



**“When You Talk - We Listen!”**



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

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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 (1) or not -- they  
16 could confirm what the Municipal Act actually states  
17 and confirm that that's what their view is, but  
18 knowing 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 love micromanaging,  
25 so if anybody had a pothole problem put off, and I go

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

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

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

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

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



1 implemented? Is that...?

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

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

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

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

22 MR. RICHARD LLOYD: I think so, yes.  
23 Again, small municipalities, that's what we do. I  
24 know at the County level, it's so large of an animal,  
25 you don't even know who the Works department is, or

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

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

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

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

20 MR. RICHARD LLOYD: Well, for  
21 instance, I'll give you a good one, is I got a call  
22 one (1) night at two o'clock in the morning that the  
23 snow plow had blocked this person's lane way. I was  
24 up, so I said I'll become -- I'll come right over, and  
25 the guy stuttered and stammered on the phone, and I

1 said, No, I'll come right over now.

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

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

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

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

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

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

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

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

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

25 MR. RICHARD LLOYD: If a resident

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

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

13 MR. RICHARD LLOYD: Pardon me?

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

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

23 MR. JOHN MATHER: So you mentioned  
24 that your working relationship with Town staff I think  
25 you said was wonderful. And so in the 2010 to 2014

1 period, do you recall having any relationships with  
2 any Town staff that you would consider to be less than  
3 wonderful?

4 MR. RICHARD LLOYD: Yes.

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

7 MR. RICHARD LLOYD: The only one (1)  
8 that I really had any issue with, that comes to mind,  
9 is the CAO at the time. Unfortunately, and I'm not  
10 going to throw any staff under the bus, so I just want  
11 to say that -- that up straight because I think  
12 everybody worked to the best of their ability. The  
13 CAO at the time came from the Province, had no  
14 municipal experience, and I think that was somewhat of  
15 a -- of a problem at the time.

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

24 MR. JOHN MATHER: So it sounds like  
25 you had concerns. And Kim Wingrove, I assume, is who

1 you're speaking of?

2 MR. RICHARD LLOYD: That's correct.

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

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

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

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

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

25 MR. RICHARD LLOYD: Well, being around

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

12 Another one (1) was our clerk, Sara  
13 Almas, was really good. I don't think she understood  
14 the clerk -- clerk's role as well either because  
15 there's sometimes issues that I would think, well,  
16 that's the clerk's job, you know, and -- the clerk is  
17 really good at what she does.

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

20 MR. RICHARD LLOYD: Sure.

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

25 MR. RICHARD LLOYD: I didn't mean



1 Sara. I meant the CAO.

2 MR. JOHN MATHER: Okay. So --

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

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

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

18 Well, no, the clerk's the one (1) that  
19 does that and does a great job, and looking over the -  
20 - the years I was at Council and seeing the way the  
21 clerk has done stuff, it was always consistent,  
22 thorough. She always made sure all the Is were  
23 dotted, the MR. TERRY SHAW: were crossed, and -- and  
24 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 (1) of the things she recalled was that  
17 she said there was an instance where you would --  
18 where you reprimanded her for speaking with members of  
19 the 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 (1) of those.

11 MR. JOHN MATHER: So we have heard  
12 evidence from Ms. Wingrove and Ms. Almas relating to  
13 you, and some 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.

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 correctly, 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 (1) of the issues that are

1 happening. 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 (1) would  
15 be 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 (1)  
4 more 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 (1) 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 know 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  
21 assigned companies I knew that knew the bylaw really  
22 well.

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

1 you tell the planning department that you would be  
2 sharing that information?

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

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

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

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

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

23 MR. JOHN MATHER: Okay.

24 MR. RICHARD LLOYD: Yeah.

25 MR. JOHN MATHER: So if we could turn

1 up paragraph 39 of the Foundation Document.

2

3

(BRIEF PAUSE)

4

5

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

7

8

(BRIEF PAUSE)

9

10

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

13

MR. RICHARD LLOYD: Yes.

14

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

16

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

18

19

They worked together from 2008 to

20

2009 in a gravel pit business, Blue

21

Mountain Aggregates, formerly Eden

22

Oak, purchased by Mr. Bonwick."

23

So, actually, I just -- so is that  
24 accurate?

25

MR. RICHARD LLOYD: No.

26

MR. JOHN MATHER: What's not accurate

1 about it?

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

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

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

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

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

25 What I -- I -- the way I made my money

1 out of it was my truck for the exclusive haulers out  
2 of the pit. So whenever there's aggregate sold, which  
3 I was involved in selling, it would be my trucks  
4 hauling it. So it was a good gig for me. I was able  
5 to -- to ensure that my equipment was working, and my  
6 people.

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

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

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

24                   And today I'm doing exactly the same  
25 thing as I was ten (10), twelve (12) years ago at no



1 charge to them other than my equipment is able to --  
2 to function out of that pit and I'm hauling aggregate.  
3 I'm able to go to the own -- Ontario Municipal Board  
4 hearings for them because they're trying to get  
5 expansions.

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

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

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

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

24 MR. JOHN MATHER: And I'll just ask  
25 you, what do you mean by that last bit, that this

1 works a lot better than billboards?

2 MR. RICHARD LLOYD: Well, by promoting  
3 that -- my abilities to be able to help, to assist,  
4 rather than just buying advertisement, buy gravel here  
5 and all this stuff, it makes it that they -- they want  
6 to use me, no doubt.

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

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

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

23 MR. RICHARD LLOYD: If they need my  
24 trucks, rather than hiring my competition, they hire  
25 mine. They've -- they've got somewhat of an

1 obligation, obviously, when I'm helping them. And  
2 that's -- that's probably more of what I do, is make  
3 them more obligated to -- to work with me.

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

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

9 MR. RICHARD LLOYD: Exactly. I don't  
10 think it does.

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

13 MR. RICHARD LLOYD: Sure.

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

17 MR. RICHARD LLOYD: That's correct.

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

20 MR. RICHARD LLOYD: That's correct.

21 MR. JOHN MATHER: He continues to use  
22 your trucks?

23 MR. RICHARD LLOYD: That's right.

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

1 MR. RICHARD LLOYD: no.

2 MR. JOHN MATHER: -- provide services?

3 Sorry?

4 MR. RICHARD LLOYD: No, I wouldn't.

5 If -- if he wasn't using my equipment and -- it would  
6 be insane for me if, he was using my competition, to  
7 be helping him. But it works out good for everybody  
8 because I'm helping him in an area that -- that he  
9 doesn't have to be up here and he doesn't have to pay  
10 people to be at the OEB hearings, other than lawyers,  
11 obviously, and planners, but...

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

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

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

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

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

3 MR. RICHARD LLOYD: Sure.

4 MR. JOHN MATHER: So it says:

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

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

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

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

23 MR. JOHN MATHER: All right.

24 MR. RICHARD LLOYD: So I don't know.  
25 It looks like -- no doubt that it looked like, because

1 of trying to make it important for -- for the lawsuit  
2 or what was going on, that, oh, here's a guy. And I  
3 do know, obviously, the operations and -- and most of  
4 the -- of what's going on at the pit.

5 But was I officially director of  
6 operations? An unpaid director of operations, I  
7 guess.

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

14 MR. RICHARD LLOYD: What I do from day  
15 one (1) until now? Nothing had changed at all,  
16 nothing at all.

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

19 MR. RICHARD LLOYD: Yes, he is.

20 MR. JOHN MATHER: How long has he  
21 worked there?

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

1 and worked there with me.

2                   When that all got straightened out and  
3 Romas ended up with everything back, and the  
4 equipment, my son's back up there working.

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

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

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

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

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

20                  MR. RICHARD LLOYD:   That's correct,  
21 yeah. Mr. Bonwick bought my brother, Steve's,  
22 equipment for the pit to get him to work there.  
23 Basically, what it was he bought him -- bought his  
24 business out. And Steve then went up and -- and did  
25 the day-to-day operations of the gravel pit, looked

1 after the crushers. He's a mechanic, so he's able to  
2 fix stuff, and an operator and make sure stuff was  
3 done, that kind of stuff.

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

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

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

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

16 MR. JOHN MATHER: Is he a me -- a  
17 member of your family?

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

21 MR. JOHN MATHER: Okay.

22 MR. RICHARD LLOYD: How's that?

23 MR. JOHN MATHER: Understood.

24 MR. RICHARD LLOYD: And interesting  
25 enough, my brother's wife is -- was formally a McKean.



1 Ray Conn's wife was a McKean, which was my brother's  
2 wife's aunt. Small towns.

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

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

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

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

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

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

1 MR. JOHN MATHER: Do you recall if  
2 that was before or after you were elected deputy  
3 mayor?

4 MR. RICHARD LLOYD: Before.

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

9 MR. RICHARD LLOYD: No. No.

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

12

13 (BRIEF PAUSE)

14

15 MR. JOHN MATHER: So just reading what  
16 it says:

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

1                   Do you recall an issue of AGP having  
2 arrears to the town?

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

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

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

18                   MR. JOHN MATHER:   Okay.  So if we  
19 could turn up document TOC0059065.

20

21   (BRIEF PAUSE)

22

23                   MR. FREDERICK CHENOWETH:   Can we have  
24 that number again, please?

25                   MR. JOHN MATHER:   TOC59065.

1 THE HONOURABLE FRANK MARROCCO: I  
2 think it was 509?

3

4 CONTINUED BY MR. JOHN MATHER:

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

7 MR. RICHARD LLOYD: That's what --  
8 really what you were saying. Yes.

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

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

21 So first question: Do you recall  
22 sending Mr. Bonwick this email?

23 MR. RICHARD LLOYD: Yes, I do.

24 MR. JOHN MATHER: Do you remember why  
25 you sent Mr. Bonwick this email?

1 MR. RICHARD LLOYD: Mr. Bonwick was  
2 working on a refinancing program for Amaizeingly  
3 Grace -- Green. Dorcher (sic) or whatever his last  
4 name is --

5 MR. JOHN MATHER: Daryl Dorchak?

6 MR. RICHARD LLOYD: That's it. Thank  
7 you. And -- had already explained to me in -- with  
8 Mr. Bonwick what they were doing prior to this -- I'm  
9 going to say weeks in advance of this. And I had sat  
10 with Marjory Leonard, our Treasurer. She said it's  
11 getting critical that we're going to have to -- to at  
12 one (1) point in time foreclose.

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

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

1 the -- the community.

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

4 MR. JOHN MATHER: Okay. So a few  
5 questions coming out of that.

6 MR. RICHARD LLOYD: Sure.

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

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

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

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

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

25 MR. RICHARD LLOYD: Was helping them

1 with their refinancing. That's correct.

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

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

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

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

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

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

3 MR. RICHARD LLOYD: Oh, there's no  
4 question that he'd be working for them.

5 MR. JOHN MATHER: Okay. You mentioned  
6 that while the Town was a secured creditor, the  
7 utilities were not.

8 MR. RICHARD LLOYD: The preferred  
9 creditor.

10 MR. JOHN MATHER: Preferred creditor?

11 MR. RICHARD LLOYD: That's right.

12 Well, I think is what the actual word is.

13 MR. JOHN MATHER: So the -- the Town  
14 had a higher standing in the event of a foreclosure  
15 than --

16 MR. RICHARD LLOYD: Than the hydro or  
17 the water or -- we would be just with all the other  
18 creditors.

19 MR. JOHN MATHER: And in your role as  
20 head of the Finance Department -- I'm sorry -- chair  
21 of the Finance Committee --

22 MR. RICHARD LLOYD: Correct.

23 MR. JOHN MATHER: -- was it your  
24 responsibility to concern yourself with debts owing to  
25 the utilities?



1 MR. RICHARD LLOYD: Again, a small  
2 community. I know about it. Am I to just ignore it?  
3 No. I try to help. I know there's other people that  
4 have come to me where they've been in arrears of their  
5 taxes. I've gone hand in glove with them to the  
6 Treasury and tried to work something out for them.

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

16 MR. JOHN MATHER: So when you met with  
17 Mr. Bonwick and Mr. Dorchak, was Mr. Houghton or  
18 anyone from the --

19 MR. RICHARD LLOYD: No.

20 MR. JOHN MATHER: -- utilities there?

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

23 MR. JOHN MATHER: Did you inform  
24 Mr. Houghton or anyone from the Utility about your  
25 conversation?

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

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

9 MR. RICHARD LLOYD: Yes.

10 MR. JOHN MATHER: Okay. Did you  
11 understand that information to be confidential at the  
12 time?

13 MR. RICHARD LLOYD: No.

14 MR. JOHN MATHER: Why not?

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

23 MR. JOHN MATHER: All right. Was  
24 Ms. Wingrove aware of --

25 MR. RICHARD LLOYD: I don't know. I -

1 - I really and truly have no idea if she was or  
2 wasn't. I -- I know that the Treasury would be aware.

3

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

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

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

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

22 MR. JOHN MATHER: Okay. So they were  
23 moving towards that process. Do you know what you  
24 mean by that?

25 MR. RICHARD LLOYD: We have a chat at

1 this point in time. Marjory had said to me that it's  
2 critical. They need to do something quick or the  
3 process will be started. And once the process  
4 starts...

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

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

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

23 What did you mean by that?

24 MR. RICHARD LLOYD: It's embarrassing  
25 for our municipality to foreclose on anyone, and I

1 think that was the biggest concern. We're trying to  
2 work with them out of one (1) hand, and all of a  
3 sudden, if we start pulling the rug from under them  
4 and saying sorry, it's embarrassing. That's not what  
5 we want to do. We want to make sure that -- that we  
6 work this thing through and make it happen.

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

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

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

22 MR. RICHARD LLOYD: I don't know when  
23 they was -- when it was. I know that -- that Marjory  
24 had informed Council. She doesn't disclose quite  
25 often all the -- the names, but we do get a -- a

1 report from her of tax arrears and -- when it gets  
2 critical obviously.

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

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

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

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

13                   MR. RICHARD LLOYD: Yeah. I don't  
14 know.

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

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

23                   MR. JOHN MATHER: Do you remember what  
24 happened after this email?

25                   MR. RICHARD LLOYD: After this letter

1 went out?

2 MR. JOHN MATHER: Yes.

3 MR. RICHARD LLOYD: I know that going  
4 down the road that -- that we worked with them. I  
5 know that -- that we -- we all gave them as much slack  
6 as we possibly could -- Amazingly Green -- to try  
7 and get the -- back onto the rails.

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

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

21 MR. JOHN MATHER: So it was -- it's  
22 your recollection that it's the provision of public  
23 funding that resolved this situation?

24 MR. RICHARD LLOYD: Oh, pardon me?

25 Did I --

1 MR. JOHN MATHER: Sorry. That wasn't  
2 a very clear question. So it's your under -- it's  
3 your recollection then after you met with the --  
4 after -- there was the meeting with the minister, and  
5 there was some public funding available that assisted  
6 Amaizeingly Green pay their arrears?

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

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

19 MR. JOHN MATHER: So were you at the  
20 conversation with the minister? I believe it was  
21 Mr. Wilkinson? Is that correct?

22 MR. RICHARD LLOYD: In Toronto, yes.

23 MR. JOHN MATHER: Okay. So you were  
24 there?

25 MR. RICHARD LLOYD: At -- at the



1 dinner. I went to a -- a Liberal fundraising dinner,  
2 which I'm very Conservative. Anyway, I guess you do  
3 what you have to do.

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

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

13                   MR. JOHN MATHER: Do you remember what  
14 the minister said at the dinner?

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

18                   MR. JOHN MATHER: Fair enough.

19                   MR. RICHARD LLOYD: And I'd ask my  
20 wife. She would know.

21                   MR. JOHN MATHER: So I think you said  
22 that Mr. Bonwick was there; Mayor Cooper was there;  
23 you were there. Anyone else?

24                   MR. RICHARD LLOYD: Nobody -- no. I  
25 don't -- I don't recollect -- they were all Liberals.

1 Sorry.

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

4 MR. RICHARD LLOYD: It's -- when  
5 you're a Conservative and you're in a -- a Liberal  
6 fundraising -- anyways. Sorry.

7 MR. JOHN MATHER: Fair enough. Okay.  
8 Could we go to paragraph 91 of the Foundation  
9 Document?

10

11 (BRIEF PAUSE)

12

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

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

23 MR. RICHARD LLOYD: That's correct.

24 MR. JOHN MATHER: Do you recall AGP  
25 making this booking?

1 MR. RICHARD LLOYD: Yes, I do.

2 MR. JOHN MATHER: Okay. What did  
3 you -- and why did you understand AGP was making a  
4 reservation for you?

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

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

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

24 MR. RICHARD LLOYD: I don't know the  
25 dates, but I know that we had this meeting and the --

1 one (1) of the ministers were there, and we had  
2 discussions. So it went over -- this wasn't just  
3 something that happened in a window of -- of a month.  
4 This was working with Amaizeingly Green over numerous  
5 months.

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

10 MR. RICHARD LLOYD: Yes. Yeah. I  
11 definitely had --

12 MR. JOHN MATHER: Is it possible there  
13 was another event?

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

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

20 MR. RICHARD LLOYD: If they wanted my  
21 help, they were going to cover my expenses if I was  
22 going to go to Toronto, and it was as simple as that.  
23 If they didn't want me to come down, that was fine,  
24 too. I had no trouble with it if they wanted me to  
25 attend this. It -- it wasn't an event that I would

1 enjoy going to start with, but if it meant that it  
2 would perhaps help them get funding, I was all in.

3 MR. JOHN MATHER: Was it common for  
4 people who were looking for your assistance or the  
5 Town's assistance to provide you accommodations or  
6 other things?

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

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

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

21 MR. JOHN MATHER: Okay. Thank you.

22

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

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

25

1 CONTINUED BY MR. JOHN MATHER:

2 MR. JOHN MATHER: So Mr. Lloyd, you  
3 referenced a few times this morning that you were the  
4 chair of the finance committee. What was your roles  
5 and responsibilities as chair of the finance  
6 committee?

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

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

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

21 MR. RICHARD LLOYD: Exactly. That --  
22 that's perfect. Thank you.

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

25

1 (BRIEF PAUSE)

2

3 MR. JOHN MATHER: So this is the email  
4 we already looked at. Why wouldn't Marjory Leonard  
5 send this?

6 MR. RICHARD LLOYD: Good question. I  
7 don't know. I -- I had spoken with Marjory. No -- no  
8 question about it all.

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

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

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

22 MR. RICHARD LLOYD: I told her I was -  
23 - I'm -- I'm sure I did. I don't know if I told her  
24 the whole content of the letter or whatever, but I  
25 said, you know, I'm -- I'm -- worked with Amaizeingly

1 Green to try and -- and put them on notice, or help  
2 them. I don't remember the exact details of the  
3 conversation with Marjory, but she knew that I was  
4 doing this kind of thing. And in fact, she would have  
5 given me some of information that I put in my letter.

6 MR. JOHN MATHER: So you said that she  
7 would have known. Can you just provide any more  
8 context on why you think she would have known?

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

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

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

19 MR. JOHN MATHER: -- for --

20 MR. RICHARD LLOYD: -- I just know  
21 that I did -- that she would know.

22

23 (BRIEF PAUSE)

24

25 MR. JOHN MATHER: So if we could go to



1 TOC62875.

2

3

(BRIEF PAUSE)

4

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

10 MR. RICHARD LLOYD: In my -- in my  
11 email or in my statement?

12 THE HONOURABLE FRANK MARROCCO: In the  
13 email.

14 MR. RICHARD LLOYD: In the email, it  
15 would be the -- the calendar year.

16 THE HONOURABLE FRANK MARROCCO: So the  
17 email is written in September by Dec -- you --  
18 sometime before December 31st, the Town would be  
19 required to initiate foreclosure proceedings?

20 MR. RICHARD LLOYD: Perfect, yes.  
21 Thank you. That's right.

22

23 CONTINUED BY MR. JOHN MATHER:

24 MR. JOHN MATHER: And then if we could  
25 scroll to the bottom of the email chain, and to the

1 top of that email, yeah.

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

4 MR. RICHARD LLOYD: Sure.

5 MR. JOHN MATHER: So this is an email  
6 from a Collingwood citizen. It's about the  
7 Amaizeingly Green plant. It appears to be a complaint  
8 about certain alleged environmental abuses.

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

13

14 (BRIEF PAUSE)

15

16 MR. RICHARD LLOYD: Okay.

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

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

25 MR. RICHARD LLOYD: I was reading it,

1 sorry.

2 MR. JOHN MATHER: Sorry. Do you  
3 recall receiving this email from Ms. Wingrove which  
4 contained the citizen's complaint?

5 MR. RICHARD LLOYD: It happened,  
6 obviously. I don't -- yes, it happened, but I don't  
7 remember.

8 MR. JOHN MATHER: Fair enough. Do you  
9 recall there being environmental complaints or  
10 concerns about the Amaizeingly Green plant?

11 MR. RICHARD LLOYD: Positively, yes.

12 MR. JOHN MATHER: Okay. And what do  
13 you recall about that?

14 MR. RICHARD LLOYD: Even prior, when  
15 it was Nacan, there was issues with -- with smell and  
16 noise.

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

22 MR. RICHARD LLOYD: Again, he was  
23 working for Amaizeingly Green, and we were aware of  
24 that. Through the refinancing, everything else, he  
25 has -- he was -- I would think he was -- had a -- had

1 a contract or whatever with Amaizeingly Green, and he  
2 was doing more of the PR work for them than anyone.

3 MR. JOHN MATHER: And before you  
4 forwarded this to Mr. Bonwick, did you seek permission  
5 from the citizen who sent the initial complaint?

6 MR. RICHARD LLOYD: No. No. I don't  
7 think I had a conversation with the citizen or  
8 anything.

9 MR. JOHN MATHER: Did you advise Ms.  
10 Wingrove that you would be forwarding on the  
11 complaint?

12 MR. RICHARD LLOYD: No. No.

13 MR. JOHN MATHER: Why not?

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

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

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

1 MR. JOHN MATHER: And when you became  
2 aware of that, what was the reason given for not  
3 forwarding?

4 MR. RICHARD LLOYD: You're supposed to  
5 get the permission of -- of the author to -- and it --  
6 it's kind of grey, I guess, but that's what I  
7 understand, even today, that you -- before you forward  
8 somebody's email, you should get permission to forward  
9 it. I still think it's a grey area.

