

Closing Submission –Mr. Paul Bonwick Participant

On February 26, 2018 Collingwood Council passed Resolution 042-18 formally requesting a Judicial Inquiry in relation to the Town of Collingwood purchasing a new arena and aquatic facility

The request for an Inquiry was made nearly seven years and two council terms after the beginning of the procurement process. The Judicial Inquiry was requested after allegations were filed three years earlier, just prior to the 2014 municipal election with the Ontario Provincial Police at which time an investigation occurred and as of this date has not resulted in any charges.

The Resolution for the Judicial Inquiry was brought forward by the Deputy Mayor, Mr. Brian Saunderson several days before the launch of his campaign for the position of Mayor in 2018.

It should be noted that the request in Part I of the Inquiry was predicated in large part on the process related to a highly robust request for proposals (RFP) specific to the sale of shares for the local distribution company (LDC), even more specifically, whether the RFP process was managed in a transparent and effective manner, providing maximum value for the shareholders and ratepayers of the Town of Collingwood.

Part II of the request for the Inquiry made by Deputy Mayor Saunderson and members of Council was predicated on the how the proceeds of the sale were directed in support of the sole source process implemented to acquire the new arena and aquatics facility.

On April 6, 2018, Chief Justice Smith designated the Honourable Frank Marrocco, Associate Chief Justice of the Superior Court, to serve as the Commissioner to the Collingwood Judicial Inquiry.

It is understood that the terms of reference for Part II of the Inquiry shall be to look into the allocation of proceeds of the transaction for recreational facilities at Central Park and Heritage Park and any fees or benefits paid to any person or the entity involved in the creation of the recreational facilities. The Inquiry will examine the impact of these events on the ratepayers of the Town of Collingwood as they relate to the good governance of the municipality and make any recommendations the Associate Chief Justice may deem appropriate and in the public interest.

In particular, the Inquiry explored the items identified below, but not limited to the following:

- I. Was there adequate Town Council oversight and direction provided in relationship to the purchase of the arena and aquatics facility?
- II. Was Town Council's delegation of authority in relation to the Transaction appropriate?
- III. Did Town Council receive sufficient information and have appropriate processes in place related to them providing authorization of the final the Transaction?
- IV. Were the reviews conducted to assess the proposals sufficient to serve the best interests of the Ratepayers of Collingwood?

By way of my background, in 1992, I was elected to the board of directors to the Collingwood Downtown Business Improvement Association (BIA). This was an exciting time for the BIA as we took an active leadership role in working with the business community and town council toward seeing the new and expanded Loblaw, contributed towards the redevelopment of the former Collingwood Shipyards as well as adopted a new progressive business model focused on the inclusion of special events, effectively attracting thousands of locals and visitors to our downtown district.

In 1995, I had the honour of being elected to Collingwood town council, an honour I took seriously having campaigned on a platform to work with the business community, with a focus to redevelop Collingwood's waterfront, a place that would later become an iconic destination on the Great Lakes. As part of those efforts, I took a leadership role with the support of town staff and fellow councillors in the town's acquisition of the Collingwood yacht club and the Collingwood grain terminals. During that same period, I worked in support of local industry for the purpose of creating an investment friendly environment in order to retain existing jobs and encourage job expansion.

In 1997, I had an even greater honour of being elected as the Member of Parliament (MP) for the newly created federal riding of Simcoe-Grey. I was re-elected in 2000. During the seven years in which I served as our MP, I was very proud of the extremely cooperative political environment between my offices, local municipal councils, the MPP, our business community and most importantly my fellow residents.

Throughout that time, Collingwood and the region experienced unprecedented investment from the federal government. I had the pleasure of working with my municipal colleagues on many campaigns, effectively lobbying the federal government for millions of dollars in investments as well as the acquisition of all the harbour lands owned by the federal government. These collective efforts in part led to the funding announcement of approximately \$9,000,000 towards a Council approved multi-use recreational facility (MURF). These particular funds however were never realized for the

benefit of the Collingwood Taxpayer as a result of the Council reversing its approval of the MURF.

In 1999, as a result of being elected Chair of the Southwestern Ontario Caucus and extensive lobbying efforts on my behalf to the National Caucus Chair and the Prime Minister's office, Collingwood proudly hosted for the first time, the National Caucus annual summer work retreat. This high-profile conference effectively profiled Collingwood to our Prime Minister, the Federal Cabinet, Members of Parliament, the Senate and the national media in an unprecedented manner.

It was always my belief that when politicians and staff worked in a cooperative and collegial manner, nothing was out of reach for the benefit of our community. At my core, is an entrepreneurial spirit that allows me to bring creative new approaches with a focus on realizing exciting positive opportunities for our region. I felt these words needed to be repeated because it demonstrates very clearly that I have always put Collingwood's best interests first. In part, I have worked most of my adult life on initiatives that have benefited my hometown, Collingwood.

I was also extremely proud of my sister, Sandra Cooper, who ran for municipal council and subsequently for Deputy Mayor and Mayor of Collingwood. Sandra's commitment and love of her hometown earned her the confidence of the residents of Collingwood, winning several elections culminating in her becoming the first female Mayor for the Town of Collingwood. This was and continues to be one of our family's proudest moments, appreciating that she had followed on the same path as my father (Jack Bonwick), having served on Collingwood Council in the mid-1960s. Sandra's ability to establish close positive working relationships with our neighbouring communities, provincial and federal representatives as well as our business community provided a foundation for many great accomplishments on behalf of Collingwood and the surrounding area. As a former politician, communications professional and most importantly as her brother, I was proud to offer any support that helped her serve the people of Collingwood.

After the 2004 federal election, I moved into the private sector, opening a communications and government relations firm in Collingwood. Over this time, I became acutely aware of the positive impact that I could have in working with companies interested in expanding or investing in small communities like Collingwood. While there are many thousands of lobbyists in Canada, I felt my experiences coupled with my love for the community, could successfully lead to the attraction and facilitation of many great things for our region. Irrespective of what initiative I became involved with, I always measured my success in terms of what I believed to be in the best interests of the residents of Collingwood.

I should note that I have continued to represent myself throughout these proceedings and have cooperated fully with the inquiry in terms of providing any information that I have available as well as participating fully in accordance with the schedule provided by Judicial Counsel.

I want to extend my thanks to the Judicial Inquiry team for the support they have extended throughout this process. As a person without professional or specialized knowledge on matters related to the Judicial Inquiry process, I would not have been able to participate in a meaningful manner without their support and the latitude provided by Justice Marrocco.

I will ask the indulgence of his Honour Associate Chief Justice Marracco as well as the readers of this document related to the format I am using for my submission. It may not follow the same format as the lawyers that participated in the Inquiry. It was my intent to try to provide additional clarity to the best of my ability on the matters before the Inquiry.

Irrespective of the cooperative working environment experienced during the Inquiry, it is my position that Collingwood Council demonstrated a clear bias by denying my request for legal funding and as such I was unable to engage a qualified and experienced lawyer to assist me in the Inquiry in a manner that is fair and reasonable. I do feel that I and the Inquiry would have benefited, had I been able to engage a lawyer with expertise in the Judicial Inquiry process.

Setting aside the cooperative working structure that was developed at the direction of Justice Marracco and with the support of Counsel for the Inquiry as well as the lawyers for the other participants; I do want to raise my personal concern over some of the lines of questioning that at times supported a subjective and negative narrative.

It was my hope that the lawyers for the Town of Collingwood and Counsel for the Inquiry would have at times directed more open ended questions to the witnesses allowing for witness responses that are relevant to the Inquiry mandate and that did not service a particular narrative.

