don't think the last question or
23 the last question put to the witness mirrored what the
24 witness had earlier said Dean Muncaster said.

25 MR. JOHN MATHER: I'm happy to

1 rephrase.

2 THE HONOURABLE FRANK MARROCCO: I
3 thought the witness said that Mr. Muncaster said if
4 Mr. Bonwick can help with the sale then God bless him.
5 I -- I actually thought that's what he did say.

6 MR. FREDERICK CHENOWETH: Well, I
7 don't think -- that's not my recollection, sir, but I
8 -- it's not my purpose to have a dispute. But I -- my
9 recollection was that what the witness said was if --
10 if -- if Bonwick could help Collingwood do better on
11 the sale of Collus, or words of that nature, --

12 THE HONOURABLE FRANK MARROCCO: I
13 don't think so.

14 MR. FREDERICK CHENOWETH: No?

15 THE HONOURABLE FRANK MARROCCO: Is
16 there a -- can you read it back to us?

17 MR. FREDERICK CHENOWETH: That would
18 be very helpful. Thank you.

19 MR. MICHAEL WATSON: Your Honour if I
20 -- if I may assist, I wrote this down and put it in
21 quote marks. "If Bonwick can help with the sale of
22 Collus for the benefit of Collingwood, God bless him,"
23 and I think the question that was put was Mr. Bonwick
24 selling Collus, which is different, in my submission.

25 MR. FREDERICK CHENOWETH: That -- that

1 is in keeping with my recollection. It's a better
2 recollection than I just gave to the Court moments
3 ago, for the benefit of Collingwood is a phrase that I
4 think is significant when the question is asked.

5

6 CONTINUED BY MR. JOHN MATHER:

7 MR. JOHN MATHER: So, to rephrase
8 the question, if you did not understand there to be
9 any -- if -- if there was no worry that it would be
10 difficult to sell Collus, did it strike you as unusual
11 that Mr. Muncaster would make that statement?

12 MR. RICHARD LLOYD: No, it was after
13 it was explained about Bonwick's involvement in all
14 that. And when the -- the meeting was adjourning, he
15 got up and that's what he said. And I think it was
16 just matter of fact.

17 MR. JOHN MATHER: Did you agree with
18 Mr. Muncaster?

19 MR. RICHARD LLOYD: Did I agree with
20 him? I didn't make any comment, but yeah, I do agree.
21 I think everybody at the table was fine.

22 MR. JOHN MATHER: So after that
23 meeting on June 29th, 2011, at this point, you know
24 that Collus is considering an RFP, I -- I didn't ask
25 this, but at this point, did you know that you would

1 be on the strategic task team?

2 MR. RICHARD LLOYD: I think I was
3 appointed on the 27th. Again, all these dates are
4 like this, but I think it was the 27th in camera
5 meeting where a -- a Council rep was appointed that
6 was -- the appointed me to it.

7 There should be motions down the road
8 to -- after that, but I'm not sure there is, but there
9 should be.

10 MR. JOHN MATHER: Fair enough. And at
11 any point when you're meeting with Mr. Bentz and Mr.
12 Bonwick and Mr. Muncaster and Ms. Cooper, you're aware
13 that an RFP might be in the works?

14 MR. RICHARD LLOYD: I think so, yes.

15 MR. JOHN MATHER: What did you
16 understand Mr. Bonwick would be doing for PowerStream
17 going forward with respect to a potential RFP?

18 MR. RICHARD LLOYD: I don't know what
19 -- if he was involved in the RFP at all. I just know
20 that he was involved in what Brian Bentz explained to
21 us, that he was basically the go-to person. He was
22 the guy that's going to be doing all the -- the leg
23 work for them, you know, he was going to be involved
24 in the process is basically what he said.

25 MR. JOHN MATHER: So you said, you

1 know, he was going to be doing the leg -- legwork,
2 what did you understand that legwork to involve?

3 MR. RICHARD LLOYD: Basically helping
4 PowerStream with their -- with their bids and so on,
5 that's what I understood it to be.

6 MR. JOHN MATHER: And can you be more
7 specific in what you understood he would be doing when
8 he was helping them with their bids?

9 MR. RICHARD LLOYD: No, they didn't --
10 I don't think they got in. I don't recall that they
11 got into specifics on it. And it was basically a
12 matter of fact, this is what's going on.

13 MR. JOHN MATHER: So we already
14 touched on this a bit, but do you recall how you
15 became a member of the -- I'm going to call it the STT
16 for short, if that's okay?

17 MR. RICHARD LLOYD: I think just
18 Council appointment.

19 MR. JOHN MATHER: And what was your
20 role on the STT?

21 MR. RICHARD LLOYD: Same as every
22 other Board member, every other member of the team. I
23 think what we were doing is we were looking at -- at
24 the RFP were -- and KPMG were the one that -- that
25 were really the driving force behind it once, you

1 know, they were hired.

2 And I can tell you, and I'm not
3 embarrassed to admit this, there's no doubt that I was
4 way over my head in comparison to people like Dave
5 McFadden, Dean Muncaster, those guys were just
6 incredibly business smart.

7 I know that McFadden, that what he
8 knows about the Hydro industry is second to none. The
9 guy was phenomenal. So I looked to them a lot for
10 mentoring and -- and so on. I don't know the
11 difference between an amp and an ohm, but these guys
12 seem to know exactly everything, so.

13 MR. JOHN MATHER: So we know that you,
14 Mr. Muncaster and Ms. Cooper are at the meeting on
15 June 29th.

16 At any point do you recall it being
17 disclosed to the entirety of the strategic task team
18 that Mr. Bonwick was working for PowerStream?