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

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

15 MR. JOHN MATHER: Okay. So if we  
16 could scroll up a bit further. So Mr. Bonwick writes  
17 back to you and says:

18 "I would recommend you get Kim to  
19 send a note to Ms. Beggs" --

20 And that was the deputy minister.

21 -- "bringing into -- bringing in  
22 question the citizen's credibility,  
23 he he he he."

24 MR. RICHARD LLOYD: Can I answer --  
25 comment on that?

1 MR. JOHN MATHER: I'm happy to have  
2 you comment, yes.

3 MR. RICHARD LLOYD: At the time, the  
4 plant was shut down. It wasn't operating at all. And  
5 this individual would complain of the noise and the  
6 smell. The plant wasn't even operating.

7 MR. JOHN MATHER: So what did you mean  
8 by bringing into question the -- the citizen's  
9 credibility?

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

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

21 MR. RICHARD LLOYD: I'm sorry.

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

25 So if we could now pull up TOC62881.

1 (BRIEF PAUSE)

2

3 MR. JOHN MATHER: And if you scroll  
4 down just a little bit, we see that after you got an  
5 email from Mr. Bonwick suggesting that you bring into  
6 question -- or suggesting that you suggest to Kim that  
7 she bring into question the citizen's credibility,  
8 that is, in fact, what you do.

9 MR. RICHARD LLOYD: Exactly.

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

11 MR. RICHARD LLOYD: Why'd I do what,  
12 sorry?

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

15 MR. RICHARD LLOYD: With Kim?

16 MR. JOHN MATHER: Yes.

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

25 MR. JOHN MATHER: So when you do this,

1 did you understand yourself to be advancing Mr.  
2 Bonwick's client's interest?

3

4 (BRIEF PAUSE)

5

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

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

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

21 MR. JOHN MATHER: And if we scroll up  
22 here, we see that you then forward this to Mr.  
23 Bonwick?

24 MR. RICHARD LLOYD: Yes, I did.

25 MR. JOHN MATHER: Why did you forward



1 that to him?

2 MR. RICHARD LLOYD: To let him know  
3 that -- and Amazingly Green that the Town were  
4 acting upon it.

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

7

8 (BRIEF PAUSE)

9

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

16 Did you know that this way -- did you  
17 know that Gemba was one (1) of Mr. Bonwick's  
18 companies?

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

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

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

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

3 MR. RICHARD LLOYD: Yeah.

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

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

17 Then you go on, and then in the second  
18 paragraph, you say:

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

25 MR. RICHARD LLOYD: Correct.

1 MR. JOHN MATHER: So does refresh your  
2 memory about what you knew about Gemba at the time?

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

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

17 MR. RICHARD LLOYD: Yes.

18 MR. JOHN MATHER: -- that day. Do you  
19 recall that meeting with Ed?

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

1 side of the town while -- if we have it we our budget,  
2 we should continue and have our checks -- our tanks  
3 checked.

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

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

11 MR. JOHN MATHER: Okay.

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

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

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

25 Probably not I don't know, probably

1 because of consistency. I have no idea. But I do  
2 know that I was doing my due diligence by suggesting -  
3 - I never thought of the fuel tanks and -- just came  
4 to my attention and said let's do it.

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

7 MR. RICHARD LLOYD: That's correct.

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

12 MR. RICHARD LLOYD: I -- positively.  
13 I didn't get -- the Works manager would even bring the  
14 specs of trucks to me, different times, and ask me my  
15 thoughts on -- being in the trucking business. Quite  
16 often I'd have staff pick me up at the flower shop to  
17 take me to -- to ask me about a road construction job.  
18 Again I have expertise in that.

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

1 of these tanks were twenty-five (25), thirty (30)  
2 years old. So it just -- when it came to me that they  
3 were doing it over the PUC, the light came on. I  
4 thought, oh, maybe we should be doing it.

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

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

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

18 MR. RICHARD LLOYD: No. That would be  
19 staffs' responsibility, to -- to see if it was -- if  
20 financially it made sense, whether they knew the other  
21 -- they had other estimates or whatever. I think  
22 what's the key here is the consistency of if it was  
23 doing it on one (1) part of the town, we can maybe  
24 piggyback that, but, no.

25 MR. JOHN MATHER: What do you mean by

1 "piggyback that"?

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

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

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

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

22 I'm sure that if they went ahead with  
23 it, which they did, that they had money in their  
24 budget to do it, that they had the -- the  
25 authorization to be able to do it through the process.

1 Yeah, this is sole source, no question about it. But  
2 even today the -- the company -- town still sole  
3 sourced some things. There's no favouritism here.

4                   It was brought to my attention that --  
5 that this company was doing it over at -- at Collus.  
6 Due diligence said, whoa, maybe we should have our  
7 check -- tanks checked. I send an email to staff  
8 saying so you're aware, here's what's going on, maybe  
9 it should be something you should check into. Done  
10 deal. I'm done with it. If staff hadn't gone with  
11 this company, that would be fine. It was up to staff  
12 then to -- to take that and -- and do the work.

13                   MR. JOHN MATHER: Could you understand  
14 why a staff member who received your suggestion might  
15 interpret it as a direction, because it was coming  
16 from the deputy mayor?

17                   MR. RICHARD LLOYD: No, because that's  
18 just a daily occurrence or -- or things that happened  
19 quite often.

20                   MR. JOHN MATHER: How frequently would  
21 you suggest contractors or companies to staff members  
22 responsible for retaining?

23                   MR. RICHARD LLOYD: Wouldn't -- it --  
24 it was only a unique situation. It was brought to my  
25 attention that this company was already working in the



1 Town of Collingwood, that maybe this is time that you  
2 should get them to look at ours. No different I  
3 guess, give you an instance, in my -- again, I'm just  
4 trying to articulate what maybe could happen.

5                   So quite often we get companies that  
6 would clean our catch basins in the Town of  
7 Collingwood. A company is contracted, tendered, and  
8 we hire them for two (2) or three (3) years to clean  
9 out our catch basins once or twice a year. If  
10 something, one (1) of the other departments needed  
11 cleaned, I would think they would lean towards a  
12 company that we contracted already and use them rather  
13 than going out and tendering for another one, if it  
14 was a small -- under \$20,000 job. This is not unlike  
15 that.

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

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

1 MR. RICHARD LLOYD: Nothing.

2 MR. JOHN MATHER: Did you have any  
3 dealings with, I guess, Gemba it might be -- if I've  
4 mispronounced it -- but did you have any other  
5 dealings with Gemba after you sent this email?

6 MR. RICHARD LLOYD: Nothing. Nothing,  
7 no.

8 MR. JOHN MATHER: So if we could pull  
9 up TOC135342.1.

10

11 (BRIEF PAUSE)

12

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

18 MR. RICHARD LLOYD: Yes, that's  
19 correct.

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

22 "to participate in a conference call  
23 that has been set for 1 p.m. to --  
24 tomorrow, discuss how, whether it is  
25 possible to buy out" [redacted]

1 "from the front ending agreement  
2 respecting servicing the south end  
3 of town."

4 MR. RICHARD LLOYD: Right.

5 MR. JOHN MATHER:

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

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

12 Do you recall receiving this email from  
13 Mr. Lloyd (sic)?

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

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

22 THE HONOURABLE FRANK MARROCCO: Mr.  
23 Longo?

24 MR. RICHARD LLOYD: Longo, yes.

25 MR. JOHN MATHER: Thank you. Mr.

1 Longo, yeah.

2 MR. RICHARD LLOYD: Yes.

3 MR. JOHN MATHER: Yes. Thank you.

4

5 CONTINUED BY MR. JOHN MATHER:

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

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

15 This way it'll give you" --

16 And then you go on to discuss more  
17 things about the matter at hand.

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

23 MR. RICHARD LLOYD: Again it -- it --  
24 was a suggestion that perhaps it would be an in camera  
25 meeting or a special Council meeting, so a special

1 Council meeting may not be in camera.

2 MR. JOHN MATHER: Fair enough. And  
3 then I also just wanted to note, and then we'll move  
4 on, but at the end you say:

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

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

12 MR. RICHARD LLOYD: Probably, and  
13 again I'm going to assume.

14 MR. JOHN MATHER: Yeah.

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

23 MR. JOHN MATHER: Okay. So then if we  
24 can scroll up the email, we see that Leo writes back  
25 again to the group, which is you and Ms. Cooper, and

1 says that he'll report back after the call that's  
2 being contemplated. And then he said:

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

7 And then if we scroll up --

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

10 MR. JOHN MATHER: Yeah.

11 MR. RICHARD LLOYD: Yeah.

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

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

17 MR. RICHARD LLOYD: That's correct.

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

24 MR. RICHARD LLOYD: Mr. Bonwick was  
25 actually working for the parties involved here and

1 looking after the communications and all this kind of  
2 stuff with them. I was keeping him abreast of what  
3 was going on, that -- that obviously we, the Town of  
4 Collingwood, were trying to come to an agreement with  
5 them and -- and the other company that actually wasn't  
6 blacked out, and --

7 MR. JOHN MATHER: So you sent this to  
8 Mr. Bonwick because you understood that he was working  
9 for one (1) of the parties involved?

10 MR. RICHARD LLOYD: Positively, yeah.

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

13 MR. RICHARD LLOYD: Yeah.

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

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

22 MR. JOHN MATHER: Understood.

23 MR. RICHARD LLOYD: Yeah.

24 MR. JOHN MATHER: Did you understand  
25 when you forwarded this email that communications with

1 the Town solicitor would be privileged?

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

11 MR. JOHN MATHER: So it looks to me  
12 from reading the email that one (1) of the things Mr.  
13 Longo is discussing is a potential negotiation  
14 strategy or approach in advance of an OMB hearing.

15 MR. RICHARD LLOYD: Yeah.

16 MR. JOHN MATHER: Is that not  
17 something you would think is confidential?

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



1 MR. JOHN MATHER: At this point in  
2 time, do you know if the discussions Mr. Longo is  
3 referring to have been discussed publicly at all?

4 MR. RICHARD LLOYD: I don't know, I  
5 don't know.

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

9 MR. RICHARD LLOYD: No. No, not at  
10 all.

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

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

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

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

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

1 I -- I never gave it any thought.  
2 Again, my role in the Town was trying to make things  
3 happen, get things working, try to -- like, for  
4 instance, the Ontario Municipal Board, not unlike  
5 Amaizeingly Green, trying to come to a successful  
6 conclusion that will cost the taxpayers the least  
7 amount of money as possible.

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

14 So this isn't just isolated to him.

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

18 MR. RICHARD LLOYD: Anything with this  
19 kind of stuff, yes.

20 MR. JOHN MATHER: I mean in this  
21 specific instance.

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

25 We're also hopefully not having to have

1 another in camera meeting or special Council meeting,  
2 we're hoping that we can come up with -- with  
3 satisfactory arrangements.

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

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

16                   MR. RICHARD LLOYD: Today, yes. Back  
17 then, not necessarily.

18                   Things changed a lot in ten (10) years  
19 in the -- the whole electronic world. Again, I can  
20 remember at Council when we didn't have computers,  
21 period. When I first got elected.

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

1                   You know, just go check out Donald  
2 Trump's e-mails.

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

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

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

14                  MR. RICHARD LLOYD:    Sorry.

15                  MR. JOHN MATHER:    So you didn't -- you  
16 didn't -- you didn't tell anyone before you sent it.  
17 Why did you think it was okay for you, as Deputy  
18 Mayor, to be the one (1) updating Mr. Bonwick on -- on  
19 Mr. Longo's thinking of how to approach this issue?

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

1 successful conclusion out of all of this. But --

2 MR. JOHN MATHER: And again, without  
3 going in -- going into who was involved, you think  
4 there was a successful conclusion, is it your  
5 recollection that that successful conclusion was  
6 achieved because of what you were doing?

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

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

17 MR. RICHARD LLOYD: No, I think it's  
18 more micro-managing, it's more what I do. I've  
19 admitted from day one (1) that I get involved in  
20 stuff. I take everything serious. I try to work with  
21 people, try to -- to get stuff done. That's probably  
22 why, over the years, I was very popular, the people  
23 would come into the flower shop because they knew I  
24 would make things happen or get stuff done or follow-  
25 up, but -- and take great pride in doing that.

1 I wouldn't just sit around the table  
2 and put my hand up and then go home for the week and  
3 the next week do the same. I was an actual working  
4 Council member trying to achieve goals to try and help  
5 businesses and people in Collingwood.

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

9 So it was just the norm. It's just  
10 what I was going.

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

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

21 I've also worked with -- with people in  
22 the community where one (1) in particular where his  
23 front yard set back was not a zero lot line, in fact  
24 it was on Town land. Didn't find -- he was 83 years  
25 old and he didn't find that out until he wanted to

1 sell the property and to take it and get a survey done  
2 on his property. He got a survey and he was  
3 encroaching on Town property, the house was pre-  
4 existing non-conforming, he was having difficulty  
5 trying to deal with Town.

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

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

16 MR. JOHN MATHER: In this instance you  
17 said that you were trying to mediate.

18 MR. RICHARD LLOYD: Yes.

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

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

1 MR. JOHN MATHER: Yes.

2 MR. RICHARD LLOYD: Thank you. And if  
3 I can come to a conclusion that will make it quicker  
4 and the bills are less --

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

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

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

17 MR. RICHARD LLOYD: It's the way I  
18 operate.

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

23 MR. RICHARD LLOYD: Do that again, I'm  
24 sorry.

25 MR. JOHN MATHER: Did you ever



1 consider asking Ms. Wingrove or anyone on staff to  
2 undertake this mediation work or this resolution work  
3 you're -- you were seeking to implement?

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

7 Quite often I would -- would talk to  
8 staff about coming to solutions on things. Staff  
9 would ask me, quite often, different issues to come to  
10 a -- a quick solution on stuff. Quite often the --  
11 the treasury would ask me to -- about different things  
12 about Council and maybe trying to get it -- bring it  
13 forth to Council to see if we can get it approved to  
14 make it like -- like, one (1) thing that our Treasurer  
15 had planned was to try and have enough money that we  
16 could self-finance our own projects. We discussed all  
17 this.

18 I -- I don't know if the CAO knew about  
19 it, I don't know. Marjory and I discussed it, we  
20 brought it to Council. So what we were doing, we were  
21 creating loans within the Town departments and, for  
22 instance, if -- if the Town of Collingwood was  
23 rebuilding Beach Street, we would lend the Public  
24 Works the money to do Beach Street, and instead of  
25 having a debenture, we would -- would take that money

1 and at a low interest rate and prepay ourselves back  
2 to our -- our funds so we could always build our  
3 reserves on it.

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

8 MR. JOHN MATHER: So in this instance  
9 where no one (1) has asked you to get involved, was it  
10 the case that you understood that other people could  
11 do this?

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

22 MR. JOHN MATHER: So you -- it was the  
23 case then that you thought you could achieve results  
24 sooner.

25 MR. RICHARD LLOYD: Thank you.

1 MR. JOHN MATHER: Is that fair? And I  
2 don't --

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

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

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

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

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

19 Scroll up. Mr. Bonwick then sends that  
20 response on to you.

21 MR. RICHARD LLOYD: Yes. And again --  
22 oh, sorry.

23 MR. JOHN MATHER: No, no.

24 MR. RICHARD LLOYD: Again, I just find  
25 things get dragged out and dragged out and dragged

1 out.

2 MR. JOHN MATHER: What do you mean by  
3 that?

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

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

10 MR. JOHN MATHER: What did you  
11 understand Mr. Bonwick wanted you to do with the  
12 information he sent you?

13 MR. RICHARD LLOYD: I didn't get that,  
14 I'm sorry.

15 MR. JOHN MATHER: So Mr. Bonwick has  
16 sent you a response from somebody who -- who has an  
17 interest in this.

18 MR. RICHARD LLOYD: Yes.

19 MR. JOHN MATHER: Why do you think he  
20 sent it to you?

21 MR. RICHARD LLOYD: I think that --  
22 that he's basically saying we want to get on with  
23 this, we want to get it solved, we want to deal with  
24 it. And if there is urgency, that we don't -- when I  
25 read this it looks like -- and again, I don't remember

1 seeing this, it's been so long, that at a later date I  
2 think these people wanted to deal with it and get it  
3 dealt with, behind them and get on with whatever their  
4 projects were.

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

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

9 MR. RICHARD LLOYD: No clue at all.

10 MR. JOHN MATHER: Did you report back  
11 to Mr. Longo about this?

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

16 MR. JOHN MATHER: Did you take any  
17 steps to push the process forward after receiving  
18 this?

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

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

1 MR. RICHARD LLOYD: I don't agree with  
2 that because I don't think that that -- again,  
3 anybody's interest. That's all Town of Collingwood,  
4 and no different than this old gentleman that I was  
5 helping with his -- his setback problem.

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

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

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

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

23 MR. RICHARD LLOYD: Nothing.

24 MR. JOHN MATHER: -- from those  
25 business?

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

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

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

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

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

23 MR. JOHN MATHER: So -- so leaving  
24 aside that, do you understand at all why, if there was  
25 a different name on this email, that might cause

1 someone concern, if it was a different individual  
2 representing a --

3 MR. RICHARD LLOYD: If I had forwarded  
4 that to Joe Blow, you mean?

5 MR. JOHN MATHER: Yeah.

6 MR. RICHARD LLOYD: We wouldn't even  
7 be discussing it.

8 MR. JOHN MATHER: But you --

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

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

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

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



1 because -- I'm sorry, were you finished?

2 MR. JOHN MATHER: No, that was -- I  
3 finished my question.

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

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

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

21 It was easier politically to say, oh,  
22 well, I've got a conflict, and they'd stay out of it.  
23 You either have a conflict or you don't have a  
24 conflict, in my mind. And all of this noise that I'm  
25 hearing and seeing and stuff is noise, and it's only

1 because of the way the document's been -- been  
2 written, the way the email's been -- been concluded,  
3 to -- to look like, oh, this -- there's something  
4 wrong with this.

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

12                   I'm not in conflict. I'm just trying  
13 to help somebody. I guess I've said enough, sorry.  
14 Sorry, Your Honour.

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

21                   MR. RICHARD LLOYD: That's right.

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

24                   MR. RICHARD LLOYD: No.

25                   MR. JOHN MATHER: -- at this period of

1 time?

2 MR. RICHARD LLOYD: Twenty (20) years  
3 ago I did. Or twenty-five (25) years ago, when I was  
4 first elected, I -- I made sure I knew the Act and  
5 understood and any updates and so on.

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

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

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

18 MR. RICHARD LLOYD: That's correct.

19 MR. JOHN MATHER: You talked about  
20 perceived conflicts?

21 MR. RICHARD LLOYD: M-hm.

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

25 MR. RICHARD LLOYD: Because I'm so

1 peeved about people with perceived conflicts. Either  
2 you have a conflict or you don't. Just because it's a  
3 controversial vote at the table, don't chicken out and  
4 say, oh, I got a conflict or a perceived conflict and  
5 -- and not vote.

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

8 MR. JOHN MATHER: Okay.

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

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

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

23 MR. JOHN MATHER: And again, I just  
24 wanted -- my question was, in determining whether that  
25 conflict existed, I just wanted to confirm because I

1 think I understand this, is that you're referring to  
2 what the -- your reference point would be the  
3 municipal conflict of interest?

4 MR. RICHARD LLOYD: Totally, yeah, a  
5 hundred percent.

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

8 MR. RICHARD LLOYD: Oh, sorry.

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

12

13 (BRIEF PAUSE)

14

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

20 "A person has received an offer on  
21 the Mount View property from the  
22 town frontage required."

23 And then:

24 "To move this project forward in a  
25 timely fashion, the town has an

1           irrevo -- irrevocable date of next  
2           Friday, May 18th, and a closing date  
3           of June 28th or sooner if at all  
4           possible.  
5           These aggressive dates are  
6           reflective of the construction  
7           season with our plan to demolish the  
8           building in July and the  
9           reconstruction of the intersection  
10          completed by the end of August.  
11          I -- it is my hope that this -- with  
12          this information you will understand  
13          the importance of quickly  
14          progressing with the sale of your  
15          property as soon as it may be  
16          possible so that this project can be  
17          completed during this construction  
18          season."

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

25                         MR. RICHARD LLOYD:    I explained what I

1 do on a consistent basis; this is a good one. The  
2 town has an offer on the Mount View, which is an old  
3 building at the end of the main street.

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

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

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

22           So the deal that was happening on the  
23 Mount View is we had a purchaser that's willing to buy  
24 the property at the Mount View if the town was willing  
25 to buy the frontage that they needed and tear the

1 building down. But the person buying the property  
2 also wanted to purchase part of the property to the  
3 north, a piece that was there.

4 Mr. Bonwick was, in fact, helping or  
5 working for the person who was buying the rest of the  
6 Mount View (sic) property. I was trying to help to  
7 get the whole deal together so the town could get the  
8 road widening, knock the building down and get the  
9 money back from the rest of the property.

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

18 Not very clear, but...

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

21 MR. RICHARD LLOYD: Well, there is.

22 MR. JOHN MATHER: And Mr. Bonwick is  
23 representing one (1) of the parties. There was a  
24 consultant to one (1) of the parties?

25 MR. RICHARD LLOYD: That's correct.



1 And the interesting thing with this, it was my email.  
2 I marked it confidential. And I did forward it to Mr.  
3 Bonwick, as it was my email, I could do, you know.

4 Just when I read the transcript that I  
5 forwarded a confidential email, it was like, oh, but  
6 it's my own email.

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

9 MR. RICHARD LLOYD: Yes. Thank you.

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

14 MR. RICHARD LLOYD: Because he was  
15 representing the purchaser of the -- of the Mount View  
16 (sic) property that the Town didn't need. Does that  
17 make sense?