I found it particularly confusing when Counsel for the Inquiry and the lawyers for the municipality asked witnesses their opinions on the fee that was agreed to between two private companies involved in this matter. The questioning did not touch on the structure of the fee charged more specifically a success based rather than monthly retainer nor did it inquire if the witnesses had opinions on how lobbyist/agents should structure their fees when engage on a particular matter. In my opinion, this type of information may have been more helpful to Justice Marracco. I am unsure how it helps the Inquiry if witness feels a fee is reasonable or far too high.

A formal request for the Inquiry would have never been made had the majority of Council not voted in favor of the two matters before the Inquiry. In hindsight, I am confused why all of the former councillors serving during that period of time were not brought forward as witnesses. While the Inquiry heard and seen ample evidence that the majority of council were excited and adamant that both of these matters move forward, it might have been helpful to Justice Marracco to hear directly from the councillors as it relates to their comments, emails and general understanding during that time.

It is important for the Inquiry and the public to fully understand the environment over a 20 year plus period of time leading up to the acquisition of the arena and aquatics facility.

As such, I will break my closing remarks into four areas that I hope will provide a clear understanding of the overall situation and the events that led to the purchase of the new arena and aquatic facility.

The four areas are as follows:

- I. Background on the community's and more specifically Collingwood Council's history and involvement in matters related to meeting the recreational needs of the community including information that led to the council decision to purchase the arena and aquatic facility.
- II. Council authority and the direction provided as a result of that authority.
- III. Accountability specific to the council decision to purchase the new arena and aquatic facility.
- IV. My role as it relates to council's decision to purchase the new arena and aquatic facility.

Background Information

Leading up to the purchase of the new arena and aquatic facility, including the time of the council's decision, it was generally my observation to that staff and council worked in a very cooperative and engaged manner. I did not witness individuals promoting hard lines in relationship to authority or responsibility but rather a collective collegial environment whereby staff generally speaking worked diligently with councillors to deliver based on the direction provide by Council and the needs in the community.

In brief, the Inquiry and Collingwood residents should know that they had very good people working on their behalf with the best interest of the community as their guiding principle. It is important to reiterate that most of the staff and elected officials live, work and raise their families in the municipality and I would submit they focused to the best of their abilities on issues they believed would make Collingwood a better place.

Aside from the departure of the CAO, Ms. Kim Wingrove, many of the municipal staff enjoyed long, rewarding and engaging careers in their fields and generally speaking were highly respected by their peers.

Appreciating the focus provided by Council and staff, It was widely understood within the community and confirmed through the minutes of council meetings during the 2010-2012 term that there had been a high demand for many years for the need of a second ice surface as communicated by taxpayers and as a result Collingwood Councils had been pursuing this request for over two decades. The same realization had been promoted for a number of years specific to a request for an expanded-refurbished year-round competitive swimming and therapeutic pool (resulting in part from closure of Contact Centre).

Organizations including minor hockey, recreation leagues and figure skating had been actively lobbying several councils for the purpose of securing a second arena.

The same held true for a request for a year round enclosed swimming pool built to a competitive level from the many families that made up the local swimming club, the Collingwood Clippers as well as those in need of a therapeutic pool including members of the medical community.

It was also clearly established or confirmed through testimony from the Treasurer, Ms. Marjory Leonard; Clerk, Ms. Sara Almas; Director of Recreation, Ms. Marta Proctor; Acting CAO, Mr. Ed Houghton; former Mayor, Sandra Cooper and former Deputy Mayor Rick Lloyd that there were no less than four previous municipal initiatives that had taken place for the purpose of updating and expanding the recreational amenities in the Town of Collingwood over a 20 year period. Please note, I apologize in advance if I have misdated something. I believe the events I describe are accurate however I may have erred on specific dates. Please see the following:

- I. On or about 1998-99, Collingwood Council authorized a steering committee to investigate and recommend a plan for the purpose of realizing a new Multi-use Recreational Facility (MURF) including a year-round enclosed pool. Subsequently, Council approved an approximately \$24,000,000 (24 million dollar) MURF to be located at Fisher Field in Collingwood. Council then authorized the Director of Parks & Recreation, Mr. Peter Dunbar to apply for federal and provincial funding to assist with the cost. This process involved various specialized consultants for the purpose of developing a detail plan. Council then rescinded their approval in 2001 and the grant approvals for approximately \$9,000,000 (nine million dollars) were returned to the federal and

provincial governments, in part, as a result of a significant political campaign that included representatives from the YMCA.

Please see transcript of Ms. Sara Almas, Clerk, dated September 12, 2019:

MR. PAUL BONWICK: *And so, are you aware of the fact that in the 11th hour, when all of this information was brought back to council and council was tasked with authorizing the work to commence, council changed direction and chose, based on other considerations, not to move forward with the multi-use -- the \$24 million multi-use facility out at Fisher Field?*

MS. SARA ALMAS: *I'm aware of that, yes.*

- II. On or about 2001, Collingwood Council provided direction to the Director of Parks & Recreation, Mr. Peter Dunbar to develop a plan to refurbish the existing Centennial pool located on the corner of Third and Spruce Street. Subsequently, consultants were engaged, and a plan developed after significant community engagement to move forward with the community pool refurbishment and modernization to better serve the residents of Collingwood. The Inquiry learned that approximately \$400,000 was spent leading up to Council's decision. In part, as a result of Council's budgetary considerations and consideration of other sites, Council chose not to move forward with this initiative.
- III. On or about 2002, Collingwood Council provided direction to the Director of Parks & Recreations, Mr. Peter Dunbar to develop a plan for a second arena. Subsequently, plans were developed to add an additional ice surface to the Eddie Bush Memorial Arena or as an alternative, build a twin pad arena in Central Park. This second solution would have resulted in repurposing the downtown Eddie Bush Memorial Arena for other uses or sale. In part, as a result of budgetary considerations and political lobbying within the downtown core, council chose not to move forward with this option.
- IV. On or about 2003, Collingwood Council provided direction to the Director of Parks & Recreation, Mr. Peter Dunbar to develop a plan to update and modernize the Contact Recreation Facility located in the east end of Collingwood. As a result, plans were developed, and an implementation plan was presented to Council that included a refurbished therapeutic pool. In part, as a result of extensive lobby efforts and budgetary considerations, Council chose not to move forward with plans to upgrade this aged recreation complex. Subsequently, this facility was closed and sold to the private sector.

Please see transcript date October 8th, 2019 Mr. Rick Lloyd

MR. PAUL BONWICK: *I think of the contact centre, with the therapeutic pool, the weight room, exercise facilities and studios. It was my understanding, I think you were on Council at the time, that one (1) of the former directors of parks, rec and culture had, at the direction of Council, developed a plan to refurbish that building to bring it up to standard to make it a more efficient, modern facility. Do you recall that?*

MR. RICHARD LLOYD: *I do.*

MR. PAUL BONWICK: *I don't know that there was a lot of political campaigning going on in response to that, but for some reason Council chose not to follow through on the direction they had provided Council, and subsequently it's my understanding the building was eventually condemned. Is that accurate?*

MR. RICHARD LLOYD: *There was an awful lot of pressure from a lot of YMCA members not to fix the -- the contact centre and slide everything over to the -- the YMCA.*

- V. On or about the summer of 2009, Collingwood Council under Mayor Chris Carrier authorized a steering committee (Central Park Steering Committee) to investigate and recommend a plan for the purpose of realizing new and modernized recreational facilities in Collingwood including a second arena and modernized aquatic facilities.