19 MR. RICHARD LLOYD: I don't -- I think
20 it was. I believe it was, but I can't remember, but I
21 -- I think it was disclosed.

22 I even think, again I'm going back,
23 that -- that even when -- when PowerStream was making
24 their presentation, because each of the four people, I
25 think they mentioned at that point too, Brian Bentz

1 did.

2 MR. JOHN MATHER: And -- and so there
3 was presentations to the strategic task team in
4 September 2011.

5 MR. RICHARD LLOYD: Right.

6 MR. JOHN MATHER: Is that what you're
7 referring to?

8 MR. RICHARD LLOYD: That's correct.

9 MR. JOHN MATHER: Do you -- and I just
10 want to make sure, do you recall him making mention of
11 it at those presentations, or do you -- do you think
12 he did?

13 MR. RICHARD LLOYD: I recall that he
14 did. I believe that I'm right with my -- my thinking,
15 I hope I am. But I'm sure that he is.

16 MR. JOHN MATHER: What do you recall
17 him saying about Mr. Bonwick during that presentation?

18 MR. RICHARD LLOYD: Basically that Mr.
19 Bonwick is working with PowerStream and just wanted to
20 make sure that -- that open and transparent that
21 everybody was aware of it.

22 MR. JOHN MATHER: Anything else you
23 can remember about what Mr. Bonwick -- sorry, Mr.
24 Bentz said at that meeting?

25 MR. RICHARD LLOYD: No. You don't

1 mean the 29th meeting, you mean later?

2 MR. JOHN MATHER: No, I wasn't
3 specific. I mean the presentation meetings.

4 MR. RICHARD LLOYD: Yeah. No, just
5 went over what they do and so on. It was mostly just
6 business and -- and friendly handshakes sort of thing.

7 MR. JOHN MATHER: Are you aware of it
8 ever being disclosed prior to December 2011 to Council
9 that Mr. Bonwick was working with PowerStream?

10 MR. RICHARD LLOYD: I don't think the
11 CAO did. I don't know though. I don't think they
12 did. I didn't even think about it, to be honest with
13 you, because it's not a conflict.

14 I would -- I don't know if it was ever
15 disclosed to them. It wasn't an issue, put it that
16 way, in my opinion.

17 MR. PAUL BONWICK: Your Honour, sorry
18 Your Honour, but I apologize, but I missed the date on
19 the question.

20 MR. JOHN MATHER: December 2011.

21 MR. PAUL BONWICK: Thank you.

22

23 CONTINUED BY MR. JOHN MATHER:

24 MR. JOHN MATHER: You've touched on it
25 in part, but I just want to ask you generally what you

1 recall about the early strategic task team meetings,
2 what was discussed?

3 MR. RICHARD LLOYD: Eight (8) years
4 ago it was basically -- I know there's a lot of
5 discussion about the financial aspect of it, what --
6 what it was worth.

7 A lot of discussion, I know that --
8 that we had -- I was going to say Gavery (phonetic)
9 and Company, but they've changed the name, come up and
10 -- and make presentations or discussions with us as
11 well.

12 Mostly determining the LDCs that were
13 in the opinion of the strategic task team, were like-
14 minded of -- of the direction we were going.

15 I've got to tell you that -- that I
16 felt that it was imperative that we should be involved
17 with -- with municipally-owned LDCs, not private. I
18 thought that was very important, that -- that if we
19 were involved selling 50 percent of it, it would be
20 nice to sell to another municipality, obviously, that
21 had the same like in mind that we do, and is governed
22 by the Municipal Act.

23 MR. JOHN MATHER: Do you recall how
24 the -- to use your words, the like-minded LDCs were
25 identified?

1 MR. RICHARD LLOYD: I don't remember.
2 I know there was five originally and then one, because
3 of size of it, was -- was so insignificant in the
4 geographic area that it -- it was dropped off, then it
5 was down to four. And I think it was based on size
6 and et cetera.

7 MR. JOHN MATHER: Do you know who
8 proposed the names of the potential LDCs?

9 MR. RICHARD LLOYD: I'm -- I'm
10 thinking that it perhaps was KPMG, but I -- I can't
11 tell you honestly, I don't know.

12 MR. JOHN MATHER: Again, is -- so do
13 you -- do you recall KPMG doing it or is that
14 something --

15 MR. RICHARD LLOYD: I don't. I'm just
16 assuming, I'm speculating.

17 MR. JOHN MATHER: Did you understand -
18 - sorry. How did the strategic task team make
19 decisions?

20 MR. RICHARD LLOYD: How did the task
21 team make?

22 MR. JOHN MATHER: Decisions. So if a
23 decision needed to be made, how did they decide?

24 MR. RICHARD LLOYD: At the -- of the
25 four or at the very end that we were going to pick

1 one?

2 MR. JOHN MATHER: Fair ques -- fair
3 clarification. Not at the very end, we'll talk about
4 scoring. I mean in the early meetings when there was
5 discussions about potential bidders, the content of
6 the RFP, how were decisions made? How was consensus
7 achieved?

8 MR. RICHARD LLOYD: If I remember
9 right, and again I'm -- I'm trying to search for it.
10 I think letters of interest or something was set out
11 to some of the area LDCs or phone calls or something.
12 There was, you know, information gathering that was
13 done. I think Dean Muncaster was -- was very much
14 involved in it.