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

20 MR. RICHARD LLOYD: That's correct.

21 MR. JOHN MATHER: -- in the  
22 transaction that's being contemplated?

23 MR. RICHARD LLOYD: That's right.

24 MR. JOHN MATHER: Did you send this  
25 email on to any of the other parties or their

1 representatives?

2 MR. RICHARD LLOYD: The only parties  
3 that were important was person -- the private person  
4 buying the rest of the property. But unfortunately,  
5 without this other property to the north the deal  
6 wouldn't come together. He -- that individual needed  
7 that extra property for the site.

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

13 Because you were the one (1) who  
14 determined it was confidential, you were also able to  
15 determine who would --

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

18 MR. JOHN MATHER: No. No, that's --  
19 that's fine. I want to make sure I understand  
20 correctly.

21 MR. RICHARD LLOYD: Okay.

22 MR. JOHN MATHER: How did you  
23 determine that this was confidential?

24 MR. RICHARD LLOYD: A property matter.

25 MR. JOHN MATHER: So when you say

1 that, are you referring to, for instance, matters  
2 dealing with property are held in camera at Council  
3 meetings?

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

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

18 MR. JOHN MATHER: And again, did you  
19 tell anyone on staff our Council that you were sending  
20 the original email or corresponding with Mr. Bonwick?

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

23 MR. JOHN MATHER: Was this matter,  
24 again, without identifying, at the top of a  
25 conversation at Council?

1 MR. RICHARD LLOYD: The -- the Mount  
2 View Hotel was, yes. And the road widening was a big  
3 one (1). It was a big issue for public works, which I  
4 was chair of, to try and -- and we were successful.  
5 It cost the Town next to nothing in the end because of  
6 the provincial money and the individual buying the  
7 leftover property, which is now a pharmacy down there,  
8 and a doctor's office. It was a win/win for  
9 everybody.

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

15 MR. RICHARD LLOYD: That's right.

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

18 MR. RICHARD LLOYD: There's no other  
19 parties.

20 MR. JOHN MATHER: Okay.

21 MR. RICHARD LLOYD: There's nobody --  
22 there's nobody else.

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

25 MR. RICHARD LLOYD: The one (1) I sent

1 the email to originally --

2 MR. JOHN MATHER: Yeah.

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

9 MR. JOHN MATHER: Okay.

10

11 (BRIEF PAUSE)

12

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

18 In that case, did you send that email  
19 to anyone else or provide anyone else that updated who  
20 was interested in the --

21 MR. RICHARD LLOYD: No, because --

22 MR. JOHN MATHER: -- transaction?

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

24 MR. JOHN MATHER: Sorry. I was just  
25 going to say in the transaction.

1 MR. RICHARD LLOYD: Yeah, because of  
2 the -- the transaction or the -- the client was the  
3 only client that was trying to put those things  
4 together on that one.

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

7 THE HONOURABLE FRANK MORROCCO: Oh,  
8 you can just keep going.

9 MR. JOHN MATHER: -- keep -- yeah, I'm  
10 happy. Okay.

11

12 CONTINUED BY MR. JOHN MATHER:

13 MR. JOHN MATHER: Okay. So can we  
14 pull up TOC173501.1?

15

16 (BRIEF PAUSE)

17

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

24 And the foundation document indicates  
25 that this email was sent during a Council meeting?

1 MR. RICHARD LLOYD: Probably.

2 MR. JOHN MATHER: Okay.

3 MR. RICHARD LLOYD: A public Council  
4 meeting that was televised.

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

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

12 Like, quite often, others, when there's  
13 business arising, if they weren't in the Council  
14 chambers, I would forward them and say it's been  
15 passed, it's good.

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

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

24 MR. JOHN MATHER: Again, I'm just  
25 trying to understand why you would do this if it was

1 at a public meeting and Mr. Bonwick or any other  
2 person could equally figure out what was going on?

3 MR. RICHARD LLOYD: Jump ahead of the  
4 curve, let them know ahead of time, as soon as we  
5 know, as soon as it passed, hey, this has happened.  
6 Again, working in the community, you'll see other  
7 emails I've sent to other businesses, other  
8 developers.

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

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

21 MR. RICHARD LLOYD: Take Mr. Bonwick  
22 out of it for a minute. The reason I'd want to get  
23 ahead of the curve is because I have a whole bunch of  
24 work to do, so I'd want to get ahead of all of the  
25 work that I'd have to do. So I'd sent emails out



1 informing them, hey, it's been passed.

2 I don't see the issue that -- you know,  
3 it -- it's a public meeting. Even if somebody's  
4 sitting in the audience and they had a BlackBerry, I'd  
5 -- I would quite often send a congratulations, you  
6 know.

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

11 MR. JOHN MATHER: Do you recall in  
12 this instance if Mr. Bonwick asked you to provide an  
13 update?

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

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

23 MR. RICHARD LLOYD: It is true for  
24 twenty-five (25) years with the taxpayers of  
25 Collingwood, not just Mr. Bonwick, that I would send,

1 you know, updates, things happening at Council, not  
2 unusual.

3 For heaven sakes, even sometimes when  
4 we're at -- at Council meetings we would get emails  
5 from the media that were in the audience that we  
6 responded to. You know, like, that's not on here  
7 because Mr. Bonwick's not attached to it. It's just -  
8 - this Bonwick thing just drives me crazy.

9 MR. JOHN MATHER: So if we could go to  
10 TOC193240.1?

11

12 (BRIEF PAUSE)

13

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

19 "A [redacted] person is at Council  
20 and looks uncomfortable."

21 And scroll up. And Mr. Bonwick asks  
22 where the bylaw is on the agenda. And then you  
23 provide a response of, "Anticipated timing." And then  
24 he asks for another update. And then you -- you  
25 provide him that there's -- respond that there's one

1 (1) more item. And he says, "By the way, great job,  
2 next."

3 Again, why are you having this  
4 conversation with Mr. Bonwick on email?

5 MR. RICHARD LLOYD: A public meeting.  
6 I -- I really don't know the parties here. I -- I  
7 can't read through it. But no different than I've  
8 done, as I said earlier, through Council meetings, not  
9 only -- only because Mr. Bonwick's name comes up here.

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

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

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

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

3

4 (BRIEF PAUSE)

5

6 MR. JOHN MATHER: So this is an email  
7 from Mr. Bonwick to you on September 17th, 2012. He  
8 says:

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

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

18

19 (BRIEF PAUSE)

20

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

23 MR. RICHARD LLOYD: I remember them  
24 well.

25 MR. JOHN MATHER: So can you tell me

1 about why Mr. Bonwick was sending you letters for you  
2 to sign and put on your letterhead?

3 MR. RICHARD LLOYD: There was a local  
4 company that was trying to expand their quarry,  
5 remained unnamed, I guess. And I know Mr. Bonwick was  
6 helping them. And I was helping then, as well, to try  
7 and get through the Ontario Municipal Board. In fact,  
8 I was a witness at the Ontario Municipal Board for  
9 them. I know that Council passed a resolution  
10 supporting them, as well.

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

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

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

1                   The letters, I think nothing of it, but  
2 he wrote those. I've had other people help with  
3 letters, too -- write letters for me. I can -- can  
4 tell you this that I'm not the greatest at -- at  
5 punctuation and -- and spelling and all that stuff for  
6 reasons that'll -- that I'm not going to get into.  
7 But this wasn't an unusual thing. This was something  
8 that -- that I embraced doing.

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

14                  MR. RICHARD LLOYD:    Yeah. On that  
15 one, I don't know. I have no idea at all. A lot --  
16 there's tons of people helping consultants, lawyers.  
17 I think it got to be a cost to Walkers of near  
18 \$50 million to get that through.

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

21                  MR. RICHARD LLOYD:    Not often because  
22 it wasn't required. I didn't send a lot of letters  
23 for reasons that I didn't need to, and I wasn't great  
24 at it. I -- I can only think of a -- maybe less than  
25 a half a dozen times. I had others help me more than

1 him with letters. I'd dictate them what I -- I felt I  
2 wanted to say, and they would punctuate it, and put it  
3 in the right content, and get it done properly.

4 MR. JOHN MATHER: Who would the --  
5 would be the other people who would help you with the  
6 letters?

7 MR. RICHARD LLOYD: My wife was one.  
8 My lawyer would -- would assist me. I'd send letters  
9 to him and get him to check over to make sure they're  
10 done right, or he would just completely change it  
11 around for me. A former mayor used to help me a bit.

12 MR. JOHN MATHER: In the 2010 to 2014  
13 term, was there anyone at Council or on staff who you  
14 went to for assistance in preparing communications?

15 MR. RICHARD LLOYD: That -- that  
16 helped me on --

17 MR. JOHN MATHER: Yeah.

18 MR. RICHARD LLOYD: Ian Chadwick  
19 would -- Councillor Chadwick would help me quite  
20 often. He's -- he's really good at writing. Kevin  
21 Lloyd would. The -- I'd throw them a -- a  
22 scribbled-up draft that they would take and -- and fix  
23 it up and give it back to me, and I'd put it on a  
24 letterhead and away we'd go. But, again, my forte is  
25 not writing letters.

1 MR. JOHN MATHER: Okay. In this  
2 instance, why wouldn't you ask Mr. Chadwick to write  
3 this letter for you?

4 MR. RICHARD LLOYD: He had nothing to  
5 do with this, didn't know the topics, didn't  
6 understand, didn't have the connection to even know  
7 who probably could find out who the chair of the  
8 Niagara Escarpment is, and others. I knew that  
9 Bonwick had his fingers on the pulse; he knew these  
10 individuals; would know how to address a letter  
11 because he's been in Parliament before. It just was a  
12 natural. And he was also suggesting that it would be  
13 a good move, and it was.

14 MR. JOHN MATHER: And I think you said  
15 you reviewed the letter?

16 MR. RICHARD LLOYD: Always reviewed  
17 the letters before I ever send them. I wouldn't sign  
18 it if it didn't make sense.

19 MR. JOHN MATHER: Do you recall if you  
20 sent these letters?

21 MR. RICHARD LLOYD: Were they sent  
22 out? Yes, they were. Yeah.

23 MR. JOHN MATHER: Do you recall if you  
24 made any changes to them?

25 MR. RICHARD LLOYD: No, I did not make



1 any changes at all.

2 MR. JOHN MATHER: Was this a common  
3 occurrence for someone to come to you and request that  
4 you -- you draft a letter in support of either their  
5 business or their client's business?

6 MR. RICHARD LLOYD: Yes. We quite  
7 often had people requesting help, perhaps a letter or  
8 whatever. I'd be quick to send an email or -- or jump  
9 on the phone because, again, I don't like sending  
10 letters or writing letters, you know.

11 MR. JOHN MATHER: We've seen now in a  
12 few instances where you have provided Mr. Bonwick with  
13 information about matters that were pertinent to his  
14 clients. Would those -- would those clients been --  
15 have been able to address those matters in the same  
16 way if Mr. Bonwick wasn't their consultant?

17 MR. RICHARD LLOYD: Ask me the  
18 question again. I'm sorry.

19 MR. JOHN MATHER: No, that's fair. It  
20 wasn't necessarily well put. It seems to me by going  
21 to you -- by going through you, Mr. Bonwick's clients  
22 were able to get the more efficient results or the  
23 quicker results that -- that you hoped to implement;  
24 is that fair?

25 MR. RICHARD LLOYD: That's a fair

1 statement.

2 MR. JOHN MATHER: And would that  
3 opportunity be open to other businesses in the  
4 community who did not have Mr. Bonwick's assistance?

5 MR. RICHARD LLOYD: Sure. The -- the  
6 difference is -- yes -- and the difference is  
7 Mr. Bonwick -- people would hire him for exactly  
8 what -- what he does. If there's any other  
9 consultant, it'd be the same thing. It was not usual  
10 for other people hiring consultants to come to us  
11 because he was probably the best in the area, and  
12 that's what was happening.

13 But I had a lot of developers that  
14 would approach me directly, and you'll see emails  
15 directly to developers with -- with what they were  
16 doing. So it wasn't unusual that, you know, people  
17 would come to me and -- and ask for that. Does that  
18 answer the question? Sort of.

19 MR. JOHN MATHER: As -- as I put it,  
20 was there anyone else other than Mr. Bonwick in -- in  
21 the town who was doing that sort of work for clients?

22 MR. RICHARD LLOYD: The only one (1)  
23 that I know is Terry Geddes, a former mayor. He was a  
24 consultant. And he had approached me different times,  
25 too, on different projects. That's about it.

1 MR. JOHN MATHER: So again, so we've  
2 seen a few instances of you providing Mr. Bonwick with  
3 information about matters relevant to his clients.

4 MR. RICHARD LLOYD: That's correct.

5 MR. JOHN MATHER: You've also told us  
6 that -- about your experience at the gravel pit where  
7 you, you know, provide services, oversee safety, do  
8 other things. And in exchange, you don't get paid,  
9 but you do get something in return, in that case, in  
10 the form of having the gravel pit use your trucks.

11 In these instances and during this  
12 Council term, were you hoping or expecting you would  
13 receive something in return from Mr. Bonwick?

14 MR. RICHARD LLOYD: No, never. No.  
15 It's not that way. He won't even buy a beer for me at  
16 the bar, he's so cheap. Sorry.

17 MR. JOHN MATHER: Do you understand  
18 why an outsider may question or consider whether you  
19 were receiving something in return?

20 MR. RICHARD LLOYD: Only because of  
21 the formatting of -- of this document. If all the  
22 other emails that I had sent out to other businesses  
23 and -- and helping other people, I think it wouldn't  
24 look so lopsided one (1) way. Honestly, I just think  
25 that it -- it looks lopsided because that's the way

1 that -- the approach in the document is?

2 MR. JOHN MATHER: I'm happy to keep  
3 going or we can take a break?

4 THE HONOURABLE FRANK MARROCCO: We'll  
5 take ten (10) minutes.

6

7 --- Upon recessing at 12:41 p.m.

8 --- Upon resuming at 12:51 p.m.

9

10 MR. GEORGE MARRON: I have a meeting  
11 with Mr. Amin that I scheduled last -- I guess on  
12 Thursday of last week, for one o'clock.

13 THE HONOURABLE FRANK MARROCCO: We --  
14 we'll stop at one o'clock so you -- you're just going  
15 downstairs? Right. So we'll stop at 1:00.

16 MR. GEORGE MARRON: Thank you for  
17 that.

18

19 CONTINUED BY MR. JOHN MATHER:

20 MR. JOHN MATHER: So, Mr. Lloyd,  
21 before we took a break you were telling the inquiry  
22 about how if someone came and asked you for  
23 assistance, you were inclined to provide them  
24 assistance.

25 MR. RICHARD LLOYD: That's correct.

1 MR. JOHN MATHER: So an individual  
2 would have to ask you in order to get your assistance?

3 MR. RICHARD LLOYD: Not necessarily.  
4 If I knew that there was a resident in town that  
5 needed assistance, I would help them.

6 In fact, there's two (2) occasions  
7 where the Hydro was going shut their hydro off and I  
8 went and paid their bill.

9 MR. JOHN MATHER: So I take --

10 MR. RICHARD LLOYD: They didn't know  
11 who it was that did it.

12 MR. JOHN MATHER: So I take it then  
13 that the people you assisted were either people who  
14 knew you well enough to ask you for assistance or  
15 people who you knew well enough to know that they  
16 needed your assistance?

17 MR. RICHARD LLOYD: All of the above,  
18 yes.

19 MR. JOHN MATHER: What do you recall  
20 about the solar vent initiative?

21 MR. RICHARD LLOYD: I read the  
22 document.

23 MR. JOHN MATHER: And -- and I don't  
24 mean to stop you from answering, I just want to know  
25 what you recall at the time the 2011 period, not what

1 you may have since learned from reading the document.

2 MR. RICHARD LLOYD: What I -- what I  
3 remember is the launch of it, I guess. Council was  
4 invited up to Creekside for the launch of -- of the  
5 solar vents. They had one (1) on a house. Andy Kidd  
6 (phonetic) is the owner of -- of Creekside and I don't  
7 know how he participated or whatever.

8 I think at that presentation Mr.  
9 Bonwick was there, Houghton was there, and I think  
10 when I go back over the notes that Brian Bentz was  
11 there as well, but I -- I can't be positive, but I  
12 think he was. And the meeting was there as well. And  
13 I went up with Councillor Lloyd to -- to see what the  
14 hubbub was all about and it was the launching of the -  
15 - of the roof vents or the solar-powered roof vents.

16 MR. JOHN MATHER: Was that the first  
17 time you'd heard of the roof vents or the company that  
18 was making them?

19 MR. RICHARD LLOYD: I know it's the  
20 first time ever seen them. I don't think I knew about  
21 it prior to that, that I can remember. But I know  
22 that was the very first time I ever actually seen the  
23 roof vents.

24 MR. JOHN MATHER: Did you know when  
25 you attended the launch event that Mr. Bonwick was

1 involved in the business?

2 MR. RICHARD LLOYD: Oh yeah, because  
3 he was speaking and whether he was consulting for it  
4 or involved in the business, he was definitely  
5 involved.

6 MR. JOHN MATHER: So you saw him  
7 speaking there. Is there any other basis on which you  
8 knew him to be involved?

9 MR. RICHARD LLOYD: Was there?

10 MR. JOHN MATHER: Again, apologies for  
11 the question.

12 So I understood from your answer, one  
13 (1) of the reasons you thought he was involved is  
14 because he was at the event speaking. Was there any  
15 other reason you thought he was involved?

16 MR. RICHARD LLOYD: No. It looked  
17 like he was in charge, put it that way, of -- of the  
18 press release or the -- of the -- not press release,  
19 but the launch of it. It looked like he was in charge  
20 of it.

21 MR. JOHN MATHER: Did you know what  
22 his role was with the company?

23 MR. RICHARD LLOYD: No idea at all.

24 MR. JOHN MATHER: And at the time did  
25 you know if he was being paid by the company that was

1 manufacturing the solar vents?

2 MR. RICHARD LLOYD: No idea, but I  
3 would assume, but I have no idea.

4 MR. JOHN MATHER: In the 2010 to 2012  
5 time period, were you aware of any interests that Mr.  
6 Bonwick may have had in an ethanol plant?

7 MR. RICHARD LLOYD: No. That he had  
8 involvement?

9 MR. JOHN MATHER: Yes. Other than --  
10 I mean, we've talked about Amaizeingly Green, I mean  
11 other than Amaizeingly Green.

12 MR. RICHARD LLOYD: No, no. No, no.

13 MR. JOHN MATHER: Okay. In the 2010  
14 to 2014 time period, what was your relationship with  
15 Mr. Houghton?

16 MR. RICHARD LLOYD: He was a friend.  
17 Business associate, I could call him, only because of  
18 my role on Council and him being chair of -- of Collus  
19 -- or not chair, but manager or whatever.

20 MR. JOHN MATHER: So was he a business  
21 associate of yours in any other capacity?

22 MR. RICHARD LLOYD: No. Not at all.

23 I knew when I used that word it was  
24 like oh.

25 MR. JOHN MATHER: And if you were the



1 chair of the Public Works committee, I take it Mr.  
2 Houghton was the department head?

3 MR. RICHARD LLOYD: Yes.

4 MR. JOHN MATHER: As -- if I'm not  
5 accurate, please correct me.

6 MR. RICHARD LLOYD: He was executive  
7 director of Public Works. Yes.

8 MR. JOHN MATHER: And did you  
9 understand that to make him the department head in  
10 that department?

11 MR. RICHARD LLOYD: Yes, I did.

12 MR. JOHN MATHER: In the 2010 to 2012  
13 time period, what did you know about Mr. Houghton and  
14 Mr. Bonwick's relationship?

15 MR. RICHARD LLOYD: I think they were  
16 professional friends, that was better than using the  
17 word business friends. They were professional  
18 friends. Other than that, I don't think there's  
19 anything more than that.

20 MR. JOHN MATHER: And what do you mean  
21 by a "professional friend"?

22 MR. RICHARD LLOYD: I -- I don't think  
23 they were chummy and hanging out and going to bars and  
24 -- and doing all that stuff. I think they were  
25 professional business -- like, friends because of

1 business and that was it.

2 MR. JOHN MATHER: And again, I want to  
3 know what you understood at the time. At the time did  
4 you understand that Mr. Houghton and Mr. Bonwick were  
5 in the same sort of contact that you and Mr. -- you  
6 and Mr. Bonwick may be in contact?

7 So we looked at instances of you  
8 communicating with Mr. Bonwick about his clients?

9 MR. RICHARD LLOYD: Yes, yes.

10 MR. JOHN MATHER: Did you understand  
11 Mr. Houghton and Mr. Bonwick to be in the same sort of  
12 contact?

13 MR. RICHARD LLOYD: Sure.

14 MR. JOHN MATHER: And how did you come  
15 to form that understanding?

16 MR. RICHARD LLOYD: Read the document.  
17 But prior to that --

18 MR. JOHN MATHER: Before you read the  
19 document.

20 MR. RICHARD LLOYD: Yes, but there's  
21 e-mails that involved me too, back and forth. I was  
22 on the chain, quite often, of e-mails. I -- I knew  
23 that they -- they were e-mailing back and forth.

24 MR. JOHN MATHER: So from what you've  
25 said is it fair to say that you, Mr. Houghton, and Mr.

1 Bonwick were regularly in e-mail communication about  
2 Town or Collus matters?

3 MR. RICHARD LLOYD: And many others.

4 MR. JOHN MATHER: Many other matters  
5 or many other people?

6 MR. RICHARD LLOYD: Many other people,  
7 many other businesses. Again, we've isolated Bonwick  
8 into this thing.

9 If you go back over my e-mails, you'll  
10 find there's a tremendous amount of others that I was  
11 involved with e-mailing, as well, Houghton would be  
12 involved in some of those e-mails as well.

13 MR. JOHN MATHER: When Sandra Cooper  
14 was mayor, what was the nature of the relationship as  
15 you understood it between Ms. Cooper and Mr. Bonwick?