Subsequently, a new elected Council (2010) under Mayor Cooper received a report in 2012 recommending a new integrated multi-use plan for Central Park. This plan would see the YMCA take on a central role in delivering on the recommendations.

The estimate cost for the new integrated recreational complex was \$35,251,965 (thirty-five million dollars). It was confirmed during Part II of the Inquiry by Ms. Proctor, Director of Leisure Services (transcript) that there were no provincial or federal funds available to assist with these costs.

The Co-Chair of this committee was the Town of Collingwood's current mayor, Mr. Brian Saunderson.

The Inquiry learned through testimony and evidence that a targeted lobby was developed and undertaken in cooperation with the Co-Chair Mr. Brian Saunderson, members and supporters of the committee as well as business representatives that could have potential financial gain. The purpose of this campaign was to secure support by council for this option or create delays that would see the decision deferred until a potentially new council would take office that was supportive of the \$35,000,000+ proposal.

I would refer to document number CJI0006038 in which the Co-Chair of the Central Park Committee proposal, Mr. Brian Saunderson is communicating with

Mr. Mark Palmer, President of Greenland Engineering, a third-party company that expressed a business interest in advancing the Central Park MURF. In these emails, Mr. Saunderson commits to providing Mr. Palmer a copy of a report that is not supportive of the less expensive solution council was considering at the time. Mr. Palmer's company had been advocating a role for his company and Ameresco as part of a strategy to move forward the \$35,000,000+ proposal.

It is also worth noting that Mr. Palmer's partner leading up to this period in time, former Mayor and County Warden, Mr. Terry Geddes was a member on the Central Park Steering committee that produced the report recommending the \$35,000,000 solution.

I raise this situation as a result of the information I learned as shared by the expert panel. During their testimony they cited examples whereby board members had removed themselves from the board decisions based on concern over conflict of interest considerations, understanding Council has designated authority to the steering committee for the purpose of preparing a report and recommendations.

Please see transcript below.

MR. PAUL BONWICK: *Of course, you'll be aware of the fact that Greenland was partnering or had a strategic alliance with Ameresco?*

MR. RICHARD LLOYD: *I -- I attended a meeting in Toronto, was driven down by -- by Terry Geddes, with Ameresco. And I left that meeting just bewildered. I really didn't know what they were trying to offer the Town. The only thing I could get out of it was it was all financial.*

MR. PAUL BONWICK: *And that's why I'm trying to keep it high level in terms of you were aware of the fact that Ameresco was interested in playing a substantial role in the \$35 million plus recreational -- multi-use recreational facility that--*

MR. RICHARD LLOYD: *Positively.*

During cross examination Ms. Almas confirmed that at no time was the potential for conflict of interests as it related to members of the board directed to her.

During Part II of the Judicial Inquiry all elected officials and some staff identified the \$35,000,000+ (thirty-five million dollar plus) financial requirement as a significant part of the reason council chose not to move forward with the proposal.

Please see Ms. Sara Almas transcript dated September 12, 2019:

MR. PAUL BONWICK: *So I count, based on what we've just discussed, no less than four (4) separate occasions, where Council has, over a twenty (20) year period, had full intent on providing better recreational amenities for the taxpayers of Collingwood, and on four (4) separate occasions, failed to deliver. We agree on that?*

MS. SARA ALMAS: *Yes. There might even be more.*

On about 2011, Sprung Structures engaged with members of the Clippers Swim Club for the purpose of exploring the option of refurbishing the Centennial Pool.

During this same period, Deputy Mayor and Budget Chair, Rick Lloyd informed members of Council and staff that he had been introduced to a potential lower cost recreational solution during his participation at a municipal conference in Saskatchewan. The Deputy Mayor's introduction was done by way of an information booth hosted by Sprung at the Federal Municipalities Conference.

This new alternative was brought to Council's attention during the same period of time that they were engaged on the consideration of the new Central Park Steering committee report recommending a \$35,000,000+ (thirty-five million dollar plus) integrated multi-use recreation complex at Central Park.

At this stage it is important to reflect on the recent municipal election that took place in November 2009. It has been clearly stated for the Inquiry by those elected in the 2010 election as well as senior staff employed with the Town of Collingwood during that period of time, that the major election themes centered around financial accountability, reducing spending on outside consultants and lawyers, exploring more cost effective ways to deliver services and meet the future needs of the town as well as the need to address existing and future debt loads based on community needs.

Please see transcript dated October 8, 2019 Mr. Rick Lloyd

MR. PAUL BONWICK: *So you ran in 2010. We've heard from former Mayor Cooper about her platform and her observation of the platforms of those who were successful, and I'm wondering if you might share your understanding of your platform running into the 2010 election?*

MR. RICHARD LLOYD: *We wanted to curb the spending, fiscal restraint, and keep the taxes down.*

This mandate was formally delivered by the Mayor during her inauguration speech in 2010 and as well by the Mayor and Council during their initial engagement with department heads and the CAO.

All of the information identified above and more was clearly known to most elected officials as well as senior staff.

Please see the following transcript provided on September 12, 2019 - October 21, 2019:

MR. PAUL BONWICK: *some of these councillors had been on for three (3), four (4) terms or five (5) terms intermittently over long periods of time, correct?*

MS. SARA ALMAS: *Correct.*

MR. PAUL BONWICK: *Right. And so they witnessed first-hand the number of times that the councillors chose not to move forward on plans that had been in place. They witnessed that.*

MS. SARA ALMAS: *That's fair, yes.*

October 21, 2019

MR. PAUL BONWICK: *Is it your opinion that this Council and many previous Councils had spent significant time, had provided significant consideration, and had spent significant money in terms of exploring what the options for recreational amenities might be in the Town of Collingwood?*

MR. ED HOUGHTON: *Yes.*

MR. PAUL BONWICK: *And then it's reasonable to suggest that the councillors that had been on Council for those several previous terms would have had ample opportunity to review significant amounts of information related to options available to them specific to recreational amenities in the Town of Collingwood?*

MR. ED HOUGHTON: *Yes.*

MR. PAUL BONWICK: *And so, we've heard Or we've seen transcripts by several councillors, elected officials during that period of time, that reflect on the abundance of information that they've provided, not simply recently, but over previous years in terms of recreational amenities, correct?*

MR. ED HOUGHTON: *Correct.*

MR. PAUL BONWICK: *And so, is it reasonable to suggest that no one should be under the misconception that Council wasn't well informed of a multitude of different options that were available to them in terms of addressing the recreational needs in the Town of Collingwood?*

MR. ED HOUGHTON: *That's correct.*

It was clearly established through testimony during the Inquiry as well as through an abundance of evidence including minutes of council meetings and emails that the Council elected in 2010 was fully committed to addressing the recreational needs for the taxpayers of Collingwood.

It was clearly established through testimony and an abundance of evidence provided during the Inquiry, that all of the individual councillors had garnered a great deal of information and experience over the past 20 years including the weeks leading up to their decision on matters related to the types of recreational amenities needed and a reasonable understanding of the potential cost of the various options.

It was clearly established through evidence (council minutes) and testimony that the entire Council was committed to delivering a solution during their term of office that they felt would meet the needs of the taxpayers of Collingwood.

These facts were reinforced by the strong language directed by several members of Council to staff specific to dealing with recreational facilities in a very timely manner.

Again, it was established in Part I & II of the Inquiry that the new council campaigned and was elected on a platform of fiscal restraint, more prudent spending of taxpayer's money and managing the community's debt in a much more conservative manner.