15 MR. JOHN MATHER: Fair enough. And --
16 and apologies if I wasn't clear. What I want to know
17 is if -- if -- if a -- if the task team needed to make
18 a decision, how would that decision be made? Would
19 there be a vote, would there be a show of hands?

20 MR. RICHARD LLOYD: It would be -- it
21 would be a consensus taken that would be -- I don't
22 know that there's a formal motion and all that stuff.
23 It would be a consensus.

24 MR. JOHN MATHER: Did you understand
25 the matters discussed by the STT to be confidential?

1 MR. RICHARD LLOYD: Not all but some,
2 yes.

3 MR. JOHN MATHER: What matters were
4 confidential?

5 MR. RICHARD LLOYD: Give me an
6 instance and I'll tell you if it should be
7 confidential. I don't know.

8 MR. JOHN MATHER: I'm just interested
9 at this stage in knowing how you determined what
10 information that you received at the STT, how you
11 determined what was to remain within the group and
12 what could be disclosed outside the group.

13 MR. RICHARD LLOYD: I don't -- I
14 really don't know how to answer that. I don't know.

15 MR. JOHN MATHER: Do you recall anyone
16 saying at an STT meeting that the matters discussed
17 should be kept confidential?

18 MR. RICHARD LLOYD: No, never, to my
19 knowledge ever.

20 MR. JOHN MATHER: Maybe I'll ask you
21 this way. Can you provide me of an example of
22 something discussed at the STT meeting that you
23 thought was not confidential and could be disclosed?

24 MR. RICHARD LLOYD: I can't. I can't
25 even --

1 MR. JOHN MATHER: So if we could go to
2 CPS8756.1.

3 So, Mr. Lloyd, these are the minutes of
4 the August 29th, 2011, strategic task team meeting.

5 MR. RICHARD LLOYD: Yeah.

6 MR. JOHN MATHER: So to put you in
7 time, there was one (1) meeting prior to this, at
8 least minutes for one (1) meeting prior to this August
9 3rd, 2011 --

10 MR. RICHARD LLOYD: Yeah.

11 MR. JOHN MATHER: So if we can scroll
12 down in the minutes. Stop there.

13 So we see near the top of the page it
14 says:

15 "Mr. Houghton put forth a suggestion
16 that KPMG put together the RFP for
17 us."

18 MR. RICHARD LLOYD: I see that.

19 MR. JOHN MATHER: Do you recall why
20 KPMG was brought in to put together the RFP?

21 MR. RICHARD LLOYD: The only thing I
22 can think of, they're consultants, it's what they do.
23 It would be done professionally. I have a lot of
24 confidence in -- in KPMG. They've done other work for
25 the Town of Collingwood.

1 MR. JOHN MATHER: Were you involved in
2 any discussions about bringing in KPMG or another
3 consultant?

4 MR. RICHARD LLOYD: I don't recall
5 that I was. I don't recall at all.

6 MR. JOHN MATHER: What do you recall
7 about -- what was KPMG's role in the RFP?

8 MR. RICHARD LLOYD: Facilitator. They
9 were facilitating the meetings, they were organizing,
10 that kind of stuff.

11 MR. JOHN MATHER: Was KPMG involved in
12 developing the RFP criteria?

13 MR. RICHARD LLOYD: I believe they
14 were aware of it. What involvement they had, I have
15 no idea. I wasn't involved in the day-to-day writing
16 of the RFP, but I would believe they were -- were
17 involved in it.

18 MR. JOHN MATHER: So you -- you
19 believe there were but you don't -- you don't know?

20 MR. RICHARD LLOYD: I don't know, no.

21 MR. JOHN MATHER: As a strategic task
22 team member, how did you get informed about how the
23 RFP criteria were developed?

24 MR. RICHARD LLOYD: I don't think --
25 I think what it was, they brought the criteria to us,

1 they brought, you know, everything as -- as the RFP
2 was, and we're able to review it. Who authored it --
3 what was presented to us -- and we dealt with what was
4 presented to us.

5 MR. JOHN MATHER: So KPMG presented
6 you --

7 MR. RICHARD LLOYD: I believe it was
8 KPMG that was presenting -- it was either KPMG or Dean
9 Mun -- Muncaster introduced someone that was presented
10 it -- it's still --

11 MR. JOHN MATHER: So then it was
12 KPMG's presentation?

13 MR. RICHARD LLOYD: I believe it was,
14 yes.

15 MR. JOHN MATHER: How did KPMG know
16 what to put in its presentation?

17 MR. RICHARD LLOYD: I think it was --
18 I don't know. I guess they knew what the task was, so
19 as any consultant -- I dealt with many of them while I
20 was on Council -- and you give them a task and then
21 they went out and they gathered all the information,
22 brought it together, and said there it is.

23 MR. JOHN MATHER: Maybe I'll ask it
24 another way.

25 Do you recall who made the decision or

1 how the decision was made to weight the RFP 70 percent
2 in favour of non-financial components and 30 percent--

3 MR. RICHARD LLOYD: We had a lot of
4 discussion at the table, the strategic task team, and
5 I know my personal feeling was that the monetary end
6 of it wasn't nearly as important as all the other
7 aspects, the other points. It was weighted that --
8 that factually what our objective was, to find a
9 strategic partner that would -- would assist in
10 growing Collus. That was really the focus, what we're
11 trying to do, and that's what we did.

12 Judge Marrocco had asked me about the
13 difference between I guess numbers two (2) and number
14 four (4). That's the difference. We were looking at
15 a strategic partner. The other would have just been
16 selling off part of it.