16 MR. RICHARD LLOYD: They're siblings,  
17 like every other sibling, love and hate probably, you  
18 know, like love one (1) another, hate one (1) another,  
19 love one (1) another. I have -- there's six,  
20 including me, in my family and it's the same thing.

21 Like, one (1) day it's great, the next  
22 day it's not so great, the next day it's fine again.

23 MR. JOHN MATHER: Would Mr. Bonwick  
24 provide Ms. Cooper with advice or direction on policy  
25 matters?

1 MR. RICHARD LLOYD: He assisted the  
2 mayor quite a bit. He assisted me as well, quite  
3 often, as others did too, and I thought it was very  
4 helpful.

5 MR. JOHN MATHER: Starting with Ms.  
6 Cooper, how would Mr. Bonwick assist Ms. Cooper with  
7 policy?

8 MR. RICHARD LLOYD: Wording,  
9 communication skills aren't one (1) of the mayors  
10 fortes and it's not one (1) of my fortes either. And  
11 Mr. Bonwick is very good at communications, as others  
12 that helped me too, and would assist. And I'd reach  
13 out, I'm sure she did too, to assist.

14 MR. JOHN MATHER: At the time, would  
15 you have considered Mr. Bonwick to be one (1) of Ms.  
16 Cooper's advisors?

17 MR. RICHARD LLOYD: I think that's a  
18 little hard -- like, harsh. I don't -- don't know  
19 that he was actually one (1) of the advisors. She had  
20 a committee that -- that she worked with. I think  
21 that -- her campaign team. And I think they assisted  
22 her quite a bit and I would -- if I was putting  
23 anybody as advisors, I think they were assisting her  
24 with a lot of advice.

25 But brothers and sisters, why wouldn't

1 he help her too?

2 MR. JOHN MATHER: And was Mr. Bonwick  
3 part of Mayor Cooper's campaign team?

4 MR. RICHARD LLOYD: I don't think so.

5 MR. JOHN MATHER: Okay.

6 MR. RICHARD LLOYD: Not that I know of  
7 anyway.

8 MR. JOHN MATHER: If there was a  
9 matter that was being discussed in Council or was  
10 going to come before Council, and you wanted Mayor  
11 Cooper's support, would you ever reach out to Mr.  
12 Bonwick in -- as a way to try to obtain that support?

13 MR. RICHARD LLOYD: Yes, as I have  
14 with other people around the table, to try and get  
15 support, because sometimes it's very difficult when  
16 you're -- you're dealing with issues, to have  
17 everybody on the same page. It's nice to be and I've  
18 had other people do the same to me, where they've --  
19 we call it lobbying, where we lobby one (1) another to  
20 -- to ensure that -- to try and get everybody on board  
21 and try to get a feel for it.

22 There's nothing worse than when you  
23 bring something to Council and it's dead in the water.  
24 I'd rather not bring it to Council if --

25 MR. JOHN MATHER: Right. And so

1 you're talking about a process of lobbying other  
2 Council members to support an initiative, and I take  
3 it from your answer then, when you were trying to  
4 lobby Mayor Cooper on something, you might go to Mr.  
5 Bonwick first --

6 MR. RICHARD LLOYD: Positively. And -  
7 - and have his assistance. I even talked to her  
8 mother sometimes and Fran to say gee, Fran, it just --  
9 it's what we do.

10 MR. JOHN MATHER: And why would you go  
11 to Mr. Bonwick or --

12 MR. RICHARD LLOYD: To Fran? Throw  
13 ideas at them to say you know, I think Sandra should  
14 be doing this or whatever.

15 Sandra is a big girl, she made up her  
16 own mind and whether Paul Bonwick was advising her or  
17 her mother or Rick Lloyd or anybody else, she pretty  
18 much evaluated what information she had and she made  
19 her own determination, if it was she wanted to do.

20 She wasn't pushed. She wasn't bullied,  
21 she wasn't -- and she is not a pushover. So she's  
22 pretty smart.

23 And I would hate to be the reason Mr.  
24 Marron is too late for an appointment. So we're ready  
25 to take our break.

1 --- Upon recessing at 1:02 p.m.

2 --- Upon resuming at 2:15 p.m.

3

4 MR. JOHN MATHER: So, Mr. Lloyd,  
5 there's one (1) thing I want to follow-up on, further  
6 to our discussions this morning about the e-mails we  
7 were looking at where you were sending information to  
8 Mr. Bonwick in relation to his clients. And one (1)  
9 of the things you said was that one (1) of the reasons  
10 you were doing it was to assist those local businesses  
11 in what they were trying to achieve in their dealings  
12 with the Town.

13 Is that fair?

14 MR. RICHARD LLOYD: That's fair.

15 MR. JOHN MATHER: When you were doing  
16 that, did you ever consider that the Town's interests  
17 might be different than what those business interests  
18 were?

19 MR. RICHARD LLOYD: No, I -- I tried  
20 to take the Town's interest and that's more of what I  
21 was representing, the Town's interest to try and move  
22 this business along or to help in whatever way.

23 MR. JOHN MATHER: Okay. So right  
24 before the break we were talking about the Mayor  
25 Cooper and Mr. Bonwick.

1 MR. RICHARD LLOYD: Yes.

2 MR. JOHN MATHER: And I'd like to go  
3 to paragraph 95 of the Foundation document.

4 So in this paragraph it's describing an  
5 e-mail conversation that was happening before a  
6 Council meeting on April 4, 2011. One of the issues  
7 before Council was shifting oversight of the downtown  
8 revitalization committee from Town staff to the BIA.  
9 And we see that Mr. Bonwick drafted a statement for  
10 Mayor Cooper to read in support of the motion, and he  
11 shared the statement with you.

12 At this point in time, in April 2011,  
13 did you know why Mr. Bonwick was writing a -- a draft  
14 statement for Mayor Cooper.

15 MR. RICHARD LLOYD: As I said earlier,  
16 Mr. Bonwick did help the Mayor, helped many at the --  
17 not only on this Council, but other councils with  
18 letters and -- and drafts and suggestions and so on.

19 So as before, it's not unusual.

20 MR. JOHN MATHER: In this instance, do  
21 you know what interest Mr. Bonwick had in the motion  
22 before Council?

23 MR. RICHARD LLOYD: I don't believe  
24 any at all.

25 MR. JOHN MATHER: So if he had no



1 interest, what -- why -- did you have any  
2 understanding of why he would do it?

3 MR. RICHARD LLOYD: Because it's his  
4 sister, trying to help. Generally any of us that  
5 asked for help from him, he was more than willing to  
6 assist us. Whether -- and again, the mayor makes her  
7 own decisions. If she didn't want to go with this,  
8 she wouldn't have done it.

9 But I think he was -- as a sibling, as  
10 a friend, whatever, was trying to assist. He is good  
11 with his communications.

12 MR. JOHN MATHER: And were you aware  
13 at the time of any -- any clients of Mr. Bonwick that  
14 would have had an interest in the outcome of the  
15 motion regarding the BIA?

16 MR. RICHARD LLOYD: No, I don't think  
17 there was any.

18 MR. JOHN MATHER: Can we pull up TOC  
19 44255. And if we could scroll down to the bottom.

20 So the first e-mail in the chain is the  
21 e-mail that was referenced in the Foundation document,  
22 so it's an e-mail from Mr. Bonwick to Ms. Cooper. And  
23 if we scroll up.

24 So Mr. Bonwick then forwards that e-  
25 mail that he sent to Ms. Cooper to you. Do you see

1 that?

2 MR. RICHARD LLOYD: Okay.

3 MR. JOHN MATHER: At this point do you  
4 know -- sorry, at the time you receive -- first of  
5 all, do you recall receiving this e-mail?

6 MR. RICHARD LLOYD: I don't -- no.  
7 When I see it I read it and I understand it, but I  
8 don't remember.

9 MR. JOHN MATHER: Do you have any  
10 recollection of why Mr. Bonwick marked it  
11 "confidential" to you?

12 MR. RICHARD LLOYD: None.

13 MR. JOHN MATHER: Did you understand  
14 the motion before Council relating to the BIA to be  
15 confidential?

16 MR. RICHARD LLOYD: No.

17 MR. JOHN MATHER: So Mr. Bonwick  
18 writes:

19 "This is the background I am  
20 providing Sandra. I would recommend  
21 you incorporate a similar approach,  
22 as all councillors at the table made  
23 a commitment to this type of  
24 approach during the election. It  
25 makes them look like supporters of

1                   the old guard if they don't support  
2                   Chadwick's motion."

3                   And just pausing on one (1) thing  
4 there, it's my understanding that Mr. Chadwick was  
5 bringing forward the motion.

6                   MR. RICHARD LLOYD:    Yes.  And if I can  
7 enlarge on that a little bit?

8                   MR. JOHN MATHER:    Yes.

9                   MR. RICHARD LLOYD:    Councillor  
10 Chadwick was on the BIA board, the Business  
11 Improvement Area board.  And I think there's a -- a  
12 concern that the BIA board weren't involved in the  
13 revitalization of the reconstruction of the main  
14 street.

15                   So Councillor Chadwick felt that the  
16 tail was wagging the dog instead of the dog wagging  
17 the tail.  The -- the BIA should be the one, the  
18 driving force behind the revitalization.

19                   As well, each of the business owners or  
20 property owners were contributing an -- an additional  
21 tax to pay for the revitalization.

22                   So that was the other reason why they  
23 felt that the BIA, because they're helping to pay for  
24 it, should be more involved than they were.

25                   MR. JOHN MATHER:    And so I take from

1 this e-mail that Mr. Bonwick also was requesting that  
2 you support the motion. Was that your understanding?

3 MR. RICHARD LLOYD: Well, and I would  
4 have, as well if I can, I am a BIA member. I do own  
5 property on the main street where my flower shop was.  
6 It wasn't a conflict because it was the whole main  
7 street was being done, I checked that. Without this  
8 e-mail, I was supporting it because I was a BIA  
9 member, made sense, because I felt that we should have  
10 been an -- doing more of the revitalization or  
11 involved in what the Town -- as a business owner.

12 MR. JOHN MATHER: And I know you say  
13 that Mr. Bonwick didn't have a specific interest in  
14 this matter.

15 Does it strike you unusual at all that  
16 Mr. Bonwick is asking the mayor and the deputy mayor  
17 to support Mr. Chadwick's motion when he has no  
18 interest?

19 MR. RICHARD LLOYD: No, not at all.  
20 The only -- I don't know how he got involved or why he  
21 got involved, but this kind of thing is typical of Mr.  
22 Bonwick.

23 MR. JOHN MATHER: And what do you mean  
24 "typical of Mr. Bonwick"?

25 MR. RICHARD LLOYD: Helping anybody

1 and everybody. Like, I don't know if it was one (1)  
2 of the business owners complaining more Mr. Chadwick,  
3 whoever, so it's just typical that he would forge in  
4 to help.

5 MR. JOHN MATHER: What did you  
6 understand Mr. Bonwick to mean by it makes them look  
7 like supporters of the old guard?

8 MR. RICHARD LLOYD: I -- I really  
9 don't know.

10 MR. JOHN MATHER: Fair enough. So you  
11 know, thinking back, is there anything you would  
12 understand that to mean?

13 MR. RICHARD LLOYD: The old guard was  
14 -- the way that I have interpreted the old guard was  
15 the old Councils and the old way we did stuff.

16 This is just saying the opposite. If -  
17 - it makes them look like supporters of the old guard  
18 if they don't support Chadwick's motion. So the old  
19 guard would've been the Town just done it, you know,  
20 in spite of the BIA members or the residents, they'd  
21 have a couple of public meetings, but -- but that was  
22 it.

23 So I'm sure that he's thinking or I'm  
24 guessing that he's thinking from this email that --  
25 that rather than just the Town do it like they've done

1 in the past, I was here for the revitalization before  
2 this last one, the BIA should be more involved. The  
3 BIA board should be more involved with its members,  
4 and they should be right at the table with the Town  
5 making decisions on what we're doing on the main  
6 street.

7 MR. JOHN MATHER: Did you at this  
8 time, so it's April 2011, it's shortly after the  
9 elections in October of 2010, did you view Council as  
10 a new guard of some sort or that there had been a  
11 changing of the guard?

12 MR. RICHARD LLOYD: I didn't view it -  
13 - like, I was one (1) of the old Council, so business  
14 as usual, but -- now I wasn't elected consecutively  
15 for the 25 years, but you know.

16 MR. JOHN MATHER: So if we can scroll  
17 up in the e-mail, so you respond to Mr. Bonwick saying  
18 that that will do it, but did you discuss it with  
19 Sandra just to reinforce it?

20 What did you mean by "that will do it"?

21 MR. RICHARD LLOYD: The motion, from  
22 the mayor being involved, I'm in -- like, I'm already  
23 sold on it, like, I felt this is what should be done.

24 Chadwick obviously was. There would be  
25 enough support at the table that would do it.

1 MR. JOHN MATHER: Before you received  
2 this e-mail from Mr. Bonwick, had you formed a view  
3 about how you were going to vote on the matter?

4 MR. RICHARD LLOYD: I'm a BIA member,  
5 downtown business owner, property owner, contributing  
6 to revitalizing this -- the main street. There's no  
7 question that I would've been in favour of -- of my  
8 private life being involved in this.

9 MR. JOHN MATHER: In that regard, did  
10 you consider whether you had a conflict in voting on  
11 the matter?

12 MR. RICHARD LLOYD: Yes, as I said  
13 earlier, I didn't have a conflict because if you read  
14 in the Municipal Act, it's very clear that if it's for  
15 the betterment of all the people, then I can vote for  
16 it. No different than if I had lived on Maple Street  
17 and they were reconstructing Maple Street, I could  
18 vote for it, because it wasn't specifically just  
19 helping me. And again, I was paying.

20 MR. JOHN MATHER: So you then say "but  
21 did you discuss it with Sandra just to reinforce it,"  
22 why did you write that?

23 MR. RICHARD LLOYD: Just to make sure  
24 that -- that what the -- if Paul was involved in the  
25 motion, to reinforce what the intention of the motion

1 was to make sure she was totally, I guess, briefed on  
2 -- on where it was going and so on, just to assist  
3 her.

4 THE HONOURABLE FRANK MARROCCO: Excuse  
5 me?

6 MR. RICHARD LLOYD: Yes?

7 THE HONOURABLE FRANK MARROCCO: But I  
8 thought he wasn't, I thought he had no interest in the  
9 motion.

10 MR. RICHARD LLOYD: I'm sorry, you  
11 mean Bonwick?

12 THE HONOURABLE FRANK MARROCCO: Yes.

13 MR. RICHARD LLOYD: Well --

14 THE HONOURABLE FRANK MARROCCO: I  
15 thought you said that a few minutes ago.

16 MR. RICHARD LLOYD: Yes. What I was  
17 saying is that Bonwick had no interest in -- in  
18 advancing this, other than assisting his sister with  
19 it. Like, I don't think he was being paid by the BIA  
20 board or -- or other than just assisting.

21 Does that make sense? How's that?

22

23 CONTINUED BY MR. JOHN MATHER:

24 MR. JOHN MATHER: Okay, so if we could  
25 go to paragraph 97 of Foundation document 1.



1 (BRIEF PAUSE)

2

3 MR. JOHN MATHER: So paragraph 97, I'm  
4 just going to walk through a few of these paragraphs  
5 to give you some context. On 97 we see that mayor  
6 Cooper spoke in support of the motion at the meeting.

7 We then see in paragraph 98 that the  
8 motion passed. And then, at paragraph 99, you write,  
9 after the debate, you -- Mr. Bonwick asked you how --  
10 how did she do. I assume that was Mayor Cooper, is  
11 that correct?

12 MR. RICHARD LLOYD: Positively, yes.

13 MR. JOHN MATHER: And you responded  
14 she was good.

15 Other than what you've already told us  
16 about, reasons you would e-mail with Mr. Bonwick  
17 regarding Council meetings, is there any other reason  
18 in -- in this instance you were e-mailing with him  
19 about his sister?

20 MR. RICHARD LLOYD: No, I think  
21 because of his involvement in the motion she wanted to  
22 know how she came across and so on, and she did good.

23 MR. JOHN MATHER: Okay. To an  
24 outsider it may appear that Mr. Bonwick is trying to  
25 influence Council policy through his sister and is

1 also relying on you to assist him in those efforts.

2                   Would that be a fair characterization  
3 of what's going on?

4                   MR. RICHARD LLOYD:    No, I can see  
5 somebody maybe thinking that, that's not anywhere near  
6 what was going on.

7                   Sandra's communication skills, as mine,  
8 are limited and any help she can get I'm sure she --  
9 she embraced it.  But she was the master of what she  
10 was going to do, not Paul Bonwick or Rick Lloyd.

11                  MR. JOHN MATHER:    And can you  
12 understand why someone might be confused about why Mr.  
13 Bonwick's doing this if he -- he has no interest in  
14 it?

15                  MR. RICHARD LLOYD:    Not if he lived  
16 and grew up in Collingwood and knew all the  
17 connections and knew it was his sister and so on.  I  
18 don't think there'd be confusion.

19                  But who knows?  I don't think that  
20 would be confusing at all.

21                  MR. JOHN MATHER:    Okay.  So I'm now  
22 going to change gears and talk more about Collus and  
23 PowerStream.

24                  MR. RICHARD LLOYD:    Okay.

25                  MR. JOHN MATHER:    When did you first

1 become aware of a potential sale of all or part of  
2 Collus?

3 MR. RICHARD LLOYD: You know, I -- I -  
4 - to put a specific date or a time, I have no idea.  
5  
6 2011 -- I don't know if --

7 MR. JOHN MATHER: Fair enough. And we  
8 will maybe take you to some points in time that may  
9 help refresh your memory. I just wanted to see if you  
10 could recall.

11 MR. RICHARD LLOYD: Yeah.

12 MR. JOHN MATHER: Do you remember at  
13 any point Councillor Gardhouse suggesting that there  
14 should be a sale of all or part of Collus?

15 MR. RICHARD LLOYD: There was  
16 discussion of that, yes.

17 MR. JOHN MATHER: Do you remember when  
18 and -- when that was?

19 MR. RICHARD LLOYD: No, but I -- I do  
20 remember that -- that Gardhouse brought it up, but  
21 just exactly what you said, should be all or part of  
22 it.

23 MR. JOHN MATHER: Okay. Was that at a  
24 Council meeting?

25 MR. RICHARD LLOYD: I'm going to

1 assume yes, but I'm only assuming. I'm only  
2 speculating because --

3 MR. JOHN MATHER: So -- so if I  
4 understand this, you remember that he brought it up  
5 but you don't recall the -- the -- the context?

6 MR. RICHARD LLOYD: And I don't  
7 remember when or -- I just know it was discussed or  
8 brought up as a -- a --

9 MR. JOHN MATHER: Okay. So I  
10 appreciate you don't recall right now when you first  
11 learned about a potential sale of Collus.

12 Do you recall when you first learned  
13 that Mr. Bonwick was working for PowerStream?

14 MR. RICHARD LLOYD: Officially I know  
15 that in reviewing the document, on June 29th I think  
16 it was, there was a meeting in the boardroom  
17 downstairs by the mayor's office. In that meeting was  
18 Brian Bentz, the Mayor of Barrie, Jeff Lehman, the  
19 Mayor, myself, and the CAO, Kim Wingrove.

20 MR. JOHN MATHER: Okay. Just give me  
21 a moment and we'll pull up the reference to that  
22 meeting.

23 MR. RICHARD LLOYD: Thank you.

24 MR. JOHN MATHER: So if we could go to  
25 paragraph 207 of the Foundation Document.

1 (BRIEF PAUSE)

2

3 MR. JOHN MATHER: So in this -- this  
4 paragraph references an email from June 14th, 2011,  
5 from -- from Mr. Bonwick to you, proposing a meeting -  
6 - a meeting, PowerStream, June 29th, 2011. And then  
7 it goes on to say that there was a calendar  
8 appointment for a meeting on that date.

9 Now, when you first gave your answer  
10 you -- you said something about having reviewed the  
11 documents.

12 MR. RICHARD LLOYD: That's right.

13 MR. JOHN MATHER: Do you have an  
14 independent recollection of that meeting?

15 MR. RICHARD LLOYD: I do.

16 MR. JOHN MATHER: And what's your  
17 recollection?

18 MR. RICHARD LLOYD: I remember, well,  
19 all the individuals being there. I don't remember  
20 Houghton was there at all, so I don't think he was  
21 there.

22 It was an introduction meeting, but it  
23 got into discussing that Bonwick was working for  
24 PowerStream, officially, and I was little surprised at  
25 that, only because there's no conflict and I guess

1 they just wanted to be open and transparent about it,  
2 and, you know, they -- they talked about PowerStream  
3 and -- and again just briefly touched on the Bonwick  
4 involvement. I remember after Dean Muncaster when we  
5 were leaving had said, made the comment that if  
6 Bonwick can help with the sale of -- of Collus to the  
7 benefit of Collingwood, God bless him.

8 MR. JOHN MATHER: So I take it -- I'm  
9 going to ask you a few questions about what you said  
10 there.

11 MR. RICHARD LLOYD: Sure.

12 MR. JOHN MATHER: Just picking up on  
13 what Mr. Muncaster said. So I take it at that point -  
14 - so when he -- so when he's referring about -- to Mr.  
15 Bonwick assisting with the sale of Collus, at that  
16 point did you understand that Collus was going to  
17 proceed with an RFP?

18 MR. RICHARD LLOYD: I didn't think  
19 that far into it at all. I just -- you know, it was a  
20 meeting and obviously that we'll be getting into an  
21 RFP, we'll be doing -- there'd be a whole bunch of  
22 stuff involved.

23 MR. JOHN MATHER: So I take it --  
24 maybe I'll -- maybe I'll do it this way. Who  
25 described what Mr. Bonwick would be doing for

1 PowerStream at that --

2 MR. RICHARD LLOYD: Brian Bentz.

3 MR. JOHN MATHER: Brian Bentz. And  
4 what did he say Mr. Bonwick was going to be doing?

5 MR. RICHARD LLOYD: I don't know the  
6 exact words. That's eight (8), nine (9) years ago. I  
7 don't --

8 MR. JOHN MATHER: Do you remember  
9 having any -- you know, as best you can today, having  
10 any impression about what Mr. Bonwick would be doing  
11 after that meeting for PowerStream?