The Inquiry learned that the Central Park Steering Committee with the support of consultants had provided a very detailed comprehensive plan that would create a fully integrated multi-use recreational complex at Central Park with an estimate cost of \$35,000,000+ (thirty-five million dollars plus).

It was clearly established during the Inquiry that Council was presented with an option for a new modern arena at Central Park as well as a new modern competitive enclosed year round swimming pool and therapeutic pool at Centennial Park for an estimated cost of \$12,000,000 (twelve million dollars) for both facilities.

Authority

Again, I want to thank the expert panel for sharing their opinions on the authority granted to elected councils. This information reiterates some of their testimony. It is recognized that a duly elected municipal councillor maintains authority over but not limited to the following points:

- appointing or removing statutory officers required under the Municipal Act, 2001
- imposing taxes
- incorporating corporations
- adopting or amending official plans
- passing zoning by-laws

- passing certain by-laws related to small business counselling and municipal capital facilities
- adopting community improvement plans that authorize bonusing
- approving or amending municipal budgets – financial considerations
- other powers as prescribed – Council has the authority to delegate certain powers as identified in the Ontario Municipal Act.

Municipal Councils are governed by internal by-laws, rules of procedure and the Ontario Municipal Act.

It is recognized that a Municipal Council maintains a wide range of authority to make decisions specifically related to financial matters subject to the internal by-laws, rules of procedure and the Ontario Municipal Act.

It is also recognized that the Municipal Council relies on the municipal clerk to provide advice and direction on the matters identified above.

Please see below for a typical job description for a single-tier municipal clerk:

Maintain in-depth knowledge of parliamentary procedures, procedural by-laws and relevant legislation, including the Municipal Act, the Municipal Freedom of Information and Protection of Privacy Act and the Municipal Elections Act, fulfill expertly the statutory office of the Municipal City Clerk, pursuant to the Municipal Act and other legislation, as applicable to a single-tier municipality.

As City Clerk, in this substantive portfolio, they are the “keeper” of procedure and protocol, offering advice and guidance in these areas to Municipal Council, the Mayor, all committee chairs, and staff, in addition to providing policy and by-law recommendations to Council and the CAO, and acting as corporate secretary to Council and the administration, and as the Corporate Signing Authority.

Write reports on business relating to legislative responsibilities, interpretation of legislation, meeting scheduling, procedural issues and policy revisions, regularly review and implement legislation changes applicable to the municipality, and provide oversight and advice in municipal law enforcement and licensing.

Vital Statistics, supervision of the records management function, liaison between Council and the public, implementation of public accessibility programs, and drafting of City by-laws, policies, agreements and forms.

I would direct the reader to the following testimony provided by Ms. Sara Almas, Clerk

Please see transcript below Dated September 12, 2019

MR. RYAN BREEDON: *All right. And so you've been asked a number of questions about the process and just -- I don't intend to belabour that, but sitting here today and looking back on the process that led up to the decision to purchase the Sprung buildings, do you have a view as to whether that process was appropriate?*

MS. SARA ALMAS: *I -- I don't think -- I think the process -- I don't think the process was in contravention of any other policy. I think we followed the rules that we -- we had.*

Accountability

There should be no confusion as it relates to accountability for decisions made on behalf of the taxpayer by and elected council.

Please see transcript dated October 8, 2019 Mr. Rick Lloyd

MR. PAUL BONWICK: *Ms. McGrann, counsel for the Inquiry, was asking you questions about the -- the process leading up to Council's decision. And I should have asked you this earlier, but we've talked about councillors coming from all different walks of life, different backgrounds, bringing in a good -- perspectives. At the end of the day, would you agree that each individual councillor is accountable and responsible for their own vote?*

MR. RICHARD LLOYD: *Definitely.*

Our entire municipal system of government is predicated on electing individuals that reflect our priorities and values for the purpose of making decisions with taxpayer money. These people are also entrusted with ensuring these priorities are delivered through direction they provide to the bureaucracy/staff.

It is understood that our elected officials depend on staff to provide advice on matters related to rules and procedures as well as lawyers to direct them on matters related to contracts and agreements.

I believe it is also important for the Inquiry to appreciate the pressure brought to bear on elected officials from their constituents. While these comments do not necessarily align with a clearly defined structure of responsibilities and authority granted to council and staff, perhaps the most common criticism of an elected official from their constituents is that they do not push as aggressively as they should as it relates to ensuring their directions are followed.

It is with this culture in mind that information shared with the Inquiry by experts related to the separation of responsibilities and authority by staff and elected officials might lead to a much more effective educational program to be developed and followed by elected officials.

Please see transcript below: September 12, 2019 Ms. Sara Almas, Clerk

MR. PAUL BONWICK: *Right. As you've earlier indicated, the staff are very diligent and very respectful. In fact they have to provide accurate information they have to lay out what the rules are, because councillors are elected from the community at large. They don't understand the Municipal Act in great detail, they don't understand Finance Act, they're not necessarily accountants that can follow the procurement issues in detail, and so they do rely heavily on Treasurer, Clerk*

MS. SARA ALMAS: *They do, yes.*

Please see transcript date September 12, 2019 Ms. Sara Almas

MR. FREDERICK CHENOWETH: *You had the authorization of staff and through the recommendation - and you clearly had -- and again you clearly had the authorization of Council, who passed a resolution in that respect.*

MS. SARA ALMAS: *That's right.*

MR. FREDERICK CHENOWETH: *So you felt fully authorized?*

MS. SARA ALMAS: *Correct.*

MR. FREDERICK CHENOWETH: *And there's -- there's no doubt that whatever the recommendation of staff might have been with respect to these matters, including its recommendation with respect to purchasing from one source, Council, in spite of that recommendation, had the authority to make the final decision --*

MS. SARA ALMAS: *Absolutely.*

MR. FREDERICK CHENOWETH: *All right. And I -- I take it that the EMC really didn't take away anything from the discretion which Council had -- had historically, and had under the -- under the various procedures of the municipality as you understood them. It didn't take away any -- any power from Council?*

MS. SARA ALMAS: *Correct.*

Prior to this process getting underway, the Judicial Inquiry learned that at the time Mr. Houghton was appointed as Acting CAO by Collingwood Council he identified three conditions prior to accepting the appointment. The two I believe are most relevant are as follows.

Firstly, that it would be for a short period of time allowing Council the opportunity to hire a full time CAO.

Secondly, that he be allowed to create an Executive Management Committee (EMC) for the purpose of working on and carrying out the directions of Council. The Inquiry learned that this request was a result of Mr. Houghton's need for a more structured support team to assist recognizing his other responsibilities as the CEO of Collus

PowerStream, CEO of the Public Utilities Commission and the Executive Director of Public Works. It is important to note that any one of these would be considered a full-time executive position. These terms were agreed upon.

The ECM membership included Mr. Houghton, Acting CAO, Ms. Marjory Leonard, Treasurer, Ms. Sara Almas, City Clerk and Mr. Larry Irwin.

It has been established through evidence and testimony that the EMC as part of their overall efforts assumed responsibility for the process related to the purchase of the new arena and aquatics facility. The EMC was supported by the Procurement Manager, Mr. Don McNaulty. Evidence has demonstrated that Mr. McNaulty was tasked with significant works related to this matter as well as having attended meetings specific to this initiative.

The Inquiry also learned that the ECM team had the support of senior staff within the Parks & Recreation Department in the absence of the Director, Ms. Proctor.

It should be recognized that typically the Director of Park & Recreation, Ms. Marta Proctor would provide a leadership role on matters related to the procurement of recreational facilities in the municipality. That said, during the seven week period that Council provided direction to staff for the purpose of moving this process forward, Ms. Proctor was absent for approximately four weeks.