17 MR. JOHN MATHER: So if we can scroll
18 down further in the minutes. Keep going.

19

20 (BRIEF PAUSE)

21

22 MR. JOHN MATHER: So on this page of
23 the minutes it indicates that Mr. Houghton reviewed
24 the proposed outline of critical dates.

25 Do you see that?

1 MR. RICHARD LLOYD: Yeah. That what
2 it says, yeah.

3 MR. JOHN MATHER: And it says that:
4 "This contemplates that the review
5 of the RFP will be complete on
6 December 7th, 2011."

7 MR. RICHARD LLOYD: Okay.

8 MR. JOHN MATHER: Do you recall how
9 this time line was formulated?

10 MR. RICHARD LLOYD: No. No, no idea.
11 There would be administration that would no doubt
12 formulate it along with KPMG.

13 MR. JOHN MATHER: Okay. What do you
14 mean by administration would --

15 MR. RICHARD LLOYD: Probably through
16 the -- Mr. Houghton, perhaps through Mr. Fryer,
17 working together to set time lines, working with KPMG
18 to give us the idea of what the time lines are.

19 MR. JOHN MATHER: Did the STT -- do
20 you -- do you recall if the STT discussed timing
21 generally in terms of --

22 MR. RICHARD LLOYD: No. Goals and
23 objectives and timing is very important in any
24 process. This is part of what the goals, objective,
25 and timing would be, so this was a -- a target to work

1 towards and -- and try to achieve it. How it came
2 about, I know going to meetings we'd be presented with
3 this kind of stuff and it'd be, okay, makes sense.

4 MR. JOHN MATHER: Do you recall any
5 discussions once -- I'll ask you specifically in this
6 case, August 29th, 2011. There's a proposed outline
7 of critical dates.

8 Do you recall if anyone asked any
9 questions about those dates?

10 MR. RICHARD LLOYD: I don't remember
11 if they did or -- or didn't. I think generally
12 speaking the -- the committee was quite satisfied with
13 most you see there.

14 MR. JOHN MATHER: Do you know if KPMG
15 provided any advice about the timing of the RFP?

16 MR. RICHARD LLOYD: I don't know.

17 MR. JOHN MATHER: So we already spoke
18 about presentation that bidders made in September 2011
19 to the strategic task team.

20 Other than what you've told us about
21 the PowerStream presentation, what do you recall
22 generally about how those presentations proceeded?

23 MR. RICHARD LLOYD: All of them or
24 just PowerStream?

25 MR. JOHN MATHER: All of them. I just

1 want to get a sense of your recollection of the
2 presentations.

3 MR. RICHARD LLOYD: I thought they
4 were all professionally done. There's no doubt they
5 put a lot of effort and -- and energy into it. Some
6 were better than others, and I've got to tell you, and
7 I want to be very open about this, is I had a tendency
8 leaning towards PowerStream right from the get-go on
9 it. I'll tell you why.

10 The Town of Collingwood provides
11 services to other municipalities. We, the Town of
12 Collingwood, provide -- we look after the water at
13 Clearview Township, wastewater up in -- in Meaford
14 Tank Range. We have great partnerships doing that.
15 We -- we also have a water main that we sell water
16 down to Alliston, New Tec; a great partnership with
17 New Tec.

18 There's a move afoot as well at the
19 county level, talking about bringing the GO Transit to
20 Collingwood, bring it from Barrie through to
21 Collingwood and -- and it was a good possibility that
22 could happen by the year 2030 or before. So trying to
23 build these partnerships as they've done in the past,
24 same as owning Thornbury Hydro and Clearview Township
25 Hydro and all, was really important for the synergies

1 of the community, trying to -- to build more business
2 and making it bigger.

3 The reason I would be leaning more
4 towards PowerStream is the City of Barrie. The City
5 of Barrie geographically is close to Collingwood,
6 would -- would -- it just makes sense that they would
7 be involved with -- with the transit system, if we get
8 all that -- get on a lot about different things with -
9 - with the rail corridor we had, bringing perhaps
10 wastewater as well back and forth. Town of Alliston
11 had issues with their waste, with central waste and so
12 on. So there's all these kinds of -- of dreams that
13 we all had, so I had a tendency of looking at Barrie
14 and saying they would be a perfect partner, so it's
15 theirs to lose in my opinion.

16 I didn't really share that with other
17 people on the committee, but that's what I was
18 thinking, thinking PowerStream was -- we had more in
19 common with them than we had with Markham and all
20 these other municipalities involved. Just was a no-
21 brainer in my opinion. Belleville, Brockville, these
22 places were so far away or wherever the other ones
23 were, it just didn't make sense.

24 MR. JOHN MATHER: So I think you said
25 you -- you were leaning towards them from the get-go.

1 MR. RICHARD LLOYD: From the get-go,
2 that's right.

3 MR. JOHN MATHER: When was the get-go?

4 MR. RICHARD LLOYD: When we were
5 having our strategic plannings and we had our -- our
6 presentation from them, when I -- when all of a sudden
7 I realized what PowerStream was, who they were, what
8 municipalities involved -- it's like, makes sense.

9 MR. JOHN MATHER: Did you remember
10 having similar thoughts when you met with PowerStream
11 earlier in June?

12 MR. RICHARD LLOYD: I didn't know who
13 they were. I really didn't know what -- and right now
14 I can't tell you all the municipalities that are
15 involved in it, but it just made sense.

16 MR. JOHN MATHER: So you said you
17 didn't disclose your leanings to anyone on the STT, is
18 that --

19 MR. RICHARD LLOYD: That was my own
20 personal feelings, but I know I spoke with my wife
21 about it and said that, you know, in my opinion it's a
22 no-brainer, that's where we should be going, and if
23 they're at all in the ballpark, I'll be pushing
24 towards them.