12 MR. RICHARD LLOYD: He was going to  
13 help them. That's all I -- I remember. He was  
14 involved with PowerStream, but to the details --

15 MR. JOHN MATHER: Again going back to  
16 that point in time, did Mr. Bentz say that Mr. Bonwick  
17 will be involved if there was going to be an RFP?

18 MR. RICHARD LLOYD: I don't think  
19 specifically, no.

20 MR. JOHN MATHER: And so we see here  
21 on the -- on the screen, it appears that the invitees  
22 were Mayor Cooper, Mr. Houghton, who you said you  
23 don't recall to be at the meeting --

24 MR. RICHARD LLOYD: Yeah.

25 MR. JOHN MATHER: -- yourself, Mr.

1 Muncaster, Ms. Wingrove, and Mr. Bentz. Was there  
2 anyone else at the meeting?

3 MR. RICHARD LLOYD: No. I -- I also  
4 don't think Houghton was there.

5 MR. JOHN MATHER: And I think one (1)  
6 of the other things you said was that this was when it  
7 was officially announced that Mr. Bonwick would be  
8 working for PowerStream.

9 MR. RICHARD LLOYD: That's the first I  
10 ever -- I'm sorry.

11 MR. JOHN MATHER: Go ahead.

12 MR. RICHARD LLOYD: That's the first I  
13 ever heard from PowerStream because it's the first I  
14 ever met them, and I heard officially that he was  
15 working for -- for PowerStream, and --

16 MR. JOHN MATHER: Did you know that he  
17 might be working for them before this meeting?

18 MR. RICHARD LLOYD: Not official --  
19 not -- no.

20 MR. JOHN MATHER: So if you look at  
21 the top of the paragraph where Mr. Bonwick emails you  
22 on June 14th, 2011, with an untitled email that says,  
23 "Meeting PowerStream," what did you understand him to  
24 be asking you in that email?

25 MR. RICHARD LLOYD: When I -- I see



1 that and I see that -- that -- it's like everything  
2 else he ever sends. All of a sudden you get an email  
3 from him that there's a meeting and it's like, okay.  
4 So obviously he was working for PowerStream prior to  
5 that or setting up meetings or whatever he was doing.

6 MR. JOHN MATHER: Prior to receiving  
7 that email, had you spoken with Mr. Bonwick about him  
8 working for PowerStream or PowerStream at -- in  
9 general?

10 MR. RICHARD LLOYD: Not that I recall  
11 at all, no.

12 MR. JOHN MATHER: And you may be --  
13 we're getting at this, but did it strike you as  
14 unusual that he was sending you an email with a  
15 company name in it and you hadn't spoken about it  
16 before?

17 MR. RICHARD LLOYD: No. Honestly, if  
18 there's a -- a meeting being set by him, whether it  
19 was Amaizeingly Green or whoever, it wouldn't be  
20 unusual -- this could be just an introduction of what  
21 he's -- he's doing. Could be setting up a meeting for  
22 them. I have no idea half the time what the man's  
23 involved in. I just...

24 MR. JOHN MATHER: And again I just  
25 want to make sure I understand. I take it from your

1 answer that it's not -- it was not unusual then for  
2 Mr. Bonwick to send you an email about a company that  
3 he may or may not be working for, but you -- and --  
4 and you wouldn't know yet because he wanted to meet  
5 with you about them.

6 MR. RICHARD LLOYD: If he was inviting  
7 -- I was being invited to a meeting, yes, you're  
8 right. He wouldn't just send me an email out of the  
9 blue for no reason. This had a reason. Obviously the  
10 reason was there was going to be a meeting, an  
11 introduction meeting so.

12 MR. JOHN MATHER: Between him sending  
13 you this email and the meeting itself, did he give you  
14 any more information about what the meeting would be  
15 about?

16 MR. RICHARD LLOYD: No. You're quite -  
17 - can I add? I never asked either.

18 MR. JOHN MATHER: We'll come back to  
19 this --

20 MR. RICHARD LLOYD: Sure.

21 MR. JOHN MATHER: -- in a bit but I  
22 wanted to bring it up while it was on your mind.

23 So if we could go to paragraph 115 of  
24 the Foundation Document.

25

1 (BRIEF PAUSE)

2

3 MR. JOHN MATHER: So I'm showing you a  
4 paragraph involving an email from Mr. Bonwick to Mr.  
5 Bentz. I appreciate you're not on the email. I'm  
6 just presenting it to you as a point in time. So  
7 January 10th, 2011, Mr. Bonwick sent an email  
8 introducing himself to Brian Bentz at PowerStream.

9 I take it from your earlier answers you  
10 didn't know that Mr. Bonwick had been in contact with  
11 PowerStream in January 2011?

12 MR. RICHARD LLOYD: I don't think so.  
13 I can't -- again it's eight (8) years ago. I don't  
14 believe I did.

15 MR. JOHN MATHER: All right. When was  
16 the first time you recall hearing the name Brian  
17 Bentz?

18 MR. RICHARD LLOYD: I don't know if it  
19 was -- again I'm not -- I'm confused on dates and when  
20 things happened. I don't know if it was the kickoff  
21 of the roof event, if that was prior to this email you  
22 just showed me or if it was in fact the meeting that  
23 we had at the Town hall.

24 MR. JOHN MATHER: Okay. And -- and  
25 this may assist you, the solar launch event, which I

1 believe you're referring to was in August 2011.

2 MR. RICHARD LLOYD: Okay. So it was  
3 after this.

4 MR. JOHN MATHER: So after the June  
5 29th --

6 MR. RICHARD LLOYD: Yeah.

7 MR. JOHN MATHER: Okay. So maybe I'll  
8 put it to you this way, is the June 29th meeting the -  
9 - the first time you recall meeting -- meeting Brian  
10 Bentz?

11 MR. RICHARD LLOYD: Yes, that's right.

12 MR. JOHN MATHER: And had you heard of  
13 him before that?

14 MR. RICHARD LLOYD: I don't think so,  
15 no.

16 MR. JOHN MATHER: What did you know  
17 about PowerStream before that meeting?

18 MR. RICHARD LLOYD: Not very much,  
19 other than they're owned by municipalities. I think  
20 the City of Vaughan, Markham, the City of Barrie, and  
21 I remember at the time when the City of Barrie was  
22 being brought into the umbrella of PowerStream and --  
23 and watching that unfold.

24 MR. JOHN MATHER: So if we could now  
25 go to paragraph 122.

1 (BRIEF PAUSE)

2

3 MR. JOHN MATHER: So we see this  
4 email. It's dated January 17th, 2011. And you are  
5 emailing the town clerk, Sara Almas, and it says:

6 "My brother is considering again  
7 bidding on Town work but was worried  
8 about putting me in a conflict, me  
9 into conflict," [sorry]. "I am not  
10 involved in his business and I told  
11 him that I will not have a conflict  
12 (pecuniary) interest as I am not  
13 involved in his business and the  
14 Conflict of Interest Act clearly  
15 states that I must declare interest  
16 if it's -- if it is spouse, sons or  
17 daughters, and parents. I am  
18 sending this to you only to ask if  
19 this is your understanding as well  
20 and I do realize that you cannot  
21 give me advice on this matter."

22 Do you recall sending Ms. Almas this  
23 email?

24 MR. RICHARD LLOYD: Yes.

25 MR. JOHN MATHER: Why did you send Ms.

1 Almas this email?

2 MR. RICHARD LLOYD: The night before,  
3 or nights before that, I was out with my brother and a  
4 bunch of other guys and Bonwick was there, and it  
5 almost got into an argument about conflict and my  
6 brother being involved, taking all the Town business,  
7 and all. And he hadn't been doing any business for  
8 the Town.

9 And I was pretty distressed about it,  
10 to say the least, so I sent the email to -- to Sara  
11 and she responded and I forwarded it on to Bonwick so  
12 he could show these other characters that I didn't  
13 have a conflict. I showed my brother and he was -- he  
14 was more devastated that -- thinking, well maybe I  
15 did, but I didn't have a conflict.

16 MR. JOHN MATHER: Okay. I'm just  
17 again going to ask you some questions about that.  
18 When you said you forwarded it on, you sent it to  
19 Bonwick so he could forward it on to these other  
20 characters?

21 MR. RICHARD LLOYD: He could talk to  
22 the other characters about it that, hey, he doesn't  
23 have a conflict.

24 MR. JOHN MATHER: Who were those other  
25 characters?

1 MR. RICHARD LLOYD: I don't -- I don't  
2 remember who was with us that night, honestly. I know  
3 my brother was there and -- and it just was a big  
4 discussion that got around to --

5 MR. JOHN MATHER: So you were -- you  
6 were out with Mr. Bonwick, your brother, and some  
7 other people?

8 MR. RICHARD LLOYD: That's correct.

9 MR. JOHN MATHER: At that time was  
10 your brother doing any work for the Town?

11 MR. RICHARD LLOYD: If any tenders  
12 came up and so on, he -- he would work off and on with  
13 them. I really don't know how much work he was doing  
14 because I didn't pay attention because there was no  
15 conflict of interest.

16 MR. JOHN MATHER: What sort of work  
17 does your brother do?

18 MR. RICHARD LLOYD: Construction work,  
19 excavation, bulldozing, that kind of stuff, very  
20 similar to what I -- I do.

21 MR. JOHN MATHER: And in your email  
22 you said your brother is considering again bidding on  
23 Town work.

24 MR. RICHARD LLOYD: M-hm.

25 MR. JOHN MATHER: So that sounds to me

1 like he had done so in the past.

2 MR. RICHARD LLOYD: Well, he has.

3 MR. JOHN MATHER: Yeah.

4 MR. RICHARD LLOYD: Yeah.

5 MR. JOHN MATHER: When he had done so  
6 in the past, had you gone to Ms. Almas and asked her  
7 about it?

8 MR. RICHARD LLOYD: No. Only because  
9 of this argument that -- that occurred, that I figured  
10 I'd get somebody to -- to explain.

11 MR. JOHN MATHER: Outside of this  
12 argument, had anyone raised concerns with you about  
13 your brother bidding on Town work?

14 MR. RICHARD LLOYD: I used to get a  
15 lot of -- I used to get a lot of -- of different  
16 people concerned about Rick Lloyd bidding Town work  
17 and Steve Lloyd bidding Town work. I got so I never  
18 bid anything, and I'd even declare a conflict if I  
19 did. Then it all of a sudden was my brother and then  
20 -- even when I sold flowers to the Town, we used to,  
21 in the old days, back when I was first elected, every  
22 payment I'd received would come through Council and  
23 I'd have to declare a conflict for \$24 and all this,  
24 and what the perceived -- what people perceived at  
25 that point was that I was the only flower shop selling



1 flowers to the Town.

2 Well, no, but I was the only guy that  
3 was on Council that owned a flower shop, that I had to  
4 declare it every -- every month that I did. So -- and  
5 it would be in the newspaper, and it just got silly  
6 after a while.

7 But then finally, the process changed,  
8 that once I declared I was the owner of the flower  
9 shop and so on, then when the payment went through, I  
10 didn't have to declare them every month, like it was.

11 MR. JOHN MATHER: After having this  
12 discussion with -- or argument with Mr. Bonwick and  
13 some other people, why did you want the Town clerk to  
14 confirm whether or not she shared your view of the  
15 Conflict of Interest Act?

16 MR. RICHARD LLOYD: I really didn't  
17 know who else in the Town to ask. The clerk looks  
18 after the administration of that kind of stuff, and I  
19 knew Sara well enough that I felt comfortable sending  
20 her an email to say exactly what I said into it.

21 MR. JOHN MATHER: Had you gone to her  
22 before with a question like this?

23 MR. RICHARD LLOYD: I probably have  
24 asked, or I've even suggested that perhaps somebody  
25 else might have a conflict and -- about the raise up -

1 - raised the issue up with -- with Sara.

2 MR. JOHN MATHER: In your email, at  
3 the end, you say:

4 "And I do realize that you cannot  
5 give advice on this matter."

6 What did you mean by that?

7 MR. RICHARD LLOYD: As I said earlier,  
8 if -- as the Municipal Act reads, you need to get a  
9 solicitor to give you the actual ruling on it. And  
10 again, quite often, lawyers will say, if you think you  
11 have a conflict, you have one.

12 Well, that's not a good answer. Either  
13 you have one (1) or you don't. I didn't feel necess -  
14 - that it was necessary to go to a lawyer, because  
15 this is what the Act says, and I was just having her  
16 confirm it.

17 MR. JOHN MATHER: And I understand  
18 that. I'm just wondering why you specifically told  
19 her, You know, I understand you can't give advice.  
20 Were you concerned that she might try to give you  
21 advice?

22 MR. RICHARD LLOYD: No, that was more  
23 covering her. But -- but, you know, I understand  
24 that, you know, whatever you tell me, you know, you're  
25 not liable for it, basically, that, you know, you --

1 because you're not -- you can't give advice on this  
2 matter. You can concur. You can say, yeah, that's  
3 what the Act reads, but you can't say, you have a -- a  
4 conflict.

5 She can sometimes say, maybe you should  
6 check and see if you have a conflict.

7 MR. JOHN MATHER: When you sent her  
8 this email, were you intending to forward any response  
9 you received to Mr. Bonwick or other people?

10 MR. RICHARD LLOYD: To Bonwick, I was.

11 MR. JOHN MATHER: Did you tell Ms.  
12 Almas that?

13 MR. RICHARD LLOYD: No.

14 MR. JOHN MATHER: Why not?

15 MR. RICHARD LLOYD: Never thought  
16 about it as an issue. The -- the big thing I wanted  
17 to find from her was, am I correct, which I believe I  
18 was. And when she said yes, then I thought, Fine,  
19 I've got the information I need. And then I -- I  
20 forwarded it on. There's nothing confidential about  
21 it. It's fact.

22 MR. JOHN MATHER: So we see in  
23 paragraph 123, if you scroll down, so Ms. Almas writes  
24 you back and confirms more or less your understanding?

25 MR. RICHARD LLOYD: That's right.

1                   MR. JOHN MATHER:    And then if we could  
2 go to paragraph 128.  So this is three (3) days after  
3 you and Ms. Almas have exchanged emails about your  
4 brother, and Mr. Bonwick writes Mr. Bentz at  
5 PowerStream and says:

6                   "I want to -- I wanted to be  
7                   perfectly clear on my understanding  
8                   of the conflict guidelines contained  
9                   in the Municipal Act.  The Town  
10                  solicitor provided a legal opinion  
11                  to the deputy mayor clarifying that  
12                  there is no breach of conflict of  
13                  interest guidelines in this  
14                  situation."

15                  At this point in time, January 20th,  
16 2011, had the Town solicitor provided you a legal  
17 opinion?

18                  MR. RICHARD LLOYD:    My own lawyer  
19 hasn't.  The Town solicitor hadn't.  There had been  
20 none.  And I don't know why I would provide a conflict  
21 of interest response to it, if -- if it's about the  
22 mayor.  The mayor would have.  It's simple, it's open,  
23 transparent, there's no issue.

24                  MR. JOHN MATHER:    And at this point in  
25 time, in January 20th, had you told Mr. Bonwick that

1 you had obtained a legal opinion?

2 MR. RICHARD LLOYD: No. No, but I'd  
3 clarify, I have in the past on different occasions  
4 sought legal opinions on whether something was in  
5 conflict or whatever, right.

6 MR. JOHN MATHER: So when Mr. Bonwick  
7 writes:

8 "The Town solicitor provided a legal  
9 opinion to the deputy mayor,  
10 clarifying that there is no breach  
11 of conflict of interest guidelines  
12 in the situation."

13 The situation would be him working for  
14 PowerStream. Well, his sister's the mayor. I  
15 appreciate that that's not before you, but in and  
16 around January 20th, had you obtained a legal opinion  
17 from the Town solicitor that you provided to Mr.  
18 Bonwick?

19 MR. RICHARD LLOYD: No, and if there  
20 was, you'd have an email and a chain, so.

21 MR. JOHN MATHER: After you emailed --  
22 and I believe you said this, that after you got Ms.  
23 Almas's response to your inquiry about your brother,  
24 you forwarded it on to Mr. Bonwick.

25 How soon after did you forward that

1 response to Mr. Bonwick?

2 MR. RICHARD LLOYD: It'll be on the  
3 email trail, I -- the times will show. I don't know  
4 how --

5 MR. JOHN MATHER: Do you have a  
6 recollection?

7 MR. RICHARD LLOYD: None. None at  
8 all.

9 MR. JOHN MATHER: Would it have been  
10 before January 20th?

11 MR. RICHARD LLOYD: I would think it  
12 would be the same day as I received it, I would guess.

13 MR. JOHN MATHER: So that would be  
14 your guess? You don't --

15 MR. RICHARD LLOYD: Yeah.

16 MR. JOHN MATHER: -- recall?

17 OBJ MR. MICHAEL WATSON: Your -- Your  
18 Honour, if I may, the information is readily  
19 available, and its right in the Foundation Document,  
20 and it strikes me there's a matter of fairness to the  
21 witness that reference should be made, if I may, to  
22 paragraph -- I believe it is -- sorry, 124.

23 MR. JOHN MATHER: I -- I have no  
24 objection. We can go to paragraph 124.

25

1 (BRIEF PAUSE)

2

3 CONTINUED BY MR. JOHN MATHER:

4 MR. JOHN MATHER: Mr. Watson is  
5 correct. I was actually going to get to that, so.

6 Anyway, so it appears you forwarded it  
7 on January 27th?

8 MR. RICHARD LLOYD: Okay.

9 MR. JOHN MATHER: So you forwarded  
10 your email from Ms. Almas to Mr. Bonwick on January  
11 27th. Would you have -- do you recall speaking to him  
12 between -- before January 27th, about talking to Ms.  
13 Almas?

14 MR. RICHARD LLOYD: No. No.

15 MR. JOHN MATHER: So going back to  
16 paragraph 128.

17

18 (BRIEF PAUSE)

19

20 MR. JOHN MATHER: So apologies for  
21 jumping around in time, but --

22 MR. RICHARD LLOYD: That's fine.

23 MR. JOHN MATHER: -- it's -- it's my  
24 issue. On January 20th, so before you had emailed Mr.  
25 Bonwick Ms. Almas's response, did you know that he was

1 writing to Power -- did you know he was writing this  
2 email to PowerStream?

3 MR. RICHARD LLOYD: No, I wouldn't  
4 have any -- I'm not on the email. I wouldn't have any  
5 idea at all.

6 MR. JOHN MATHER: So going back to  
7 paragraph 124, as we pointed out, you forwarded Ms.  
8 Almas's response to Mr. Bonwick on January 27th, which  
9 was ten (10) -- I believe ten (10) days after you had  
10 received it from Ms. Almas, January 17th.

11 And if we -- if you see -- scroll up to  
12 123, we can see that -- or up to 122.

13 MR. RICHARD LLOYD: Back where we  
14 were, if we can.

15 MR. JOHN MATHER: Yeah.

16 MR. RICHARD LLOYD: Email from Deputy  
17 Mayor Lloyd to Clerk Almas, January 17th. That's  
18 right.

19 MR. JOHN MATHER: And then if you look  
20 at paragraph 123, Ms. Almas responds on the same day.

21 MR. RICHARD LLOYD: Yeah.

22 MR. JOHN MATHER: And then ten (10)  
23 days later, if we go down to paragraph 124.

24 MR. RICHARD LLOYD: Yeah, that's  
25 possible.



1 MR. JOHN MATHER: It got forwarded ten  
2 (10) -- ten (10) days later?

3 MR. RICHARD LLOYD: I would have  
4 thought I would have sent it sooner, but...

5 MR. JOHN MATHER: That's fine. And  
6 then that was my -- that was not my intention earlier  
7 to -- to --

8 MR. RICHARD LLOYD: Okay.

9 MR. JOHN MATHER: -- suggest  
10 otherwise. I was -- was getting to this.

11 Do you remember why -- now seeing this,  
12 why you -- why you forwarded the email ten (10) days  
13 later?

14 MR. RICHARD LLOYD: No reason at all,  
15 other than I was dealing with it.

16 MR. JOHN MATHER: Do you remember,  
17 having seen this now, if Mr. Bonwick ever asked you at  
18 any point prior to the 27th, to send you the  
19 conversation you'd had with Ms. Almas in email?

20 MR. RICHARD LLOYD: No. But I've got  
21 to tell you that -- that there'd be no reason to.  
22 There's no reason to -- I don't know why it was even  
23 used for PowerStream at all, because they have enough  
24 lawyers on staff, and a lawyer could very well given a  
25 -- an -- a -- a legal opinion that there isn't, so.

1 Sara Almas is not a lawyer. She gave  
2 me her -- she concurred with me, with my brother, but  
3 it's not a legal opinion. They could have got a legal  
4 opinion quite easily.

5 MR. JOHN MATHER: Okay. So with that  
6 in mind, if we can go to paragraph 130. So this  
7 paragraph says:

8 "As noted above, Deputy Mayor Lloyd  
9 sent a copy of the clerk's email  
10 about conflict of interest to Mr.  
11 Bonwick on January 27th, which we  
12 looked at, and then on January 29th,  
13 Mr. Bonwick forwarded that email to  
14 Mr. Bentz at PowerStream."

15 Did you know that Mr. Bonwick forwarded  
16 your email chain?

17 MR. RICHARD LLOYD: No. The other  
18 thing I want to say is that it -- it's not a Sara is -  
19 - email is not a legal opinion. Mr. Bonwick served on  
20 Council; would know this by legal opinion.

21 MR. JOHN MATHER: Right. And so in  
22 the email, Mr. Bonwick writes to Mr. Bentz:

23 "The Deputy Mayor had informed me  
24 that it was a legal opinion."