As a result of the direction provided to staff by Council specific to investigating and reporting back to Council, the collective efforts of the ECM and Mr. McNaulty, a report and recommendation was produced in support of the sole source acquisition of the new arena and aquatics facility.

Please see transcript dated September 12, 2019 Ms. Sara Alma, City Clerk

MR. JOHN MATHER: With that in mind, what was your understanding about how the EMC would operate when you were appointed to the committee?

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

MR. FREDERICK CHENOWETH: All right. And throughout this process you didn't make a complaint or a -- you -- you didn't put up your hand and say this is -- this is all quite inappropriate and we shouldn't be moving in this direction?

MS. SARA ALMAS: *I did not object.*

MR. FREDERICK CHENOWETH: *You didn't sole-source and we shouldn't buy from Sprung and you didn't do any of those things, correct?*

MS. SARA ALMAS: *No. I trusted my colleagues and didn't feel that there was any by-law that was being contravened. So I -- I didn't have a reason to object.*

MS. SARA ALMAS: *Unless there was an objection, then it goes forward.*

MR. FREDERICK CHENOWETH: *I think you indicated in your evidence in-chief that you were content?*

MS. SARA ALMAS: *I was content.*

It is also understood that these same elected officials quite often seek advice from friends, family, colleagues and members of clubs and church groups. That said, any final decision is the sole responsibility of the individual elected.

Please see transcript date September 12, Ms. Sara Almas, City Clerk

MR. FREDERICK CHENOWETH: *And in any event, I think we've already -- you've already told me this in any event of the recommendation that was made, it was in the purview of Council to do other than was recommended by -- by staff at that juncture?*

MS. SARA ALMAS: *Absolutely.*

MR. PAUL BONWICK: *Council has the autonomy and, in fact, the responsibility to make decisions that they think are in the best interests of the community irrespective of what a staff report might provide?*

MS. SARA ALMAS: *That's correct.*

Please see transcript below October 21, 2019 Mr. Ed Houghton, Acting CAO

MR. PAUL BONWICK: *Right. And so, based on your experience with this diverse range of background, diverse range of experiences, is it your position that these people tend to be independent thinkers and bring their own set of values, their own set of priorities based on each vote?*

MR. ED HOUGHTON: *Yes, they're independent thinkers*

All of this said, an individual elected to Council accesses a multitude of information sources in order to make a final decision on any given issue. In fact, if the majority of council does not feel they have enough information, they have the authority to delay any decision before them. It is interesting to note this happens on a regular basis.

Please see transcript below October 21, 2019 Mr. Ed Houghton, Acting CAO

MR. PAUL BONWICK: *You referred in early testimony to the -- your experience whereby staff have brought forward reports and recommendations to Councils and Councils have chosen to not accept or not approve those reports. Is that correct?*

MR. ED HOUGHTON: *That's correct.*

MR. PAUL BONWICK: *And so from an authority perspective, is it accurate to suggest that irrespective of the efforts of a steering committee, the consultants you hire, the opinions that they get, the work of staff, the subsequent staff reports, that Council maintains the ultimate authority to approve or disapprove any particular direction within the community?*

MR. ED HOUGHTON: *Absolutely. they're the ones charged*

During Part II of the Inquiry it was established that Council voted 8-1 in favour of purchasing the arena and 7-2 in favour of purchasing the aquatic facility. Collectively the individual councillor had in excess of 60 years of Council experience serving the residents of Collingwood.

In part, we the electorate are the final judges being afforded the opportunity at each election to determine whether we believe the right decisions have been made by our elected officials.

Unfortunately, over the past 10-15 years social media has become a highly effective tool for those who perpetrate negative campaigns and disinformation. This new reality has been proven to affect the outcome of elections based on inaccurate information that is being disseminated.

Further to this point, please see transcript date Sept12, 2019 Ms. Sara Almas Clerk

MR. PAUL BONWICK: *You're a civil servant, and -- and take that job very seriously. Elected officials, I think you would agree with me, run on platforms, agree to their neighbours, to their associations, to their rotary clubs, to whatever the case might be, that they're going to push certain agendas along, or try to, when they're elected. Would you agree with that point?*

MS. SARA ALMAS: *Yes.*

Paul Bonwick-Greenleaf Distribution

Greenleaf distribution was newly incorporated in 2011. The mission statement as shown on the website was as follows:

"We offer simple, sustainable solutions to the everyday environmental challenges our clients face – whether they are individuals or large-scale commercial enterprises.

Our consumer products, for example, help homeowners save energy and take the hassle out of composting. And our LEED™ consulting services help building owners and operators create high performance, healthy environments for people to live and work in. We're committed to innovation, and are always expanding our products and services. But no matter what we do, our priority is the health and sustainability of our community and our environment."

The company focused on a wide range of initiatives including Solar Powered Attic Roof Vents, environmentally friendly compost deodorizer, composting bins, composting bags and LEED's building consulting.

The company employed four to five people at different points in time and invested significantly in new product development and promotion.

Greenleaf enjoyed a very positive working relationship with various municipal and county governments, several post-secondary education centres as well as the Ontario Centre for Excellence.

There was an issue raised during the Inquiry specific as to why Greenleaf took the lead on this file versus the communications company I managed during that period.

It was clearly stated from the outset by Mr. Tom Lloyd, Regional Sales Manager, Sprung that the introduction to a potential long term relationship was specific to Greenleaf with no mention of the communications company that I operated.

This was once again clearly stated during testimony provided by Mr. Dave Barrow. Please see the following transcript dated October 3, 2019.

MR. PAUL BONWICK: *And so any of the description in terms of the services Green Leaf would offer would really be predicated on the people that are involved with Green Leaf. Is that a fair statement?*

MR. DAVID BARROW: *Correct.*

MR. PAUL BONWICK: *Thank you. You mentioned that at no point had Compenso been introduced as one (1) of the possible partners. Did I understand you correctly?*

MR. DAVID BARROW: *Correct.*

MR. PAUL BONWICK: *It was always the intention -- and please confirm this or correct the record. Was it always the intention that Green Leaf would work with BLT and Sprung to carry this model across the province?*

MR. DAVID BARROW: *Correct.*

The Judicial Inquiry learned through testimony and evidence that Greenleaf Distribution (a company in which I am a majority shareholder) nor any other company that I am affiliated with did not initially solicit work on any matters related to council's consideration of the purchase of a new arena or aquatics facility.

Ms. Stec, a partner in Greenleaf distribution provided testimony that she provided an initial and unscheduled introduction of Mr. Tom Lloyd, Regional Sales Manager for

Sprung to me. This introduction took place during a visit to Collingwood by Mr. Tom Lloyd for the purpose of exploring opportunities for Sprung to provide a solution to the recreational facility needs in Collingwood.