25 MR. JOHN MATHER: Did you share those

1 feelings with anyone else?

2 MR. RICHARD LLOYD: No.

3 MR. JOHN MATHER: Did you understand
4 that the presentations the bidders made in September -
5 - did you understand them to be confidential?

6 MR. RICHARD LLOYD: Yes.

7 MR. JOHN MATHER: As an STT member,
8 did you think you could report on the content of those
9 presentations to third parties?

10 MR. RICHARD LLOYD: Not -- not in the
11 -- no.

12 MR. JOHN MATHER: Why not?

13 MR. RICHARD LLOYD: Confidential -- a
14 lot of the information. I don't think, unless I had
15 their presentation with me, that I could report on it
16 because it was so high level stuff it was just
17 unbelievable, on the presentations.

18 MR. JOHN MATHER: But otherwise, even
19 if you had taken notes, for instance, do you think you
20 could have shared those with someone?

21 MR. RICHARD LLOYD: No.

22 MR. JOHN MATHER: Why was
23 confidentiality important?

24 MR. RICHARD LLOYD: I think the
25 bidders didn't want one another knowing, and we didn't

1 want them knowing where they're at, and I think for
2 the -- for the bidders themselves it was important,
3 for non-disclosure.

4 MR. JOHN MATHER: After the bidder
5 presentations, did you provide feedback to any of the
6 bidders?

7 MR. RICHARD LLOYD: Not that I can
8 recall.

9 MR. JOHN MATHER: Are you aware of any
10 members of the STT providing feedback to the bidders?

11 MR. RICHARD LLOYD: Not that I can
12 recall.

13 MR. JOHN MATHER: If we can turn up
14 CJI0010437?

15

16 (BRIEF PAUSE)

17

18 MR. JOHN MATHER: We can scroll down
19 to the bottom of the email chain. So I'm just going
20 to walk through this email chain and then I'll have
21 some questions for you.

22 So September 25th, 2011, Ms. Cooper
23 emails J.D. Hawkins and Alex Besse, Brian Hickey, and
24 a Ron Emo looking to set up lunch for October 7th.
25 And then if we scroll up, Brian responds with his

1 availability.

2 And then in the next email Ron responds
3 first with his availability. And then he says:

4 "I don't know what is going on with
5 Collus and PowerStream, but it not -
6 - it should not be something done
7 behind closed doors. Selling off
8 all or part of our Utility is not
9 something to be done lightly. It
10 was never mentioned during the
11 campaign, and if it's not handled
12 responsibly, will be a very divisive
13 local issue."

14 And then scroll up to the top. Ms.
15 Cooper responds to Mr. Emo and says:

16 "I understand you are meeting with
17 Rick on this matter."

18 And then goes on and -- and provides a
19 further response. My understanding, Mr. Emo is the
20 former mayor of Collingwood?

21 MR. RICHARD LLOYD: Yes, he was, a
22 great mayor.

23 MR. JOHN MATHER: And I think you
24 already actually mentioned him today. Did you speak
25 with Mr. Emo about the potential sale of Collus in --

1 in or around September 2011?

2 MR. RICHARD LLOYD: The only thing
3 that I remembered speaking with Ron -- Ron used to
4 come in through the backdoor of the flower shop. And
5 he was always needling me about different things with
6 counsel and what we were doing.

7 I had no meeting set up with Ron about
8 PowerStream or about selling a utility or anything.
9 It wouldn't be unusual for him to come in and ask me
10 stuff like that. And if had asked me, I'd be very
11 brief about it, but he would be more talking than I
12 would be because that's what Ron was like.

13 He'd be -- he'd be telling me that, if
14 we are thinking about it, we shouldn't be, or
15 whatever, because that's the way he was.

16 MR. JOHN MATHER: And -- and it wasn't
17 clear to me from your answer. Do you recall having
18 this sort of conversation?

19 MR. RICHARD LLOYD: I remember weekly
20 almost he'd come in, or -- or biweekly he'd come in
21 with different issues. Specifically with -- with
22 this, I don't remember. Like I said, I had no meeting
23 set up with him or anything else.

24 I'm just surprised from looking at the
25 email trail that he knew about it. But Ron, again,

1 would know. And I think it would be interesting to
2 know when staff knew about it, when Collus staff knew
3 about the potential -- that we were looking at selling
4 part of Collus.

5 I don't think it was any big secret at
6 that point, unfortunately, because I think -- like,
7 I've been at in camera meetings up here, and noon the
8 next day I'd get a call from the media about it. And
9 you wonder how they -- how people found out about it.
10 Small community.

11 MR. JOHN MATHER: So, sorry, and you -
12 - are you referencing the fact that Ron writes Ms.
13 Cooper about the potential Collus sale and -- and
14 Power -- and -- and PowerStream?

15 MR. RICHARD LLOYD: The way the email
16 is, if you go down, he's asking -- he's heard it
17 somewhere.

18 MR. JOHN MATHER: And you said this
19 wasn't a surprise to you?

20 MR. RICHARD LLOYD: I said it is a
21 surprise that he knew.

22 MR. JOHN MATHER: Okay. Sorry.

23 MR. RICHARD LLOYD: Yeah.

24 MR. JOHN MATHER: I thought I --

25 MR. RICHARD LLOYD: If I can

1 elaborate. And I also said I'm not surprised that
2 confidential information gets released. It -- it was
3 an ongoing issue in the Town, not only this term of
4 Council, but other terms. And whether it was from
5 staff or a disgruntled staff person or whatever, who
6 knows, but it'll be somebody that Ron knew.