25 That suggests that you had spoken to

1 Mr. Bonwick about speaking with Sara Almas. Does that  
2 spark any recollections?

3 MR. RICHARD LLOYD: None at all, no.  
4 And I wouldn't have said it was a legal opinion.

5 MR. JOHN MATHER: Other than  
6 forwarding the email from Ms. Almas to Mr. Bonwick on  
7 January 27th, did you have any other discussions with  
8 him about speaking with Ms. Almas?

9 MR. RICHARD LLOYD: No, I don't  
10 believe so at all.

11 THE HONOURABLE FRANK MARROCCO: And  
12 just -- just before you -- do you agree that -- that  
13 the clerk is the person responsible for the  
14 interpretation of the Municipal Act for Council?

15 MR. RICHARD LLOYD: In most cases,  
16 yes. With legal issues, no. When it comes to  
17 conflict of interest or some other sections that --  
18 that we're advised to seek independent legal advice,  
19 the clerk does interpret for us or help -- assist us  
20 with -- with the Municipal Act. She as well would be  
21 the one (1) that would go to the lawyer to get  
22 clarification before she'd respond back to Council on  
23 the Municipal Act matters.

24

25 CONTINUED BY MR. JOHN MATHER:

1 MR. JOHN MATHER: So if we could go to  
2 TOC38100.

3

4 (BRIEF PAUSE)

5

6 MR. JOHN MATHER: So -- and scroll  
7 down. So at -- at the outset, Mr. Lloyd, I'll let you  
8 know that you're not on this email chain. I am just  
9 bringing you here again as some -- for some points of  
10 reference.

11 So you see that Mr. Houghton, on  
12 January 30th, 2011, emails Mr. Bonwick, saying:

13 "We have a board meeting tomorrow  
14 and I'm wondering if we should  
15 chat."

16 MR. RICHARD LLOYD: Yes.

17 MR. JOHN MATHER: And then we scroll  
18 up. And Mr. Bonwick responds:

19 "Good idea. I will call you in a  
20 few minutes, if that works."

21 And then we scroll up. Mr. Houghton  
22 writes back with a draft letter for Mayor Cooper. And  
23 if you want to take a second and --

24 MR. RICHARD LLOYD: Please.

25 MR. JOHN MATHER: -- and look at it.

1 (BRIEF PAUSE)

2

3 MR. RICHARD LLOYD: Okay.

4 MR. JOHN MATHER: So at this point in  
5 time, January 30th, 2011, did you know that Mr.  
6 Houghton was preparing a draft letter for Ms. Cooper  
7 to send about Collus?

8 MR. RICHARD LLOYD: No.

9 MR. JOHN MATHER: If you look at the  
10 second paragraph, it says:

11 "I would like to ask that Collus  
12 look for similar opportunities to  
13 help reduce our debt. Make no  
14 mistake, I see significant value in  
15 Collus, and I recognize the  
16 significant contribution that Collus  
17 team has given to our municipality."

18 Then she goes on to say:

19 "My specific request would be for  
20 Mr. Houghton and Mr. Muncaster to  
21 undertake a val -- a valuation of  
22 Collus and to look at the positives  
23 and negatives of selling the assets  
24 of Collus."

25 At this point in time, did you know

1 that Collus was considering a valuation?

2 MR. RICHARD LLOYD: No, and I guess  
3 the other question -- if I can ask a question is, who  
4 is this addressed to, like...

5 MR. JOHN MATHER: So -- and I can take  
6 you to it, if you'd like, but this -- a version of  
7 this letter ultimately is put on Ms. Cooper's  
8 letterhead, and is sent to Mr. Houghton and Mr.  
9 Muncaster.

10 MR. RICHARD LLOYD: To the Collus  
11 board, not to Council?

12 MR. JOHN MATHER: To the Collus  
13 board, yeah.

14 MR. RICHARD LLOYD: Okay.

15 MR. JOHN MATHER: So I just wanted to  
16 ask if you knew about this going on.

17 MR. RICHARD LLOYD: No, I don't  
18 believe so.

19 MR. JOHN MATHER: Do you remember when  
20 you learned that Collus had completed evaluation?

21 MR. RICHARD LLOYD: I don't remember  
22 when it -- I didn't know about this, obviously, I  
23 wasn't in the email chain, and I don't know when.

24 MR. JOHN MATHER: Okay. I would like  
25 -- no, this has been marked. So if we can go to

1 TOC38108.

2

3

(BRIEF PAUSE)

4

5 MR. JOHN MATHER: And if we can scroll  
6 down to the bottom. And you can see this is the same  
7 email chain we were looking at. Mr. Houghton sends  
8 Mr. Bonwick an email asking about the -- the Board  
9 meeting tomorrow and wanted to chat.

10 And so if we scroll up... Keep  
11 scrolling up. So in the past email chain, the  
12 response we looked at was the draft letter. This is -  
13 - starts from the same email chain but is a different  
14 response on the same day.

15 And Mr. Houghton writes to Mr. Bonwick  
16 and says:

17 "It is so important that Rick does  
18 not know what I'm doing."

19 And then if you scroll up, Mr. Bonwick  
20 responds:

21 "No kidding. That applies to  
22 absolutely everyone. Sandra  
23 mentioned that she thought Rick was  
24 not playing nice with you. She  
25 wondered what was up."

1                   And then if we scroll up, Mr. Houghton  
2 writes:

3                   "He scares the crap out of me. I  
4                   think he's out to get me because of  
5                   Carriere."

6                   I appreciate you're not on the email  
7 chain, Mr. Lloyd, but do you have any understanding of  
8 who Rick might be?

9                   MR. RICHARD LLOYD:    Yes.

10                  MR. JOHN MATHER:    And who is that?

11                  MR. RICHARD LLOYD:    The former mayor,  
12 Chris Carriere, and I were not best of friends. Down  
13 in the -- the hall where all the mayors' picture are,  
14 there's a coloured picture of -- of Chris Carriere.  
15 All the other pictures are black and white.

16                  And there's a lot of debate about the  
17 picture being changed to black and white to match all  
18 the heritage pictures that were there. Ed seemed to  
19 be moving afoot. It was -- it almost sounds like a  
20 domestic.

21                  Ed had this move afoot, that leave it  
22 alone, don't worry about, it's fine. Well, I was of  
23 the mind that, no, heritage in the hall looked a lot  
24 better if they were all matching and so on.

25                  Eventually, the picture did get



1 changed, but there's a lot of controversy between Ed  
2 and I on it. So I'm sure that -- when I read this, I  
3 think, okay, that's what it's about.

4 MR. JOHN MATHER: So you think Rick is  
5 you?

6 MR. RICHARD LLOYD: Pardon me?

7 MR. JOHN MATHER: You think you're the  
8 Rick being referred to in this email cha --

9 MR. RICHARD LLOYD: There's no  
10 question I'm the Rick behind it.

11 MR. JOHN MATHER: So given the email  
12 we looked at before this is where there was the draft  
13 letter about a pi -- a Collus evaluation, it appears  
14 possible that what Mr. Bonwick and Mr. Houghton were  
15 speaking about was proceeding with a Collus  
16 evaluation?

17 MR. RICHARD LLOYD: Yeah.

18 MR. JOHN MATHER: It's possible. I --  
19 my question for is, is there any reason why Mr.  
20 Houghton and Mr. Bonwick would want to keep that a  
21 secret from you?

22 MR. RICHARD LLOYD: I don't think they  
23 were. This email has nothing to do with that. This  
24 has everything to do with that photograph and the  
25 battle that -- that was ensuring (sic).

1 I don't know if you can go down over.  
2 I scanned it as you were moving it. This email was  
3 about a picture in the hallway of the mayor's office,  
4 not about keeping me out. I don't think Ed wanted  
5 them to know what he was doing about the picture  
6 because I was pretty adamant that the damn thing  
7 should have been black and white.

8 MR. JOHN MATHER: So your -- is it  
9 your recollection that the issue of Mayor Carriere's  
10 picture -- let me put it this way.

11 When do you recall that being an issue?

12 MR. RICHARD LLOYD: This whole email.  
13 If you look at the trail, the whole email has nothing  
14 to do with PowerStream. It's got everything to do  
15 with -- with...

16 MR. JOHN MATHER: So if we can scroll  
17 down the email. So, again, we've seen the beginning  
18 of the email chain?

19 MR. RICHARD LLOYD: Sure. Yeah.

20 MR. JOHN MATHER: Ed is writing to you  
21 about a bor -- sorry, Ed is writing to Paul Bonwick,  
22 apologies, about a Board meeting --

23 MR. RICHARD LLOYD: Yeah.

24 MR. JOHN MATHER: -- and, "I was  
25 wondering if we should chat." Would the issue of Ms.

1 -- Mayor Carriere's picture be related to the  
2 Collision --

3 MR. RICHARD LLOYD: Not to that.  
4 Definitely --

5 MR. JOHN MATHER: Yeah.

6 MR. RICHARD LLOYD: -- not to that.

7 MR. JOHN MATHER: Okay. So if we  
8 scroll up, Paul writes back and says, "I'll give you a  
9 call in a few minutes if that works." And then what  
10 we saw in the other email chain which starts the same  
11 way as he responds, with the --

12 MR. RICHARD LLOYD: New topic, new  
13 subject. That was about the picture.

14 MR. JOHN MATHER: Okay. So scroll up.  
15 So what would Mr. Houghton be doing -- sorry, what  
16 would -- is there anything in this time period that  
17 Mr. Houghton would be doing that he would not want you  
18 to know about?

19 MR. RICHARD LLOYD: Go to the next  
20 email up.

21 MR. JOHN MATHER: Okay. And then Mr.  
22 Bonwick replies:

23 "No kidding. That applies to  
24 absolutely everyone. Sandra  
25 mentioned that she thought Rick was

1 not playing nice with you. She  
2 wondered what was up."

3 MR. RICHARD LLOYD: You can go to the  
4 next one (1) up.

5 MR. JOHN MATHER: Yeah. And then Mr.  
6 Houghton writes:

7 "He scares the crap out of me. I  
8 think he is out to get me because of  
9 Carriere."

10 MR. RICHARD LLOYD: And then when you  
11 go on, it even says about Carriere.

12 MR. JOHN MATHER: Well, and then Mr.  
13 Bonwick writes:

14 "I believe that is the ca -- likely  
15 the case. Keep your guard up and  
16 let me know if he does anything out  
17 of the norm."

18 MR. RICHARD LLOYD: And -- because of  
19 the Carriere statement. That's what it's all about.

20 MR. JOHN MATHER: So -- and if we go  
21 back down the email chain... So when Mr. Houghton  
22 says, "It's so important that Rick does not know what  
23 I am doing," what do you understand him to be -- me --  
24 to mean there?

25 MR. RICHARD LLOYD: I'm only -- like,

1 again, I'm -- I'm speculating.

2 MR. JOHN MATHER: M-hm.

3 MR. RICHARD LLOYD: I see the Carriere  
4 name. I know at the time there's -- I was pretty  
5 peeved about the controversy over this picture. I  
6 would think that's what he's talking about.

7 MR. JOHN MATHER: Is there something  
8 that Mr. Houghton would be doing with Chris Carriere's  
9 photo that you -- that -- that he wouldn't want you to  
10 know that he was doing?

11 MR. RICHARD LLOYD: Probably trying to  
12 get it so it stayed black -- or coloured.

13 MR. JOHN MATHER: Okay. And is there  
14 a reason, if we look at Mr. Bonwick's response, that  
15 absolutely everyone should not know about that?

16 MR. RICHARD LLOYD: That he's  
17 involved? I don't know.

18 MR. JOHN MATHER: Okay.

19 MR. RICHARD LLOYD: Like, honestly, I  
20 do remember the issue about the picture, so the rest -  
21 - I wasn't even involved in the emails, so I -- I  
22 can't speculate.

23 MR. JOHN MATHER: Fair enough. So  
24 then I'll put this to you more generally then.

25 Would there be any reason if in January

1 2011 that Ms. -- any reason that Mr. Houghton wouldn't  
2 want you to know that he was considering having an  
3 evaluation done of Collus?

4 MR. RICHARD LLOYD: None, no.

5

6 (BRIEF PAUSE)

7

8 MR. JOHN MATHER: Okay. If we could  
9 go to paragraph 198 of the Foundation Document.

10

11 (BRIEF PAUSE)

12

13 MR. JOHN MATHER: So this is an email  
14 from June 3rd, 2011. It's from Mr. Bonwick to Mr.  
15 Glicksman and copied to Mr. Bentz, both of whom work  
16 for PowerStream. The subject lines reads,  
17 "Agreement." Mr. Bonwick reports that:

18 "The clerk has been thoroughly brief  
19 by me. Previously, the discussion  
20 had taken place between the mayor  
21 and the deputy mayor. I have also  
22 informed both parties that Brian and  
23 I will -- will be requesting a  
24 meeting over the next two (2) or  
25 three (3) as time permits."

1                   Actually, maybe we should open the --  
2 the document up. So if we could go to ALE178.

3

4                   (BRIEF PAUSE)

5

6                   MR. JOHN MATHER:     So Mr. Bonwick is  
7 emailing with individuals about -- at PowerStream.  
8 And in doing that, he says that a discussion had  
9 previously taken place between the mayor and the  
10 deputy mayor.

11                   Do you know what he's referring to in  
12 this email?

13                   MR. RICHARD LLOYD:     I'm reading it.  
14 And then I'll just try to get a grasp on it.

15                   MR. JOHN MATHER:     Yeah. Take your  
16 time.

17

18                   (BRIEF PAUSE)

19

20                   MR. RICHARD LLOYD:     Okay. Thank you.

21                   MR. JOHN MATHER:     Do you know what  
22 he's referring to in this letter?

23                   MR. RICHARD LLOYD:     I don't know what  
24 the original documents are.

25                   MR. JOHN MATHER:     And I appreciate

1 that. So I'm going to ask you this question. Did you  
2 ever speak with Ms. Cooper prior to June 3rd, 2011,  
3 about Mr. Bonwick working for PowerStream?

4 MR. RICHARD LLOYD: I don't -- don't  
5 remember that I ever did.

6 MR. JOHN MATHER: Did you ever have  
7 any conversations with Ms. Cooper more generally about  
8 any potential conflicts with -- between her and her  
9 brother?

10 MR. RICHARD LLOYD: No. No. I know  
11 that from the onslaught of -- of getting elected and  
12 serving on Council with Sandra, I think she had a  
13 pretty good general knowledge of the Municipal Act as  
14 I did with the Conflict of Interest Act.

15 MR. JOHN MATHER: Okay. So if you  
16 could go to -- back to the Foundation Document,  
17 paragraph 199.

18

19 (BRIEF PAUSE)

20

21 MR. JOHN MATHER: So on June 6, 2011,  
22 we see that Ms. Almas forwarded an email from Mr.  
23 Bonwick to Ms. Wingrove. And then in paragraph 200,  
24 we see that Mr. Bonwick and Mr. Wingro -- sorry, Mr.  
25 Bonwick proposed a meeting to Ms. Wingrove, that he



1 would like to discuss a company that he has recently  
2 started to provide services. The purpose of this  
3 meeting is to provide disclosure as well as propo --  
4 purpose -- I believe, propose an additional meeting.

5 Then it indicates that Ms. Wingrove  
6 agreed and there was a meeting on Tuesday June 14th.  
7 And then it indicates that Mr. Bonwick forwarded the  
8 email conversation to you with a note that says:

9 "Hey, Bubba (phonetic), let me know  
10 if you have time to discuss this."

11 Do you recall Mr. Bonwick sending you  
12 the email about meeting with Ms. Wingrove?

13 MR. RICHARD LLOYD: I don't.

14 MR. JOHN MATHER: Okay. Do you know,  
15 looking at this, what the company is he's referring  
16 to?

17 MR. RICHARD LLOYD: No. That's why  
18 I'm reading, thinking would like to discuss a company  
19 that he recently started to provide services; no idea.

20 MR. JOHN MATHER: Do you recall having  
21 any discussions with Mr. Bonwick about any meeting he  
22 had with Ms. Wingrove?

23 MR. RICHARD LLOYD: Yes.

24 MR. JOHN MATHER: Okay. What do you  
25 recall?

1 MR. RICHARD LLOYD: Mr. Bonwick and I  
2 discussed a meeting that he had with -- with Kim  
3 Wingrove. He was in his office -- in her office. And  
4 the whole time, she was on her BlackBerry, I guess.  
5 And then he said she just dismissed him and said she  
6 had to go somewhere else or to another meeting, to  
7 reschedule it.

8 MR. JOHN MATHER: Okay. And do you  
9 remember when Mr. Bonwick told you about that meeting?

10 MR. RICHARD LLOYD: No. No.

11 MR. JOHN MATHER: Is -- do you have  
12 any way of determining when that meeting might have  
13 taken place?

14 MR. RICHARD LLOYD: Definitely after  
15 whatever meeting it was, yeah.

16 MR. JOHN MATHER: And I appreciate  
17 that he told you about the meeting after it had  
18 happened?

19 MR. RICHARD LLOYD: Yeah.

20 MR. JOHN MATHER: An -- anything to  
21 put it in a point of time?

22 MR. RICHARD LLOYD: No. No.

23 MR. JOHN MATHER: Do you remember what  
24 the meeting was about?

25 MR. RICHARD LLOYD: With Kim Win --

1 well, when I read this, would like to discuss a  
2 company. I don't know what the company is.

3 MR. JOHN MATHER: Do you recall  
4 whether the meeting referenced here is the meeting  
5 that Mr. Bonwick told you about?

6 MR. RICHARD LLOYD: I don't know. No,  
7 I don't know.

8 MR. JOHN MATHER: So if we could  
9 continue to paragraph 209.

10

11 (BRIEF PAUSE)

12

13 MR. JOHN MATHER: So I'm going to ask  
14 you questions about the June 27th, 2011, Council  
15 meeting.

16 MR. RICHARD LLOYD: Right.

17 MR. JOHN MATHER: And, as you can see,  
18 Mr. Houghton made a pre -- an in camera presentation  
19 at that meeting about a study Collus had done into  
20 strategic opportunities.

21 So if we could go to paragraph 212. So  
22 this is describing the same meeting. It's describing  
23 a presentation that was given at the meeting that  
24 identified four (4) options mainta -- with respect to  
25 Collus:

1 "Maintain the current ownership,  
2 sell the Town's entire interest,  
3 sell part of the Town's interest, or  
4 a strategic partnership where the  
5 Town would receive cash and either  
6 retain a partial ownership interest  
7 in Collus or become a minority  
8 shareholder -- holder."

9 And then if we go on, then there was  
10 another slide about the next steps, including  
11 identifying and in -- investigating potential parties  
12 to be a strategic partner, preparing expressions of  
13 interest, forming a team.

14 Does this help you recall that meeting?

15 MR. RICHARD LLOYD: Sure. Yeah.

16 MR. JOHN MATHER: What do you recall  
17 about the June 27th meeting just generally?

18 MR. RICHARD LLOYD: When I read this  
19 and understand it, I believe that I was appointed the  
20 Council repre -- representative on it. I think it was  
21 just an information meeting to -- to Council. I think  
22 Council was excited about it, but it was more of an  
23 information meeting at this point.

24 MR. JOHN MATHER: Okay. So if we go  
25 down to paragraph 214. Oh, actually, stop. Sorry, go

1 to the next page, apologies.

2 So these are the slides that I was  
3 describing to you if it helps you see them.

4 And if we can go up to the next step  
5 slides, it says, number 1:

6 "It would be the intention to  
7 identify and investigate potential  
8 parties interested in the  
9 opportunity surrounding a strategic  
10 partnership."

11 Then it's what we were looking at, so  
12 that's what is being presented as the next steps.

13 And if we go to paragraph 214, it says:

14 "Council did not provide any formal  
15 direction by way of resolution on  
16 June 27, 2011."

17 Do you recall if any form of direction  
18 was provided at that meeting about whether to pursue  
19 potential strategic partners?

20 MR. RICHARD LLOYD: It was an in  
21 camera meeting?

22 MR. JOHN MATHER: Yes.

23 MR. RICHARD LLOYD: And again, you can  
24 check with the clerk on this, but we didn't make  
25 motions in in camera meetings. We'd have to rise and

1 report. I think there was a consensus perhaps at the  
2 meeting. And again, the -- the clerk was very  
3 thorough in her job. She does a really good job. She  
4 would -- at the meeting. I don't think there'd be --  
5 I know Kim would've been -- the CAO.

6                   The minutes for any in camera meetings  
7 are very sporadic or very minimal. That's the way --  
8 it's -- it's kind of crazy to be honest with you  
9 because the Municipal Act only allows minutes in  
10 detail at open Council meetings, but when you go back  
11 on the in camera meetings, there's very little to --  
12 very little that's done. It can't -- there's no  
13 decisions made at in camera meetings. The decision's  
14 made at open Council. But a consensus generally is  
15 drawn at in camera.

16                   MR. JOHN MATHER: Okay. So in your  
17 answer, I understand you to be talking -- to be  
18 talking about what should have happened or what  
19 would've happened. I want to know if you recall at  
20 this specific meeting when the strategic partnership  
21 is presented to Town Council, if you recall Council  
22 giving any directions or instructions.

23                   MR. RICHARD LLOYD: I would -- I  
24 would definitely feel that Council gave direction to  
25 some degree within -- that was allowed under the

1 Municipal Act in an in camera meeting.

2 MR. JOHN MATHER: And I understand  
3 that you -- you think that's what would've happened --

4 MR. RICHARD LLOYD: Yeah.

5 MR. JOHN MATHER: -- based on the  
6 limitations about what can be done in camera and not  
7 in camera. Do you have an actual recollection of that  
8 occurring?

9 MR. RICHARD LLOYD: No, no. I said  
10 it's eight (8) years ago; it's -- it's a fog. There's  
11 so many meetings I went to.

12 MR. JOHN MATHER: M-hm. Did you think  
13 that Collus needed at this point in time to get  
14 direction from Council to proceed with identifying  
15 potential strategic partners, preparing an RFP?