This was support by testimony provided by Mr. Tom Lloyd. Please see transcript below dated October 1, 2019:

MR. JOHN MATHER: *So, Ms. Stec suggests to you that Green Leaf may be able to assist with the Collingwood projects. What sort of assistance was she proposing?*

MR. TOM LLOYD: *That we would make a great team. They were working on a number of accessories that would be complimentary to Sprung internally. They were actually at one point considering a Sprung office in Collingwood – excuse me -- building a Sprung office in Collingwood for Green Leaf. We're a very compatible fit. We can refer each other, sort of a referral arrangement type thing.*

MR. JOHN MATHER: *So, I understand that to deal with assistance that Green Leaf may be able to provide with projects generally in Collingwood. Did Ms. Stec say there was assistance that Green Leaf, herself, or Mr. Bonwick could provide with the potential pool and arena project?*

MR. TOM LLOYD: *Did she believe Mr. Bonwick could be of assistance? Yes.*

MR. PAUL BONWICK: *You have provided some background in terms of how we come -- came to meet each other. You, I think, mentioned that you had a previous relationship with Ms. Stec, from the Pretty River Academy, a private school just out the highway, and that, as a result of those interactions, I believe Ms. Stec became manufacturers rep --*

MR. TOM LLOYD: *Correct.*

MR. PAUL BONWICK: *-- for Sprung? You mentioned that Mr. Lloyd had spoken highly of me in terms of his opinions as you were moving forward?*

MR. TOM LLOYD: *Correct.*

Please see transcript of Tom Lloyd dated October 3, 2019

MR. JOHN MATHER: *Did you and Deputy Mayor Lloyd ever discuss Mr. Bonwick on the phone conversations you had with him?*

MR. TOM LLOYD: *We did, yes.*

MR. JOHN MATHER: *And what was -- what were those conversations?*

MR. TOM LLOYD: *Mr. Bonwick was a passionate -- was just as passionate as he was about getting some infrastructure for -- desperately needed infrastructure for the city (sic) of Collingwood and would be great to get involved as part of the -- of the process.*

MR. JOHN MATHER: *And what did you understand when Deputy Mayor Lloyd said it would be great for Mr. Bonwick to get involved as part of the process?*

MR. TOM LLOYD: *That Mr. Bonwick is -- is a very knowledgeable, intelligent man who -- who knows -- knows people, got a great experience.*

MR. JOHN MATHER: *Did Mr. -- Deputy Mayor Lloyd express to you what he thought specifically Mr. Bonwick may be able to do?*

MR. TOM LLOYD: *I would say first and foremost get the project done --*

MR. JOHN MATHER: *And what did you understand that to mean?*

MR. TOM LLOYD: *They'd been trying since 1980 to get an arena and that they were close -- really close now and Mr. Bonwick could put the ball in the end zone --*

At all times during my cross examination I fully recognized that the events, emails and telephone calls that the participants for the Inquiry focused on took place several years earlier. As a result, I wanted to qualify remarks and confirm how much I appreciated the efforts all witnesses provided in an attempt to recall these matters. I was also very respectful of the fact that people cannot always recall or provide explanations on matters related to calls and emails that took place seven years earlier.

Please see testimony provided by Mr. Rick Lloyd dated October 7, 2019.

MR. PAUL BONWICK: *And so you'll be aware of the fact that in 2004 I came back and opened up a government relations and communications office in Collingwood?*

MR. RICHARD LLOYD: *Yes.*

MR. PAUL BONWICK: *And based on being an observer, sitting on Council, would you suggest --how would you suggest those clients were represented in terms of me helping them achieve success in whatever their particular endeavour was?*

MR. RICHARD LLOYD: *You helped them immensely. Not only through federal connections, but municipal connections*

MR. PAUL BONWICK: *And so there was a comment shared by Mr. Lloyd -- sorry, I'm going to have to start using Mr. Tom Lloyd, during his evidence in-chief or cross-examination where he suggested that in an early phone call, I don't think he recalled the exact date, and he didn't -- in fairness I don't know that he recalled the exact details of the call and --but he suggested at that time that you had -- you were having a discussion with him and you were -- I think he demonstrated -- very keen on this as a solution for your multi-use -- for your recreational needs. And in your discussion with him, he*

thought that you had suggested that he speak with me, that I could be a good thing for him in terms of advancing his initiative. Does that -- that doesn't ring any bells for you at all?

MR. RICHARD LLOYD: *As I said earlier, I don't remember the conversation. It wouldn't be unusual that I would recommend that he talk to you*

The evidence and testimony confirmed that Greenleaf nor Paul Bonwick provided an unsolicited approach to Sprung/BLT to become engaged on this opportunity.

It was only after an introduction and discussion with Mr. Tom Lloyd, Regional Sales Manager, Sprung that we agreed to meet for the purpose of discussing how Sprung/BLT might present a second option to Collingwood Council as it related to a new arena and aquatics facility.

Please see transcript date October 3, 2019, Mr. Tom Lloyd

MR. JOHN MATHER: *How did you become aware that the Town might be interested in recreation facilities and specifically Sprung recreation facilities in 2012?*

MR. TOM LLOYD: *The ones that we eventually -- well, I think as I mentioned earlier, the only one (1) I knew about -- let me rephrase that. Pat Mills, one (1) of our manufacturer's reps, read the report on the 35 -- I believe it was \$35 million infrastructure needs -- park and rec infrastructure needs for Collingwood, and he reached out to Ed Houghton, I believe.*

MR. JOHN MATHER: *I believe you said that they were providing some guidance to Sprung and BLT. Was the other thing you said that you understood them to be providing information to Council, or getting information to Council?*

MR. TOM LLOYD: *No, I think I meant that they were suggesting to us what information would be best and how to package it for Council.*

Mr. Tom Lloyd coordinated the meeting with representatives from Sprung/BLT along with Ms. Stec and I. Based on the recollection of those in attendance there was detailed discussion centered on the potential needs of Collingwood as it related to a new arena and aquatic facility, the current environment being experienced by Collingwood along with other similar sized municipalities, lengthy discussion specific to strategically positioning Sprung/BLT in a positive light with Collingwood Council and the real potential of developing a business model that could be promoted to other municipalities and Indigenous communities in Ontario and beyond.

Please see transcript dated October 1, 2019, Mr. Tom Lloyd, Regional Sales Manager

MR. JOHN MATHER: *That's my question. What was Mr. Bonwick suggesting or you suggesting he could help Sprung or BLT do?*

MR. TOM LLOYD: *Well, Collingwood was just a -- a nugget in a -- in a bigger piece, which was his past experience with Ontario, federally, provincially, he could get us into many, many different communities that we may not other -- we may not have access to otherwise, and that was very intriguing to us.*

MR. JOHN MATHER: *So Mr. Bonwick may be able to assist with other projects. Is there anything he could do for Sprung or BLT with respect to the Collingwood Recreation Facilities*

MR. TOM LLOYD: *That he could assist as part of the team and helping Collingwood make a decision.*

To better understand the relationship between Sprung and BLT I would direct you to the following language in their agreement: "Sprung, having propriety rights to the manufacture and sale of its structure, shall refer all clients exclusively to BLT who are seeking a turnkey approach."

Please see transcript dated October 3, 2019. Mr. Dave Barrow

MR. PAUL BONWICK: *And so I need you to confirm this. If memory serves me correct, we talked about the need to deliver a low-cost, quality product that was turnkey in nature, as unsophisticated as possible in terms of complexity, so that Council could meet the needs of what their constituents wanted while still being mindful of their -- their finances. Do you recall that being part of the strategy –*

MR. DAVID BARROW: *Yes.*

MR. PAUL BONWICK: *-- that we were talking about developing? And so under that banner, is that not sort of how we sort of come to terms as an alliance or working together collectively, not only here in Collingwood, but moving forward in other communities?*

MR. DAVID BARROW: *Correct.*

At the conclusion of this meeting all Sprung/BLT and Greenleaf agreed in principal to further develop the business model that was discussed for the purpose of presenting a lower cost option for the town of Collingwood to secure a new arena and aquatic facility and subsequently, promote the model we developed to other communities.