7 MR. JOHN MATHER: So at that period --
8 this period in time, September 26th, 2011, you recall
9 it being an ongoing issue that confidential
10 information was being disclosed?

11 MR. RICHARD LLOYD: Oh, the whole
12 terms of council. For twenty-five (25) years it was
13 always an issue.

14 MR. JOHN MATHER: And at -- at this
15 period in time, what was being done to address that?

16 MR. RICHARD LLOYD: The -- the clerk
17 had -- not this period of time. Thi -- this one (1) -
18 - my statement has really nothing to do with this one
19 (1) particular email.

20 What was done over the year, the clerk
21 had changed things. We were given confidential files
22 that we -- we would get at the meeting. And we'd hand
23 them back in and everybody would sign off that it was
24 handed in, so there was a lot of that going on.

25 MR. JOHN MATHER: Okay.

1 MR. RICHARD LLOYD: The clerk did --
2 again, the clerk was bulletproof in what she was doing
3 for the Town of Collingwood, tried to -- to make sure
4 everything was done properly --

5 MR. JOHN MATHER: Do you have...

6 MR. RICHARD LLOYD: -- without
7 somebody telling us what we should be doing.

8

9 (BRIEF PAUSE)

10

11 THE HONOURABLE FRANK MORROCCO: I
12 think it's back now.

13

14 (BRIEF PAUSE)

15

16 CONTINUED BY MR. JOHN MATHER:

17 MR. JOHN MATHER: We're back. So do
18 you have any information about how in this specific
19 instance Ron knew about the Collus sale and
20 PowerStream?

21 MR. RICHARD LLOYD: No. I have my
22 suspicions, but I don't know anything factual.

23 MR. JOHN MATHER: Okay. What are your
24 suspicions?

25 THE HONOURABLE FRANK MARROCCO: Well,

1 I don't know that we really want to get into that. I
2 don't think that's -- I don't find that helpful.

3 MR. JOHN MATHER: Okay.

4 THE HONOURABLE FRANK MARROCCO: Thank
5 you.

6

7 (BRIEF PAUSE)

8

9 CONTINUED BY MR. JOHN MATHER:

10 MR. JOHN MATHER: So if we could turn
11 up paragraph 324.

12

13 (BRIEF PAUSE)

14

15 MR. JOHN MATHER: So, Mr. Lloyd, this
16 is -- I'm just bringing you here because it shows a
17 proposed time line for public disclosure about the --
18 the Collus RFP. And you could see it contemplates a
19 news release being released on November 17th, 2011.

20 And it's our understanding that that
21 was the first time it was publically disclosed that
22 there was an RFP ongoing. Do you recall being part of
23 any discussions about when and how to disclose
24 publically that there was an RFP?

25

1 (BRIEF PAUSE)

2

3 MR. RICHARD LLOYD: I -- I'm sure that
4 it was discussed, but I -- I can't remember the facts
5 or -- or what was discussed, but I'm sure it was
6 discussed.

7 MR. JOHN MATHER: And I was just
8 seeing if you had any recollection, if you were part
9 of those discussions.

10 MR. RICHARD LLOYD: I -- I can't.

11 MR. JOHN MATHER: Okay. And so we see
12 here that the con -- what's contemplated is a press to
13 issue a news release on the November 17th, and then to
14 have a public information session five (5) days later.

15 Were you involved in determining how
16 much time there should be between the press release
17 the public --

18 MR. RICHARD LLOYD: No.

19 MR. JOHN MATHER: -- information
20 section?

21 MR. RICHARD LLOYD: No.

22 MR. JOHN MATHER: As a councillor and
23 as an STT member, do you -- did you have any view on
24 this time line?

25 MR. RICHARD LLOYD: No. Again, staff

1 always presents us with time lines. And -- and unless
2 we see something that drastically jumps out, it's
3 their agenda and they have to make sure that
4 everything is accomplished with those target dates.

5 MR. JOHN MATHER: Do you have any cons
6 -- do you think five (5) days is sufficient from the
7 day of the press release to the day of the public
8 meeting?

9 MR. RICHARD LLOYD: I think so. We
10 never had any issues. Nobody brought up any issues
11 that -- that it wasn't enough. And I think there was
12 another public meeting, as well, in the council
13 chambers, so I don't think there's -- there was any
14 issue with that at all.

15 MR. JOHN MATHER: Okay. And why not?

16 MR. RICHARD LLOYD: Why would there
17 be? Sorry.

18 MR. JOHN MATHER: So you think it's
19 suffi -- it was sufficient time?

20 MR. RICHARD LLOYD: Yeah.

21 MR. JOHN MATHER: Yeah. Does it
22 factor into your consideration at all that this was
23 the sale of the Town's largest asset?

24 MR. RICHARD LLOYD: And again,
25 everything was -- there's a lot of meetings done

1 publically at council. There's this public meeting.

2 We had another meeting, as well, to get input.

3 Quite fra -- frankly we didn't get the
4 response from the community at our public meetings
5 either, not only this one, but also the other one that
6 we had -- had in the council chambers.

7 MR. JOHN MATHER: So did you attend
8 both public meetings?

9 MR. RICHARD LLOYD: Yes.

10 MR. JOHN MATHER: And you -- you said
11 that -- that you didn't have -- were they well
12 attended?

13 MR. RICHARD LLOYD: No, there -- there
14 wasn't -- a lot of our public meetings were not well
15 attended, not unless it's a real hot item that -- that
16 people are contesting.