16 MR. RICHARD LLOYD: I honestly think  
17 that we're splitting hairs. I think the information  
18 meeting that Council received, Council was satisfied  
19 to proceed. Maybe there's not a formal motion saying  
20 they should and that could be in error, but I think  
21 the intent of Council was supporting Collus to proceed  
22 to the next step.

23 MR. JOHN MATHER: Okay. And why do  
24 you think that was the intent of Council?

25 MR. RICHARD LLOYD: Because the

1 outcome and all the -- the updates all the way through  
2 to Council from the committee, from the strategic  
3 team, and that. So if there was a -- a red flag, it  
4 would have come up way sooner than that.

5                   There's no doubt there should have been  
6 motions, and I'm not clear on why the clerk didn't  
7 prepare, and I'm not trying to say she didn't do her  
8 job 'cause she does it really well. It could have  
9 been because she didn't want to disclose what was  
10 going on at this point publicly. I have no idea.

11                   But my -- my thought would be that it  
12 was pretty clear where we were going, and there was  
13 never a red flag put up from that moment through to  
14 the end by anybody saying, whoa, we didn't have a  
15 motion, or we didn't give direction, or we didn't put  
16 Rick Lloyd on the committee, or we -- none of that at  
17 all. So I think it was -- everybody that was involved  
18 in Council knew that that's what was happening.

19                   MR. JOHN MATHER: Do you recall --  
20 and, again, I appreciate you're talking about the  
21 whole process, and I want to focus right on the  
22 June 27th meeting.

23                   Do you recall if at that meeting it was  
24 explained to Council what it meant to enter a  
25 strategic partnership?



1 MR. RICHARD LLOYD: I think it was --  
2 yeah, I think it was pretty clear. I think the -- the  
3 explanations, the slides, everything else. And again,  
4 you got to give the benefit of the doubt to the  
5 members of Council. I don't think there was any doubt  
6 at the table that the members knew exactly what they  
7 were doing.

8 MR. JOHN MATHER: Do you recall -- and  
9 I appreciate you think there was -- but do you recall  
10 anyone at that meeting explaining what it means to be  
11 a strategic partner, as opposed to selling 51 percent  
12 or 49 percent?

13 MR. RICHARD LLOYD: I think the whole  
14 thing was explained. Like, all the -- the bullets  
15 that you had on there, I believe that -- that  
16 Mr. Houghton gave a good explanation of it or  
17 Dean Muncaster of the whole process, where we're  
18 going, what we should be looking at, and so on.

19 MR. JOHN MATHER: So -- and I just  
20 want to be clear -- is that what you think happened,  
21 or is that what you know, based on a recollection?

22 MR. RICHARD LLOYD: It's what I think  
23 happened.

24 MR. JOHN MATHER: Do you remember  
25 outside of the June 27th meeting if anyone ever

1 explained to you what it meant -- what was a strategic  
2 partner?

3 MR. RICHARD LLOYD: I don't remember  
4 anybody specifically doing that. I don't see it as an  
5 issue. I think everybody understood.

6 MR. JOHN MATHER: At this point in  
7 time -- June 27th, 2011 -- do you recall if you had a  
8 view about -- personally about what was the best thing  
9 to do with Collus?

10 MR. RICHARD LLOYD: Because of --  
11 definitely. There was an announcement that -- I --  
12 I'm going to go back a number of years ago. And I'm  
13 not going to be accurate on the numbers, but I'm going  
14 to try my best.

15 There was something like 146 LDCs in  
16 the province of Ontario. The province of Ontario  
17 moved to decrease that number and amalgamate a lot of  
18 them and -- and so on. And a lot of the LDCs were put  
19 up for fair market value. That's what you could buy  
20 them for. You -- there's no other incentives. So it  
21 kind of -- there was some deals out there.

22 The Town of Collingwood -- Collus --  
23 were able to purchase the Town of Thornbury, the hydro  
24 in -- in Clearview Township. That brought the -- so  
25 that was the beginning of trying to amalgamate or

1 downsize or -- or getting rid of some of the small  
2 LDCs. We were successful in our bid to buy two (2) of  
3 them, and it's worked really well. So it -- it grew  
4 Collus to be a -- a bigger organization.

5                   As time went on, there was a move afoot  
6 by the province again to downsize it, and there was --  
7 there was discussion that they were going to downsize  
8 to -- to a dozen or even ten (10).

9                   So what was happening here was we were  
10 trying to strengthen Collus by trying to bring in a  
11 strategic partner that we didn't want to sell the  
12 whole utility. We wanted to make it stronger. So by  
13 amalgamating with other -- another utility that's  
14 large, then we wouldn't be gobbled up or sold for fair  
15 market value, just for -- book -- book value. I'm  
16 sorry, not fair market value, the book value. You get  
17 that?

18                   So the book value is somewhat different  
19 than fair market value or whatever. So we didn't want  
20 to get trapped into that situation where we would be  
21 caught only selling for book value.

22                   LDCs have amalgamated more. There  
23 isn't as much of a push as we thought there would be.  
24 There should be more.

25                   So getting back your question. You had

1 said that -- that basically why we were looking for a  
2 strategic partner.

3 MR. JOHN MATHER: I was asking what  
4 your -- your view was in June 27th, 2011 of the  
5 potential options for Collus, whether to keep full  
6 ownership, majority ownership, minority ownership, or  
7 strategic partner.

8 MR. RICHARD LLOYD: I think it was  
9 very obvious to me that a strategic partner was the  
10 only way we could go to strengthen us; we wouldn't  
11 lose our autonomy in Collingwood. I could see us  
12 being taken over by Ontario Hydro or one (1) of the  
13 other ones.

14 We want to keep our -- we want to keep  
15 Collus in Collingwood. We want to employ the local  
16 people that were working there. They were doing a --  
17 and they still are doing a fantastic job. If you have  
18 a power -- power outage in the Township, quite often  
19 it's a lot longer than in the town of Collingwood.  
20 The Town of Collingwood responds, it's done quick, and  
21 these people live in the community.

22 MR. JOHN MATHER: And I understand  
23 that -- that there was interest and benefits in  
24 retaining a level of control over Collus or interest  
25 in Collus. My question is: How did you come to

1 understand what it would mean to sell a 50 percent  
2 share, as opposed to a minority share or a majority  
3 share?

4 MR. RICHARD LLOYD: Okay. On that  
5 one -- again, I think that's a little different  
6 question, but thank you. I wasn't convinced that the  
7 share level should be 50:50. I wasn't convinced.  
8 Anything I'd ever been involved in was 49, 51 percent.  
9 Somebody was always -- somebody always had the upper  
10 hand.

11 Dean Muncaster sat -- and I explained  
12 this to Dean that, you know, I'm having a little bit  
13 of trouble understanding 50:50. He sat down with me,  
14 and he said, well, if you want a real true partnership  
15 so nobody's got the upper hand, you put in all kinds  
16 of escalation -- or clauses so they can escape and so  
17 on.

18 But if you want a true partner, you  
19 treat a true partner the same as you expect your  
20 partner to treat you. By selling 50 percent of it,  
21 you have a true partner. And he went on to explain  
22 what true partners are and -- and at the end of it --  
23 I have a lot of respect for Dean Muncaster -- I -- I  
24 was convinced.

25 MR. JOHN MATHER: So it sounds like --

1 and again, that you -- you were -- prior to this  
2 conversation with Dean, you were thinking of 51 or a  
3 control --

4 MR. RICHARD LLOYD: No. Just when you  
5 go through it, your question was, why 50 percent?

6 MR. JOHN MATHER: No, no, no, no. And  
7 I appreciate that. I just want to understand -- maybe  
8 I'll put it this way. Do you remember when you spoke  
9 with Dean Muncaster about that?

10 MR. RICHARD LLOYD: No. It would be  
11 after this, no doubt.

12 MR. JOHN MATHER: So after the  
13 June 27th presentation?

14 MR. RICHARD LLOYD: That's right.  
15 Yeah. It was -- when the committee was formed, when I  
16 was on the committee, and there's discussions then.

17 And the RFP, I believe, said up to 50  
18 percent, and that's where the discussion go into,  
19 okay, I'm having trouble with the "up to 50 percent"  
20 because I've always been the 49, 51 percent. And the  
21 explanation was given to me then by Dean Muncaster,  
22 and he wasn't trying to sell me on it. He was just  
23 explaining to me what he felt was a true partner, and  
24 he was right.

25 MR. JOHN MATHER: Okay. And so it

1 sounds like you -- you recall this happening at a  
2 strategic -- Strategic Partner Task Team meeting?

3 MR. RICHARD LLOYD: Exactly, yes.

4 MR. JOHN MATHER: Other than that  
5 conversation with Mr. Muncaster, did you have any  
6 other conversations with anyone else who explained to  
7 you the benefits or even the drawbacks of having a  
8 50 percent partner?

9 MR. RICHARD LLOYD: No, no, no.

10 MR. JOHN MATHER: During that  
11 conversation with Mr. Muncaster, was there any -- did  
12 he raise what effect a partnership might have on the  
13 shared services between the Collus entities and the  
14 Town?

15 MR. RICHARD LLOYD: No. My  
16 understanding was with the shared services that it  
17 would continue. That was part of -- of the whole  
18 process that we wanted to ensure that the -- that the  
19 water would be maintained by -- by Collus or the PUC  
20 or whoever through that entity, and that -- that we  
21 continue with our shared services.

22 MR. JOHN MATHER: And how did you come  
23 to form that understanding?

24 MR. RICHARD LLOYD: I don't know if it  
25 was part of the RFP process or -- or what, but that --

1 my understanding was business as usual.

2 MR. JOHN MATHER: Do you recall  
3 anyone, either in Council or when you were on the  
4 Strategic Task Team, explaining to you that there  
5 might be any change to the shared services, or this is  
6 something that would have to be discussed or  
7 negotiated?

8 MR. RICHARD LLOYD: It was never --  
9 and I knew that -- my understanding was that I think  
10 that we had a five-year agreement on it or something  
11 to that effect. And it was just something that  
12 obviously was going to be discussed, but it was  
13 something that we, the Town, wanted.

14 And Collus were providing great  
15 services, and it was part -- at that point in time, it  
16 was part of our dividend, as well, that we were  
17 receiving. We were -- in lieu of cash, we were  
18 getting services provided to us.

19 THE HONOURABLE FRANK MARROCCO: While  
20 you're doing that, then maybe we'll take a break.

21 MR. JOHN MATHER: Yeah. I was going  
22 to --

23 THE HONOURABLE FRANK MARROCCO: Can  
24 you just scroll down from 214 to the bullets? I think  
25 it was closer to 200. Not those -- the conclusions



1 but the options.

2 Well, that's -- what did you understand  
3 the difference to be between selling part of the  
4 Town's ownership interest, which is number 2 --  
5 number 3 and the strategic partnership where the Town  
6 would receive cash and either retain a partial  
7 ownership or become a minority owner of the acquiring  
8 partner? What did you understand the difference to be  
9 between the two (2) of them?

10 MR. RICHARD LLOYD: The one (1) --  
11 number 3 was an out and out sale --

12 THE HONOURABLE FRANK MARROCCO: Right.

13 MR. RICHARD LLOYD: -- of 50 percent  
14 or whatever, a portion of it. It was not trying to  
15 bring somebody in as a partner. Just getting the cash  
16 infusion and -- and you bring a partner.

17 The number 4 was trying to find a  
18 partner that would fit in with the Collus that would  
19 take Collus to the next step, which would be to grow  
20 Collus and make it even more larger.

21 So one (1) was just an out and out sale  
22 of 50 percent or 25 percent or whatever, a percentage  
23 of it. And the other one (1) was deliberately looking  
24 for a partner.

25 THE HONOURABLE FRANK MARROCCO: All

1 right.

2 MR. RICHARD LLOYD: Okay? Thank you.

3 THE HONOURABLE FRANK MARROCCO: Take

4 ten (10).

5

6 --- Upon recessing at 3:30 p.m.

7 --- Upon resuming at 3:42 p.m.

8

9 CONTINUED BY MR. JOHN MATHER:

10 MR. JOHN MATHER: So, Mr. Lloyd,  
11 before the break we were talking about the June 27th,  
12 2011 Council meeting where the options were presented  
13 to Council.

14 And as you recall, two (2) days after  
15 that you met with Mr. Bentz and Mr. Muncaster and Mr.  
16 Bonwick to discuss Mr. Bonwick formally being --  
17 working for PowerStream.

18 I just have a couple more questions for  
19 you about the June 29th meeting. I believe you said  
20 that after the meeting, Mr. Muncaster said to you well  
21 if Mr. Bonwick is going to be able to assist us sell  
22 Collus, then God bless him or something along those  
23 lines. Do I have that right?

24 MR. RICHARD LLOYD: But he didn't say  
25 it specifically to me.

1 MR. JOHN MATHER: Okay.

2 MR. RICHARD LLOYD: When he was coming  
3 to the meeting he said that. I'm sure everybody heard  
4 it.

5 MR. JOHN MATHER: So he said it  
6 generally to ---

7 MR. RICHARD LLOYD: Generally, that's  
8 correct.

9 MR. JOHN MATHER: Okay, was there a  
10 concern at that point that there would be difficulty  
11 in selling Collus?

12 MR. RICHARD LLOYD: I don't think so,  
13 no.

14 MR. JOHN MATHER: So do you have any  
15 understanding of why Mr. Muncaster would make a  
16 comment that it would be helpful to have Mr. Bonwick  
17 sell Collus?

18 MR. RICHARD LLOYD: I -- I assuming  
19 again, I'm speculating that was because of ---

20 MR. FREDERICK CHENOWETH: I think it's  
21 important that the -- the words that counsel puts --  
22 in any event, it would seem to be important that the  
23 words that counsel chooses to put to the witness with  
24 respect to the question should mirror what the witness  
25 said at earlier times.

1                   And I don't think the last question or  
2 the last question put to the witness mirrored what the  
3 witness had earlier said Dean Muncaster said.

4                   MR. JOHN MATHER:     I'm happy to  
5 rephrase.

6                   THE HONOURABLE FRANK MARROCCO:     I  
7 thought the witness said that Mr. Muncaster said if  
8 Mr. Bonwick can help with the sale then God bless him.  
9 I -- I actually thought that's what he did say.

10                  MR. FREDERICK CHENOWETH:     Well, I  
11 don't think -- that's not my recollection, sir, but I  
12 -- it's not my purpose to have a dispute. But I -- my  
13 recollection was that what the witness said was if --  
14 if -- if Bonwick could help Collingwood do better on  
15 the sale of Collus, or words of that nature, --

16                  THE HONOURABLE FRANK MARROCCO:     I  
17 don't think so.

18                  MR. FREDERICK CHENOWETH:     No?

19                  THE HONOURABLE FRANK MARROCCO:     Is  
20 there a -- can you read it back to us?

21                  MR. FREDERICK CHENOWETH:     That would  
22 be very helpful. Thank you.

23                  MR. MICHAEL WATSON:     Your Honour if I  
24 -- if I may assist, I wrote this down and put it in  
25 quote marks. "If Bonwick can help with the sale of

1 Collus for the benefit of Collingwood, God bless him,"  
2 and I think the question that was put was Mr. Bonwick  
3 selling Collus, which is different, in my submission.

4 MR. FREDERICK CHENOWETH: That -- that  
5 is in keeping with my recollection. It's a better  
6 recollection than I just gave to the Court moments  
7 ago, for the benefit of Collingwood is a phrase that I  
8 think is significant when the question is asked.

9

10 CONTINUED BY MR. JOHN MATHER:

11 MR. JOHN MATHER: So, to rephrase  
12 the question, if you did not understand there to be  
13 any -- if -- if there was no worry that it would be  
14 difficult to sell Collus, did it strike you as unusual  
15 that Mr. Muncaster would make that statement?

16 MR. RICHARD LLOYD: No, it was after  
17 it was explained about Bonwick's involvement in all  
18 that. And when the -- the meeting was adjourning, he  
19 got up and that's what he said. And I think it was  
20 just matter of fact.

21 MR. JOHN MATHER: Did you agree with  
22 Mr. Muncaster?

23 MR. RICHARD LLOYD: Did I agree with  
24 him? I didn't make any comment, but yeah, I do agree.  
25 I think everybody at the table was fine.

1 MR. JOHN MATHER: So after that  
2 meeting on June 29th, 2011, at this point, you know  
3 that Collus is considering an RFP, I -- I didn't ask  
4 this, but at this point, did you know that you would  
5 be on the strategic task team?

6 MR. RICHARD LLOYD: I think I was  
7 appointed on the 27th. Again, all these dates are  
8 like this, but I think it was the 27th in camera  
9 meeting where a -- a Council rep was appointed that  
10 was -- the appointed me to it.

11 There should be motions down the road  
12 to -- after that, but I'm not sure there is, but there  
13 should be.

14 MR. JOHN MATHER: Fair enough. And at  
15 any point when you're meeting with Mr. Bentz and Mr.  
16 Bonwick and Mr. Muncaster and Ms. Cooper, you're aware  
17 that an RFP might be in the works?

18 MR. RICHARD LLOYD: I think so, yes.

19 MR. JOHN MATHER: What did you  
20 understand Mr. Bonwick would be doing for PowerStream  
21 going forward with respect to a potential RFP?

22 MR. RICHARD LLOYD: I don't know what  
23 -- if he was involved in the RFP at all. I just know  
24 that he was involved in what Brian Bentz explained to  
25 us, that he was basically the go-to person. He was

1 the guy that's going to be doing all the -- the leg  
2 work for them, you know, he was going to be involved  
3 in the process is basically what he said.

4 MR. JOHN MATHER: So you said, you  
5 know, he was going to be doing the leg -- legwork,  
6 what did you understand that legwork to involve?

7 MR. RICHARD LLOYD: Basically helping  
8 PowerStream with their -- with their bids and so on,  
9 that's what I understood it to be.

10 MR. JOHN MATHER: And can you be more  
11 specific in what you understood he would be doing when  
12 he was helping them with their bids?

13 MR. RICHARD LLOYD: No, they didn't --  
14 I don't think they got in. I don't recall that they  
15 got into specifics on it. And it was basically a  
16 matter of fact, this is what's going on.

17 MR. JOHN MATHER: So we already  
18 touched on this a bit, but do you recall how you  
19 became a member of the -- I'm going to call it the STT  
20 for short, if that's okay?

21 MR. RICHARD LLOYD: I think just  
22 Council appointment.

23 MR. JOHN MATHER: And what was your  
24 role on the STT?

25 MR. RICHARD LLOYD: Same as every

1 other Board member, every other member of the team. I  
2 think what we were doing is we were looking at -- at  
3 the RFP were -- and KPMG were the one (1) that -- that  
4 were really the driving force behind it once, you  
5 know, they were hired.

6 And I can tell you, and I'm not  
7 embarrassed to admit this, there's no doubt that I was  
8 way over my head in comparison to people like Dave  
9 McFadden, Dean Muncaster, those guys were just  
10 incredibly business smart.

11 I know that McFadden, that what he  
12 knows about the Hydro industry is second to none. The  
13 guy was phenomenal. So I looked to them a lot for  
14 mentoring and -- and so on. I don't know the  
15 difference between an amp and an ohm, but these guys  
16 seem to know exactly everything, so.

17 MR. JOHN MATHER: So we know that you,  
18 Mr. Muncaster and Ms. Cooper are at the meeting on  
19 June 29th.

20 At any point do you recall it being  
21 disclosed to the entirety of the strategic task team  
22 that Mr. Bonwick was working for PowerStream?

23 MR. RICHARD LLOYD: I don't -- I think  
24 it was. I believe it was, but I can't remember, but I  
25 -- I think it was disclosed.



1 I even think, again I'm going back,  
2 that -- that even when -- when PowerStream was making  
3 their presentation, because each of the four people, I  
4 think they mentioned at that point too, Brian Bentz  
5 did.

6 MR. JOHN MATHER: And -- and so there  
7 was presentations to the strategic task team in  
8 September 2011.

9 MR. RICHARD LLOYD: Right.

10 MR. JOHN MATHER: Is that what you're  
11 referring to?

12 MR. RICHARD LLOYD: That's correct.

13 MR. JOHN MATHER: Do you -- and I just  
14 want to make sure, do you recall him making mention of  
15 it at those presentations, or do you -- do you think  
16 he did?

17 MR. RICHARD LLOYD: I recall that he  
18 did. I believe that I'm right with my -- my thinking,  
19 I hope I am. But I'm sure that he is.

20 MR. JOHN MATHER: What do you recall  
21 him saying about Mr. Bonwick during that presentation?

22 MR. RICHARD LLOYD: Basically that Mr.  
23 Bonwick is working with PowerStream and just wanted to  
24 make sure that -- that open and transparent that  
25 everybody was aware of it.

1 MR. JOHN MATHER: Anything else you  
2 can remember about what Mr. Bonwick -- sorry, Mr.  
3 Bentz said at that meeting?

4 MR. RICHARD LLOYD: No. You don't  
5 mean the 29th meeting, you mean later?

6 MR. JOHN MATHER: No, I wasn't  
7 specific. I mean the presentation meetings.

8 MR. RICHARD LLOYD: Yeah. No, just  
9 went over what they do and so on. It was mostly just  
10 business and -- and friendly handshakes sort of thing.

11 MR. JOHN MATHER: Are you aware of it  
12 ever being disclosed prior to December 2011 to Council  
13 that Mr. Bonwick was working with PowerStream?

14 MR. RICHARD LLOYD: I don't think the  
15 CAO did. I don't know though. I don't think they  
16 did. I didn't even think about it, to be honest with  
17 you, because it's not a conflict.

18 I would -- I don't know if it was ever  
19 disclosed to them. It wasn't an issue, put it that  
20 way, in my opinion.

21 MR. PAUL BONWICK: Your Honour, sorry  
22 Your Honour, but I apologize, but I missed the date on  
23 the question.

24 MR. JOHN MATHER: December 2011.

25 MR. PAUL BONWICK: Thank you.

1 CONTINUED BY MR. JOHN MATHER:

2 MR. JOHN MATHER: You've touched on it  
3 in part, but I just want to ask you generally what you  
4 recall about the early strategic task team meetings,  
5 what was discussed?