The recommendations I developed and shared with Sprung/BLT represented the potential for many millions of dollars in sales as the model recognized the financial challenges many municipalities across Ontario were facing balanced with a sincere desire by elected council to enhance the recreational amenities within their

communities. This was the turnkey model that was developed for Collingwood that we intended to promote across the province and beyond. To be clear, this approach that I was recommending had the potential to secure many tens of millions of dollars in new business across Ontario and beyond for the Sprung/BLT partnership.

Note, It was clearly understood by all participants that while a sole source turnkey solution would be ideal in terms of our collective efforts and Council's desire to provide a new arena and aquatic facility within their term of office, Council maintains the ultimate authority to move in that direction. In fact, we fully recognized based on the 20 year history of council decisions related to the acquisition of new facilities and the highly charged political environment specific to the \$35,000,000+ (thirty-five million dollar plus) option being developed that Council might very well decide on an alternate solution or process.

Please see transcript dated October 1, 2019, Mr. Tom Lloyd, Regional Sales Manager Sprung.

MR. JOHN MATHER: *Can you just walk us through what you recall about the questions you asked about the purchasing bylaw and the answers you provided and to the extent you recall who provided those answers?*

MR. TOM LLOYD: *To be clear, I would never use the term "bylaw", I would just ask how purchasing was -- procurement was made within your municipality for a project such as a -- an arena.*

MR. JOHN MATHER: *Okay. So you asked that question of Mr. Houghton and the task team, is that correct?*

MR. TOM LLOYD: *For sure, yes.*

MR. JOHN MATHER: *Okay, and what do you recall about the answers you received?*

MR. TOM LLOYD: *As I said, they would -- depending on how things look or go, they did want this project to go quickly, but they could do anything from a fuller, wide-open RFP right down to a -- a spec, to a specific product to a sole source and everything in-between. No decision had been made at that point.*

Counsel for the Inquiry also directed questions to Mr. Tom Lloyd related to my relationship with former Mayor Sandra Cooper. During the testimony Mr. Lloyd indicated that he was aware of the relationship however did not give it much thought.

Please see transcript dated Oct1, 2019

MR. JOHN MATHER: *Do you recall if the nature of Mr. Bonwick's relationship to the mayor was ever something that you discussed with anyone from BLT?*

MR. TOM LLOYD: *I'm sure we discussed it. I just don't think we made an issue of it.*

MR. JOHN MATHER: *Do you recall anything about the contents of those discussions?*

MR. TOM LLOYD: *No.*

MR. JOHN MATHER: *Did you discuss that matter with Mr. Bonwick?*

MR. TOM LLOYD: *Personally? Not that I can recall.*

Please see transcript dated September 11, 2019, Ms. Abby Stec

MR. PAUL BONWICK: *The discussion surrounding the sole source, do you recall me suggesting that's really, to the largest extent, an exercise within the governance structure of the municipality? And you can't be sure whether – or whether they can or whether they can't do that. It would be great if they could, but at the end of the day, you need to be prepared to sort of be in this for the longer haul if in fact they can't. Do you recall that discussion?*

MS. ABIGAIL STEC: *Yes.*

As part of our discussions during this meeting, I made one condition very clear. That any fees paid to Greenleaf must come from BLT and in no way would Collingwood absorb additional costs as a result of our business agreement. This fact was confirmed through evidence and testimony provided by other parties involved in the discussions.

Please see transcript dated September 11, 2019, Ms. Abby Stec

MR. PAUL BONWICK: *You -- we've had some discussion about nature of the fee and how we arrived on it. To be clear, you said that you understood from me right from the get go that any fee we were going to collect was going to come from BLT full stop. Is that your understanding?*

MS. ABIGAIL STEC: *Yes.*

MR. PAUL BONWICK: *At any time, did I suggest that should Green Leaf become engaged that funds be directed from the Town of Collingwood to Green Leaf or from the Town of Collingwood to BLT and then to Green Leaf?*

MS. ABIGAIL STEC: *No.*

This fact was reconfirmed by Mr. Barrow during his testimony. Please see transcript dated October 3, 2019, Mr. Dave Barrow

MR. PAUL BONWICK: *You -- I -- I think you've confirmed that your typical bid would include a margin of 15 to 18 percent, correct?*

MR. DAVID BARROW: *Correct.*

MR. PAUL BONWICK: *Reasonable to state that that's an industry standard?*

MR. DAVID BARROW: *Correct.*

MR. PAUL BONWICK: *You also confirmed that when you were pricing the arena and the aquatics facility, you reduced your margin to 8 to 9 percent, let's call it 8 1/2 percent. Is that an accurate statement?*

MR. DAVID BARROW: *Correct.*

MR. PAUL BONWICK: *You were aware of the fact that your company, BLT, had entered into an agreement with Green Leaf to provide a payment of 6 1/2 percent, correct?*

MR. DAVID BARROW: *Correct.*

MR. PAUL BONWICK: *And so when I take your 8 1/2 percent, and I take that 6 1/2 percent, I land on 15 percent. Is that a fair calculation on those two (2) numbers?*

MR. DAVID BARROW: *Yes, I would say yeah --*

MR. PAUL BONWICK: *Thank you. And so the 15 percent margin that was added on to these two (2) facilities is actually at the lower end of the margin that would typically be considered when submitting a bid to an owner. Is that an accurate statement?*

MR. DAVID BARROW: *Yes, and I was going to say before that, it was -- probably be 14 1/2 to 15 1/2, but yes.*

MR. PAUL BONWICK: *So then, the Town of Collingwood did not pay any -- and I need you to confirm this or present a different opinion, please. Did the Coll -- Town of Collingwood pay any extra money for the facilities that were delivered as a result of the agreement that you had with Green Leaf?*

MR. DAVID BARROW: *No.*

Understanding this history and the real potential for delays based on Council's history, as well as the potential to develop the business model I was recommending to Sprung/BLT for implementation across the province, was in part a major contributing factor to the fee I proposed.

In further addressing fees for service as it relates to lobbying/agents, I would agree for the purpose of public perception that success fees, especially large fees undermine confidence in the procurement process, irrespective of the value the client associates with the recommendations or actions of their consultant (lobbyist/agent). There are several other options available as it relates to long term retainers that can still provide a level of compensation that both parties feel is reasonable based on the value of service or strategic advice.

Another significant fact is that while the Sprung/BLT proposal was being developed, the disclosure of Greenleaf as well as myself were clearly made known to the appropriate persons. It is important to note that during that time there was no effort or instruction provided on my part to conceal this disclosure. That said, I should have handled it in a much more robust manner similar to my involvement with the Collus share transaction.

Testimony and evidence confirmed that former Deputy Mayor and Budget Chair Mr. Rick Lloyd offered to provide an active role throughout the process at a public meeting of Council. While there was not a formal vote to confirm this role, there were no objections and subsequent follow up emails from Councillors to the Deputy Mayor that would indicate he had assumed hands on role in his capacity as Deputy Mayor and Budget Chair.

On another date, Mr. Ed Houghton, Acting CAO had been directed by the Deputy Mayor that he would be the point person or lead on this file.

Testimony and evidence has since established that Greenleaf and my involvement had been shared with the council representative, Deputy Mayor, Mr. Rick Lloyd and point or lead person on staff Mr. Ed Houghton, Acting CAO.