17 This, with the amount of sale it was, a
18 big asset, there's very little input from the
19 community. They just didn't -- it's just business as
20 usual, it seemed.

21 MR. JOHN MATHER: Do you recall
22 anything else about the public meetings?

23 MR. RICHARD LLOYD: Only that if you -
24 - if you took away all the consultants and took away
25 all the -- the people that were there from Hydro and

1 you took away from all the employees, from the general
2 public, there was very few.

3 MR. JOHN MATHER: Okay.

4

5 (BRIEF PAUSE)

6

7 MR. JOHN MATHER: If we could go to
8 paragraph 390 of the Foundation Document.

9

10 (BRIEF PAUSE)

11

12 MR. JOHN MATHER: So this paragraph
13 says that:

14 "The Strategic Partnership Task Team
15 met on November 23rd, 2011, to
16 review their individual findings on
17 the non-financial element of the bid
18 and to prepare a recommendation to
19 Collus Power and Collus Solutions
20 Board for the upcoming December 2nd,
21 2011, board meeting."

22 So this appears to be when the non-
23 financial component of the bid was scored?

24 MR. RICHARD LLOYD: That's right.

25 MR. JOHN MATHER: And then if we can

1 go ahead to paragraph 406.

2

3 (BRIEF PAUSE)

4

5 MR. JOHN MATHER: It says:

6 "On November 28th, 2011, the
7 Strategic Partnership Task Team,
8 including KPMG representatives, met
9 to discuss financial bids -- the
10 financial bids for 50 percent of
11 Collus shares."

12 So it appears that there was a non-
13 financial -- a meeting to re -- to score the non-
14 financial components on November 23rd, and then a
15 meeting to review the financial components on November
16 28th?

17 MR. RICHARD LLOYD: That's accurate,
18 yes.

19 MR. JOHN MATHER: Is that --

20 MR. RICHARD LLOYD: That's right.

21 MR. JOHN MATHER: Okay. So I'm going
22 to ask you questions about both meetings, but I'm
23 going to start --

24 MR. RICHARD LLOYD: Thank you.

25 MR. JOHN MATHER: -- with questions

1 about the November 23rd non-financial meeting.

2 MR. RICHARD LLOYD: Okay.

3 MR. JOHN MATHER: So apologies. If we
4 could go back to paragraph 389.

5

6 (BRIEF PAUSE)

7

8 MR. JOHN MATHER: So this paragraph
9 says that the non-financial portions of the bid were
10 circulated to the members of the Strategic Partnership
11 Task Team prior to the November 23rd meeting. Does
12 that accord with your recollection?

13 MR. RICHARD LLOYD: I was reading. I
14 apologize.

15 MR. JOHN MATHER: Sorry. I don't mean
16 to rush you, so --

17 MR. RICHARD LLOYD: Yeah. No, that's
18 okay. I didn't hear your --

19 MR. JOHN MATHER: So it looks to me
20 that the task team members were given the
21 non-financial bids in advance of the November 23rd
22 meeting.

23 MR. RICHARD LLOYD: That's correct,
24 yeah. I must tell you that -- that when I did my
25 statement, I hadn't read the document. And when I

1 read it, that's exactly what happened.

2 MR. JOHN MATHER: Okay. So if
3 that's -- so do you remember how far in advance you
4 were given the non-financial?

5 MR. RICHARD LLOYD: I think it was
6 just a week at the most. I -- I can't remember the
7 exact date, but it wasn't -- it was fairly recent.

8 MR. JOHN MATHER: And if you look in
9 this paragraph again, it references an email that --
10 I'm sorry. First, there's a reference to an email to
11 Mr. Herhalt from Pam Hogg about her resending a
12 PowerStream proposal, as the one she'd sent earlier
13 included financials in the executive summary.

14 And then further down, there's a note
15 about after the November 23rd meeting, Ms. Hogg wrote
16 to Mayor Cooper, yourself, and Ms. Wingrove, and
17 Mr. Fryer that someone left a copy of their executive
18 summary from PowerStream, which includes financials.

19 Do you recall there being financial
20 information in the executive summary of PowerStream's?

21 MR. RICHARD LLOYD: No, I don't. I
22 don't.

23 MR. JOHN MATHER: And sorry, again, I
24 know it's getting late in the day but please wait till
25 I finish --

1 MR. RICHARD LLOYD: Yeah.

2 MR. JOHN MATHER: -- the question. So
3 do you -- do you recall there being financials in
4 PowerStream's executive summary of its bid?

5 MR. RICHARD LLOYD: No. I -- I don't
6 remember that in advance. But I do remember this, and
7 I do remember who had the -- the document that forgot
8 to hand it in.

9 MR. JOHN MATHER: Okay. Do you recall
10 whether there was any financial information in any of
11 the other --

12 MR. RICHARD LLOYD: There wasn't.

13 MR. JOHN MATHER: -- executive
14 summaries?

15 MR. RICHARD LLOYD: There wasn't. And
16 I think that as soon as this was opened, it was
17 handed -- like, we didn't go any further with it. As
18 soon as Pam announced it -- there was financial
19 information, and it -- it was just closed; it was
20 done; and hand it back in.

21 MR. JOHN MATHER: And sorry, that's --
22 tell me more about what you recall about that?

23 MR. RICHARD LLOYD: I remember that
24 that -- any of the -- proposals for PowerStream that
25 were sent and if -- and if we had them, as soon as it

1 was realized there was financial information, they
2 were closed and handed back to -- to Pam, except one
3 hadn't.

4 MR. JOHN MATHER: Do you -- can you
5 tell me more about the -- do you remember who first
6 discovered that there was financial information?

7 MR. RICHARD LLOYD: I think it was
8 Pam. I think it was -- she was the one that...

9 MR. JOHN MATHER: Is that something
10 you, again, specifically recall, or is it something
11 you're --

12 MR. RICHARD LLOYD: I -- it's
13 eight (8) years ago, and I'm trying my best to try and
14 remember whatever. But I think it was Pam that --
15 that said, whoa, there's financial information here.
16 Hand them back in. And unfortunately, one person
17 ended up leaving with it.

18 MR. JOHN MATHER: And it appears from
19 Ms. Hogg's email that someone left the room with it.
20 So is it your recollection that you -- what did --
21 what do you recall about doing after it was
22 discovered? Did you hand them back to Ms. Hogg?

23 MR. RICHARD LLOYD: We handed
24 everything always back to her. She signed off to see
25 who did. It with Ms. Wingrove that accidentally took

1 one with her.

2 MR. JOHN MATHER: Was there any
3 discussion at that meeting about the fact that there
4 was financial information in PowerStream's --

5 MR. RICHARD LLOYD: No. There was --
6 there was no discussion. There's -- on numbers or
7 anything. It was just, whoa, here's an error. Hand
8 it back in.

9 MR. JOHN MATHER: So it appears -- and
10 I think you said that you had the non-financial
11 packages before the meeting. Did you open your
12 non-financial package before the meeting?

13 MR. RICHARD LLOYD: The non-financial
14 package that -- that we had was -- we took it home to
15 evaluate and then brought back in to -- I believe
16 that's how it worked.

17 MR. JOHN MATHER: You believe it -- is
18 that how you recall?

19 MR. RICHARD LLOYD: That's how I
20 recall it.

21 MR. JOHN MATHER: And do you recall
22 noticing there was financial information in the
23 PowerStream package when you opened it at home?

24 MR. RICHARD LLOYD: No. I -- and
25 again, that's what's a little bit confusing. I don't

1 think the packages we took home had any financial
2 information on it. I just want to read this email
3 again, just to --

4 MR. JOHN MATHER: Yes, please.

5 MR. RICHARD LLOYD: -- get it in my
6 mind. Yeah.

7 MR. JOHN MATHER: Please, take your
8 time. Yeah.

9 MR. RICHARD LLOYD: It doesn't make
10 sense.

11 THE HONOURABLE FRANK MARROCCO: I
12 think as soon as you finish, we'll end for the day.

13 MR. RICHARD LLOYD: Okay. When I read
14 the email, it says that we had gotten prior to
15 November 23rd, but in a November 16th email to
16 John Herhalt, Pam Hogg wrote:

17 "I am resending the PowerStream
18 proposal, as the one I sent earlier
19 included the financials in the
20 executive summary. I've attempted
21 to recall the email."

22 We didn't have it. We didn't have
23 the -- the financial end of it at all. When I read
24 this, I remember that -- that we didn't -- we didn't
25 have it. I don't think there's -- I know that it goes

1 on to said include financials. I don't remember any
2 financials in it at all.

3

4 CONTINUED BY MR. JOHN MATHER:

5 MR. JOHN MATHER: Okay. So then I
6 just want to know your recollection.

7 MR. RICHARD LLOYD: Yeah.

8 MR. JOHN MATHER: So did you receive
9 the -- the non-financial bids in hard copy?

10 MR. RICHARD LLOYD: Yes, I believe it
11 was. Yeah.

12 MR. JOHN MATHER: Okay. And again,
13 I --

14 MR. RICHARD LLOYD: In an envelope
15 sealed.

16 MR. JOHN MATHER: -- I understand --
17 and I just want to know your recollection of when you
18 opened the hard copy document, if you recall in
19 PowerStream's if there was financial information in
20 the executive summary.

21 MR. RICHARD LLOYD: Yeah. I don't
22 recall that there was any financial in it at all.

23 MR. JOHN MATHER: Okay.

24 MR. RICHARD LLOYD: Yeah.

25 MR. JOHN MATHER: I think we can leave

1 it there.

2 THE HONOURABLE FRANK MARROCCO: And
3 just for your -- I think most of you know, but just
4 generally so that people watching know, Mr. Lloyd has
5 to attend a funeral tomorrow morning. So Mr. Chadwick
6 --

7 MR. JOHN MATHER: Tomorrow afternoon.

8 THE HONOURABLE FRANK MARROCCO:
9 Tomorrow afternoon?

10 MR. JOHN MATHER: Yes.

11 THE HONOURABLE FRANK MARROCCO: And so
12 we'll have Mr. Chadwick as a witness tomorrow morning
13 or tomorrow, period?

14 MR. JOHN MATHER: Tomorrow after -- I
15 think we're going to continue with Mr. Lloyd. We may
16 just have to --

17 THE HONOURABLE FRANK MARROCCO: All
18 right. So we'll continue with Mr. Lloyd in the
19 morning, and then Mr. Chadwick in the afternoon so we
20 don't lose the afternoon.

21 MR. RICHARD LLOYD: Thank you. Thank
22 you for your consideration. Thank you very much.

23 THE HONOURABLE FRANK MARROCCO: You're
24 welcome.

25

1 --- Upon adjourning at 4:30 p.m.

2

3

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5 Certified Correct,

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8 _____

9 Wendy Woodworth, Ms.

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