Please see transcript dated Oct 1, 2019, Mr. Tom Lloyd

MR. TOM LLOYD: *I became aware that Mr. Houghton knew -- Houghton -- sorry if I mispronounce his name. That's awful. I became aware that he knew.*

MR. JOHN MATHER: *And how did you become aware of that?*

MR. TOM LLOYD: *Either through Abby, or -- I'm not sure.*

THE HONOURABLE FRANK MARROCCO: *Was there anything you wanted to add to that?*

MR. TOM LLOYD: *No, just that I know Mr. -- I know that Deputy Mayor Lloyd was aware.*

Please see additional testimony related to this matter provided on October 22, 2019

MR. PAUL BONWICK: *would have been some conversation related to the ongoing situation with multi-use considerations in the Town of Collingwood, as well?*

MR. ED HOUGHTON: *Yes, absolutely*

MR. PAUL BONWICK: *At any time during those conversations do you recall me ever suggesting to you that any of the information or discussions that we're having were to be done so in a confidential manner and that any of that should not be shared with anybody else?*

MR. ED HOUGHTON: *No, not you.*

MR. PAUL BONWICK: *And do you recall ever qualifying any of the conversations whereby you shared information with me and qualified it that the information was confidential and should not be shared with anybody else?*

MR. ED HOUGHTON: *I don't believe I gave you anything that was confidential.*

As mentioned earlier, it is my opinion that the expert witnesses provided significant insight into the operations and complexity of municipal government. Irrespective of my 25+ years in and around government, upon reviewing their testimony and evidence I benefited greatly from their perspectives and experiences.

I agreed entirely with Ms. Bellamy, a retired Justice of the Ontario Superior Court of Justice when she described the following in regards to her experience with a Judicial Review:

“They are often long, and expensive, and almost always longer and more expensive than -- than the government thinks they're going to be when -- when the Inquiry is set up. They can also be very painful experiences for a lot of people, and for those involved, their lives and decisions they made, often many, many years before, are put under a very public microscope.”

I can personally state in a very profound way that this is a very factual statement; impact on relationships, public trust, cost, painful experiences are all realities of an Inquiry for some of the participants and witnesses.

All that said, I would also agree that an Inquiry does have the ability to shed light on a particular manner in such a way that the errors of the past would not be repeated and subsequently, public trust in their institutions can be strengthened. At the end of the day, this must be the guiding principle irrespective of its impact on participating individuals.

With this thought in mind I have had the ability to reflect on this transaction and my own involvement based on the information heard during the Inquiry and that which was raised by the expert witness. In short, I would submit that having reviewed the information provided by these witnesses a few striking observations come to my attention.

Best Practice Discussion - Marian MacDonald Mike Pacholok

As part of Ms. MacDonald's and Mr. Pacholok's presentation the following was brought to light.

Lack of planning or insufficient time to conduct a competitive procurement, unless urgent, are not considered allowable exceptions

- ***Irrespective of what is the most effective path forward for a sole source provider (including their agent) and irrespective of a councils history, experiences, passion or desire to deliver a cost effective product to the taxpayer in an expeditious manner; the paramount consideration should be full transparency even in the event that the project will be delayed my months or potentially put off until the following term of office.***

In past, my efforts as an agent working on behalf of a client were typically focused on implementing strategies that lead to the most expeditious approval. In hindsight, I can see how that approach negatively impacts the process and subsequently the public trust.

One should have confidence that if the product you are promoting truly represents the best value for the taxpayer, it will win out more times than not in a competitive process.

- ***In past, elected officials and senior staff have had some exposure or education related to what is deemed real ‘conflicts of interest’. In my experience to a large extent, the definition or focus on a real conflict of interest has been used to justify engagement with external parties including lobbyist, agents and advisors that do not directly fall into this specific area.***

I have had the benefit of reviewing the expert testimony as well as testimony provided during the hearing. These three significant considerations have become apparent to me at the conclusion of the review.

Firstly, there is arguably an inadequate amount of time and focus provided to elected officials and staff as it relates to conflicts of interest. During the hearings we learned that only a few minutes was allocated for the town’s lawyer to address this matter during the initial workshops that would commence at the beginning of each new council.

Secondly, that perceived ‘conflict of interest’ is every bit as real to the electorate and should be given equal consideration. Having reviewed the information provided specific to a perceived ‘conflict of interest’, I believe that an extended disclosure should be created that would include a brief description of relationships beyond family. This in my opinion would provide greater transparency for those involved in the decision-making process to assess the involvement or potential influence from third parties.

Please see related transcript to this point dated December 2, 2019:

However, a lobbyist registry has to ensure that the relationships that members of council have with the community and with staff are transparent. If this does not happen, it hurts the town, it hurts the city, and it hurts business.

Lastly, and more specifically responding to Mr. McDowell, Counsel for the Town of Collingwood comments and questions to former Justice Denise Bellemy, I would fully support the notion that any lobbyist or agent should become a signatory to similar rules

of conduct that govern elected officials and staff with a cavity that a breach in those rules of conduct could forfeit any approved agreements.

Prior to the commencement of this hearing and the expert testimony that was provided, I considered myself reasonably well informed as it relates to the conduct of government and the rules governing a lobbyist/agent. In hindsight, I now believe that it is inadequate to simply follow the letter of the rules and regulations. I should have made additional efforts beyond those considerations in a sincere attempt to ensure confidence in a process in the eyes of the community.

I would also suggest the Associate Chief Justice Marracco give consideration to recommending that communities as part of their lobby registration program include a mandatory education session for any person that may act as a lobbyist or agent within that respective jurisdiction. Potentially, this could be provided through the County, Region or Province on a quarterly basis or perhaps something more informal as it relates to scheduling. If this recommendation warrants further consideration I would recommend that any session offered should be paid for by the participants.

This action has the ability to ensure that any person lobbying in a respective jurisdiction has accurate information as it relates to conduct and reporting. It would also eliminate a situation whereby ignorance of rules or conduct is not used as a rationale to explain any activities or engagement.

Canadians have witnessed an unprecedented level of access to information and the resulting scrutiny on information that led to decisions made by elected officials. I would submit that it is moving the structure or types of interactions between lobbyists/agents, elected officials and staff from a very informal casual and non-transparent environment to a more structured, accountable and transparent environment. This transformation is not simply a structural change based on new rules, but it is effectively a cultural change. This historical environment by which lobbyists and agents engaged elected officials and staff was widely accepted or at the very least conducted for many years. This fact only emphasizes the importance of this Inquiry and its ability to recommend change that would provide greater transparency and build public trust.

Please see comments below by Inquiry expert witness: Ms. Bellamy is a retired Justice of the Ontario

“In general, lobbying is neither as bad as some fear nor as good as some hope. And in any case, it is not going to go away; nor should it—as long as it is properly done. Some lobbying practices, especially those that are not out in the open, undermine the democratic ideal. Lobbying can best contribute productively to the democratic dialogue when everyone can see and understand what is going on. Thus, one key to overcoming skepticism about lobbying is a clear understanding of what lobbyists should and should

not be able to do. That may be achieved through a code of conduct for lobbyists. Another key is transparency in lobbying, through a lobbyist registry.”

“The City should treat lobbying as a potentially helpful practice that should be carefully controlled.”

In the 20 years leading up to the matter before the Inquiry, I had the honour of working with elected officials both domestic and foreign. These works provided me with the opportunity to work with many exceptional civil servants in this country and others. During this time, I always tried to conduct myself in a professional, respectful and engaging manner, proud of the community I was from and in which my family lived.

As part of these experiences and irrespective of the important finding of this Inquiry, I want to inform the Inquiry as well as the public that generally speaking, the staff and elected officials that I witnessed at work on behalf of the community during that time were as dedicated and committed in serving the best interests of Collingwood as any other people that I have worked with up to this date. Most of them including me had a true love for the community!

This represents my closing submission.