6 MR. RICHARD LLOYD: Eight (8) years  
7 ago it was basically -- I know there's a lot of  
8 discussion about the financial aspect of it, what --  
9 what it was worth.

10 A lot of discussion, I know that --  
11 that we had -- I was going to say Gavery (phonetic)  
12 and Company, but they've changed the name, come up and  
13 -- and make presentations or discussions with us as  
14 well.

15 Mostly determining the LDCs that were  
16 in the opinion of the strategic task team, were like-  
17 minded of -- of the direction we were going.

18 I've got to tell you that -- that I  
19 felt that it was imperative that we should be involved  
20 with -- with municipally-owned LDCs, not private. I  
21 thought that was very important, that -- that if we  
22 were involved selling 50 percent of it, it would be  
23 nice to sell to another municipality, obviously, that  
24 had the same like in mind that we do, and is governed  
25 by the Municipal Act.

1 MR. JOHN MATHER: Do you recall how  
2 the -- to use your words, the like-minded LDCs were  
3 identified?

4 MR. RICHARD LLOYD: I don't remember.  
5 I know there was five originally and then one, because  
6 of size of it, was -- was so insignificant in the  
7 geographic area that it -- it was dropped off, then it  
8 was down to four. And I think it was based on size  
9 and et cetera.

10 MR. JOHN MATHER: Do you know who  
11 proposed the names of the potential LDCs?

12 MR. RICHARD LLOYD: I'm -- I'm  
13 thinking that it perhaps was KPMG, but I -- I can't  
14 tell you honestly, I don't know.

15 MR. JOHN MATHER: Again, is -- so do  
16 you -- do you recall KPMG doing it or is that  
17 something --

18 MR. RICHARD LLOYD: I don't. I'm just  
19 assuming, I'm speculating.

20 MR. JOHN MATHER: Did you understand -  
21 - sorry. How did the strategic task team make  
22 decisions?

23 MR. RICHARD LLOYD: How did the task  
24 team make?

25 MR. JOHN MATHER: Decisions. So if a

1 decision needed to be made, how did they decide?

2 MR. RICHARD LLOYD: At the -- of the  
3 four or at the very end that we were going to pick  
4 one?

5 MR. JOHN MATHER: Fair questions --  
6 fair clarification. Not at the very end, we'll talk  
7 about scoring. I mean in the early meetings when  
8 there was discussions about potential bidders, the  
9 content of the RFP, how were decisions made? How was  
10 consensus achieved?

11 MR. RICHARD LLOYD: If I remember  
12 right, and again I'm -- I'm trying to search for it.  
13 I think letters of interest or something was set out  
14 to some of the area LDCs or phone calls or something.  
15 There was, you know, information gathering that was  
16 done. I think Dean Muncaster was -- was very much  
17 involved in it.

18 MR. JOHN MATHER: Fair enough. And --  
19 and apologies if I wasn't clear. What I want to know  
20 is if -- if -- if a -- if the task team needed to make  
21 a decision, how would that decision be made? Would  
22 there be a vote, would there be a show of hands?

23 MR. RICHARD LLOYD: It would be -- it  
24 would be a consensus taken that would be -- I don't  
25 know that there's a formal motion and all that stuff.

1 It would be a consensus.

2 MR. JOHN MATHER: Did you understand  
3 the matters discussed by the STT to be confidential?

4 MR. RICHARD LLOYD: Not all but some,  
5 yes.

6 MR. JOHN MATHER: What matters were  
7 confidential?

8 MR. RICHARD LLOYD: Give me an  
9 instance and I'll tell you if it should be  
10 confidential. I don't know.

11 MR. JOHN MATHER: I'm just interested  
12 at this stage in knowing how you determined what  
13 information that you received at the STT, how you  
14 determined what was to remain within the group and  
15 what could be disclosed outside the group.

16 MR. RICHARD LLOYD: I don't -- I  
17 really don't know how to answer that. I don't know.

18 MR. JOHN MATHER: Do you recall anyone  
19 saying at an STT meeting that the matters discussed  
20 should be kept confidential?

21 MR. RICHARD LLOYD: No, never, to my  
22 knowledge ever.

23 MR. JOHN MATHER: Maybe I'll ask you  
24 this way. Can you provide me of an example of  
25 something discussed at the STT meeting that you

1 thought was not confidential and could be disclosed?

2 MR. RICHARD LLOYD: I can't. I can't  
3 even --

4 MR. JOHN MATHER: So if we could go to  
5 CPS8756.1.

6 So, Mr. Lloyd, these are the minutes of  
7 the August 29th, 2011, strategic task team meeting.

8 MR. RICHARD LLOYD: Yeah.

9 MR. JOHN MATHER: So to put you in  
10 time, there was one (1) meeting prior to this, at  
11 least minutes for one (1) meeting prior to this August  
12 3rd, 2011 --

13 MR. RICHARD LLOYD: Yeah.

14 MR. JOHN MATHER: So if we can scroll  
15 down in the minutes. Stop there.

16 So we see near the top of the page it  
17 says:

18 "Mr. Houghton put forth a suggestion  
19 that KPMG put together the RFP for  
20 us."

21 MR. RICHARD LLOYD: I see that.

22 MR. JOHN MATHER: Do you recall why  
23 KPMG was brought in to put together the RFP?

24 MR. RICHARD LLOYD: The only thing I  
25 can think of, they're consultants, it's what they do.

1 It would be done professionally. I have a lot of  
2 confidence in -- in KPMG. They've done other work for  
3 the Town of Collingwood.

4 MR. JOHN MATHER: Were you involved in  
5 any discussions about bringing in KPMG or another  
6 consultant?

7 MR. RICHARD LLOYD: I don't recall  
8 that I was. I don't recall at all.

9 MR. JOHN MATHER: What do you recall  
10 about -- what was KPMG's role in the RFP?

11 MR. RICHARD LLOYD: Facilitator. They  
12 were facilitating the meetings, they were organizing,  
13 that kind of stuff.

14 MR. JOHN MATHER: Was KPMG involved in  
15 developing the RFP criteria?

16 MR. RICHARD LLOYD: I believe they  
17 were aware of it. What involvement they had, I have  
18 no idea. I wasn't involved in the day-to-day writing  
19 of the RFP, but I would believe they were -- were  
20 involved in it.

21 MR. JOHN MATHER: So you -- you  
22 believe there were but you don't -- you don't know?

23 MR. RICHARD LLOYD: I don't know, no.

24 MR. JOHN MATHER: As a strategic task  
25 team member, how did you get informed about how the



1 RFP criteria were developed?

2 MR. RICHARD LLOYD: I don't think --  
3 I think what it was, they brought the criteria to us,  
4 they brought, you know, everything as -- as the RFP  
5 was, and we're able to review it. Who authored it --  
6 what was presented to us -- and we dealt with what was  
7 presented to us.

8 MR. JOHN MATHER: So KPMG presented  
9 you --

10 MR. RICHARD LLOYD: I believe it was  
11 KPMG that was presenting -- it was either KPMG or Dean  
12 Mun -- Muncaster introduced someone that was presented  
13 it -- it's still --

14 MR. JOHN MATHER: So then it was  
15 KPMG's presentation?

16 MR. RICHARD LLOYD: I believe it was,  
17 yes.

18 MR. JOHN MATHER: How did KPMG know  
19 what to put in its presentation?

20 MR. RICHARD LLOYD: I think it was --  
21 I don't know. I guess they knew what the task was, so  
22 as any consultant -- I dealt with many of them while I  
23 was on Council -- and you give them a task and then  
24 they went out and they gathered all the information,  
25 brought it together, and said there it is.

1 MR. JOHN MATHER: Maybe I'll ask it  
2 another way.

3 Do you recall who made the decision or  
4 how the decision was made to weight the RFP 70 percent  
5 in favour of non-financial components and 30 percent--

6 MR. RICHARD LLOYD: We had a lot of  
7 discussion at the table, the strategic task team, and  
8 I know my personal feeling was that the monetary end  
9 of it wasn't nearly as important as all the other  
10 aspects, the other points. It was weighted that --  
11 that factually what our objective was, to find a  
12 strategic partner that would -- would assist in  
13 growing Collus. That was really the focus, what we're  
14 trying to do, and that's what we did.

15 Judge Marrocco had asked me about the  
16 difference between I guess numbers two (2) and number  
17 four (4). That's the difference. We were looking at  
18 a strategic partner. The other would have just been  
19 selling off part of it.

20 MR. JOHN MATHER: So if we can scroll  
21 down further in the minutes. Keep going.

22

23 (BRIEF PAUSE)

24

25 MR. JOHN MATHER: So on this page of

1 the minutes it indicates that Mr. Houghton reviewed  
2 the proposed outline of critical dates.

3 Do you see that?

4 MR. RICHARD LLOYD: Yeah. That what  
5 it says, yeah.

6 MR. JOHN MATHER: And it says that:

7 "This contemplates that the review  
8 of the RFP will be complete on  
9 December 7th, 2011."

10 MR. RICHARD LLOYD: Okay.

11 MR. JOHN MATHER: Do you recall how  
12 this time line was formulated?

13 MR. RICHARD LLOYD: No. No, no idea.  
14 There would be administration that would no doubt  
15 formulate it along with KPMG.

16 MR. JOHN MATHER: Okay. What do you  
17 mean by administration would --

18 MR. RICHARD LLOYD: Probably through  
19 the -- Mr. Houghton, perhaps through Mr. Fryer,  
20 working together to set time lines, working with KPMG  
21 to give us the idea of what the time lines are.

22 MR. JOHN MATHER: Did the STT -- do  
23 you -- do you recall if the STT discussed timing  
24 generally in terms of --

25 MR. RICHARD LLOYD: No. Goals and

1 objectives and timing is very important in any  
2 process. This is part of what the goals, objective,  
3 and timing would be, so this was a -- a target to work  
4 towards and -- and try to achieve it. How it came  
5 about, I know going to meetings we'd be presented with  
6 this kind of stuff and it'd be, okay, makes sense.

7 MR. JOHN MATHER: Do you recall any  
8 discussions once -- I'll ask you specifically in this  
9 case, August 29th, 2011. There's a proposed outline  
10 of critical dates.

11 Do you recall if anyone asked any  
12 questions about those dates?

13 MR. RICHARD LLOYD: I don't remember  
14 if they did or -- or didn't. I think generally  
15 speaking the -- the committee was quite satisfied with  
16 most you see there.

17 MR. JOHN MATHER: Do you know if KPMG  
18 provided any advice about the timing of the RFP?

19 MR. RICHARD LLOYD: I don't know.

20 MR. JOHN MATHER: So we already spoke  
21 about presentation that bidders made in September 2011  
22 to the strategic task team.

23 Other than what you've told us about  
24 the PowerStream presentation, what do you recall  
25 generally about how those presentations proceeded?

1 MR. RICHARD LLOYD: All of them or  
2 just PowerStream?

3 MR. JOHN MATHER: All of them. I just  
4 want to get a sense of your recollection of the  
5 presentations.

6 MR. RICHARD LLOYD: I thought they  
7 were all professionally done. There's no doubt they  
8 put a lot of effort and -- and energy into it. Some  
9 were better than others, and I've got to tell you, and  
10 I want to be very open about this, is I had a tendency  
11 leaning towards PowerStream right from the get-go on  
12 it. I'll tell you why.

13 The Town of Collingwood provides  
14 services to other municipalities. We, the Town of  
15 Collingwood, provide -- we look after the water at  
16 Clearview Township, wastewater up in -- in Meaford  
17 Tank Range. We have great partnerships doing that.  
18 We -- we also have a water main that we sell water  
19 down to Alliston, New Tec; a great partnership with  
20 New Tec.

21 There's a move afoot as well at the  
22 county level, talking about bringing the GO Transit to  
23 Collingwood, bring it from Barrie through to  
24 Collingwood and -- and it was a good possibility that  
25 could happen by the year 2030 or before. So trying to

1 build these partnerships as they've done in the past,  
2 same as owning Thornbury Hydro and Clearview Township  
3 Hydro and all, was really important for the synergies  
4 of the community, trying to -- to build more business  
5 and making it bigger.

6                   The reason I would be leaning more  
7 towards PowerStream is the City of Barrie. The City  
8 of Barrie geographically is close to Collingwood,  
9 would -- would -- it just makes sense that they would  
10 be involved with -- with the transit system, if we get  
11 all that -- get on a lot about different things with -  
12 - with the rail corridor we had, bringing perhaps  
13 wastewater as well back and forth. Town of Alliston  
14 had issues with their waste, with central waste and so  
15 on. So there's all these kinds of -- of dreams that  
16 we all had, so I had a tendency of looking at Barrie  
17 and saying they would be a perfect partner, so it's  
18 theirs to lose in my opinion.

19                   I didn't really share that with other  
20 people on the committee, but that's what I was  
21 thinking, thinking PowerStream was -- we had more in  
22 common with them than we had with Markham and all  
23 these other municipalities involved. Just was a no-  
24 brainer in my opinion. Belleville, Brockville, these  
25 places were so far away or wherever the other ones

1 were, it just didn't make sense.

2 MR. JOHN MATHER: So I think you said  
3 you -- you were leaning towards them from the get-go.

4 MR. RICHARD LLOYD: From the get-go,  
5 that's right.

6 MR. JOHN MATHER: When was the get-go?

7 MR. RICHARD LLOYD: When we were  
8 having our strategic plannings and we had our -- our  
9 presentation from them, when I -- when all of a sudden  
10 I realized what PowerStream was, who they were, what  
11 municipalities involved -- it's like, makes sense.

12 MR. JOHN MATHER: Did you remember  
13 having similar thoughts when you met with PowerStream  
14 earlier in June?

15 MR. RICHARD LLOYD: I didn't know who  
16 they were. I really didn't know what -- and right now  
17 I can't tell you all the municipalities that are  
18 involved in it, but it just made sense.

19 MR. JOHN MATHER: So you said you  
20 didn't disclose your leanings to anyone on the STT, is  
21 that --

22 MR. RICHARD LLOYD: That was my own  
23 personal feelings, but I know I spoke with my wife  
24 about it and said that, you know, in my opinion it's a  
25 no-brainer, that's where we should be going, and if

1 they're at all in the ballpark, I'll be pushing  
2 towards them.

3 MR. JOHN MATHER: Did you share those  
4 feelings with anyone else?

5 MR. RICHARD LLOYD: No.

6 MR. JOHN MATHER: Did you understand  
7 that the presentations the bidders made in September -  
8 - did you understand them to be confidential?

9 MR. RICHARD LLOYD: Yes.

10 MR. JOHN MATHER: As an STT member,  
11 did you think you could report on the content of those  
12 presentations to third parties?

13 MR. RICHARD LLOYD: Not -- not in the  
14 -- no.

15 MR. JOHN MATHER: Why not?

16 MR. RICHARD LLOYD: Confidential -- a  
17 lot of the information. I don't think, unless I had  
18 their presentation with me, that I could report on it  
19 because it was so high level stuff it was just  
20 unbelievable, on the presentations.

21 MR. JOHN MATHER: But otherwise, even  
22 if you had taken notes, for instance, do you think you  
23 could have shared those with someone?

24 MR. RICHARD LLOYD: No.

25 MR. JOHN MATHER: Why was



1 confidentiality important?

2 MR. RICHARD LLOYD: I think the  
3 bidders didn't want one (1) another knowing, and we  
4 didn't want them knowing where they're at, and I think  
5 for the -- for the bidders themselves it was  
6 important, for non-disclosure.

7 MR. JOHN MATHER: After the bidder  
8 presentations, did you provide feedback to any of the  
9 bidders?

10 MR. RICHARD LLOYD: Not that I can  
11 recall.

12 MR. JOHN MATHER: Are you aware of any  
13 members of the STT providing feedback to the bidders?

14 MR. RICHARD LLOYD: Not that I can  
15 recall.

16 MR. JOHN MATHER: If we can turn up  
17 CJI0010437?

18

19 (BRIEF PAUSE)

20

21 MR. JOHN MATHER: We can scroll down  
22 to the bottom of the email chain. So I'm just going  
23 to walk through this email chain and then I'll have  
24 some questions for you.

25 So September 25th, 2011, Ms. Cooper

1 emails J.D. Hawkins and Alex Besse, Brian Hickey, and  
2 a Ron Emo looking to set up lunch for October 7th.  
3 And then if we scroll up, Brian responds with his  
4 availability.

5 And then in the next email Ron responds  
6 first with his availability. And then he says:

7 "I don't know what is going on with  
8 Collus and PowerStream, but it not -  
9 - it should not be something done  
10 behind closed doors. Selling off  
11 all or part of our Utility is not  
12 something to be done lightly. It  
13 was never mentioned during the  
14 campaign, and if it's not handled  
15 responsibly, will be a very divisive  
16 local issue."

17 And then scroll up to the top. Ms.  
18 Cooper responds to Mr. Emo and says:

19 "I understand you are meeting with  
20 Rick on this matter."

21 And then goes on and -- and provides a  
22 further response. My understanding, Mr. Emo is the  
23 former mayor of Collingwood?

24 MR. RICHARD LLOYD: Yes, he was, a  
25 great mayor.

1 MR. JOHN MATHER: And I think you  
2 already actually mentioned him today. Did you speak  
3 with Mr. Emo about the potential sale of Collus in --  
4 in or around September 2011?

5 MR. RICHARD LLOYD: The only thing  
6 that I remembered speaking with Ron -- Ron used to  
7 come in through the backdoor of the flower shop. And  
8 he was always needling me about different things with  
9 Council and what we were doing.

10 I had no meeting set up with Ron about  
11 PowerStream or about selling a utility or anything.  
12 It wouldn't be unusual for him to come in and ask me  
13 stuff like that. And if had asked me, I'd be very  
14 brief about it, but he would be more talking than I  
15 would be because that's what Ron was like.

16 He'd be -- he'd be telling me that, if  
17 we are thinking about it, we shouldn't be, or  
18 whatever, because that's the way he was.

19 MR. JOHN MATHER: And -- and it wasn't  
20 clear to me from your answer. Do you recall having  
21 this sort of conversation?

22 MR. RICHARD LLOYD: I remember weekly  
23 almost he'd come in, or -- or biweekly he'd come in  
24 with different issues. Specifically with -- with  
25 this, I don't remember. Like I said, I had no meeting

1 set up with him or anything else.

2 I'm just surprised from looking at the  
3 email trail that he knew about it. But Ron, again,  
4 would know. And I think it would be interesting to  
5 know when staff knew about it, when Collus staff knew  
6 about the potential -- that we were looking at selling  
7 part of Collus.

8 I don't think it was any big secret at  
9 that point, unfortunately, because I think -- like,  
10 I've been at in camera meetings up here, and noon the  
11 next day I'd get a call from the media about it. And  
12 you wonder how they -- how people found out about it.  
13 Small community.

14 MR. JOHN MATHER: So, sorry, and you -  
15 - are you referencing the fact that Ron writes Ms.  
16 Cooper about the potential Collus sale and -- and  
17 Power -- and -- and PowerStream?

18 MR. RICHARD LLOYD: The way the email  
19 is, if you go down, he's asking -- he's heard it  
20 somewhere.

21 MR. JOHN MATHER: And you said this  
22 wasn't a surprise to you?

23 MR. RICHARD LLOYD: I said it is a  
24 surprise that he knew.

25 MR. JOHN MATHER: Okay. Sorry.

1 MR. RICHARD LLOYD: Yeah.

2 MR. JOHN MATHER: I thought I --

3 MR. RICHARD LLOYD: If I can  
4 elaborate. And I also said I'm not surprised that  
5 confidential information gets released. It -- it was  
6 an ongoing issue in the Town, not only this term of  
7 Council, but other terms. And whether it was from  
8 staff or a disgruntled staff person or whatever, who  
9 knows, but it'll be somebody that Ron knew.

10 MR. JOHN MATHER: So at that period --  
11 this period in time, September 26th, 2011, you recall  
12 it being an ongoing issue that confidential  
13 information was being disclosed?

14 MR. RICHARD LLOYD: Oh, the whole  
15 terms of Council. For twenty-five (25) years it was  
16 always an issue.

17 MR. JOHN MATHER: And at -- at this  
18 period in time, what was being done to address that?

19 MR. RICHARD LLOYD: The -- the clerk  
20 had -- not this period of time. Thi -- this one (1) -  
21 - my statement has really nothing to do with this one  
22 (1) particular email.

23 What was done over the year, the clerk  
24 had changed things. We were given confidential files  
25 that we -- we would get at the meeting. And we'd hand

1 them back in and everybody would sign off that it was  
2 handed in, so there was a lot of that going on.

3 MR. JOHN MATHER: Okay.

4 MR. RICHARD LLOYD: The clerk did --  
5 again, the clerk was bulletproof in what she was doing  
6 for the Town of Collingwood, tried to -- to make sure  
7 everything was done properly --

8 MR. JOHN MATHER: Do you have...

9 MR. RICHARD LLOYD: -- without  
10 somebody telling us what we should be doing.

11

12 (BRIEF PAUSE)

13

14 THE HONOURABLE FRANK MORROCCO: I  
15 think it's back now.

16

17 (BRIEF PAUSE)

18

19 CONTINUED BY MR. JOHN MATHER:

20 MR. JOHN MATHER: We're back. So do  
21 you have any information about how in this specific  
22 instance Ron knew about the Collus sale and  
23 PowerStream?

24 MR. RICHARD LLOYD: No. I have my  
25 suspicions, but I don't know anything factual.

1 MR. JOHN MATHER: Okay. What are your  
2 suspicions?

3 THE HONOURABLE FRANK MARROCCO: Well,  
4 I don't know that we really want to get into that. I  
5 don't think that's -- I don't find that helpful.

6 MR. JOHN MATHER: Okay.

7 THE HONOURABLE FRANK MARROCCO: Thank  
8 you.

9

10 (BRIEF PAUSE)

11

12 CONTINUED BY MR. JOHN MATHER:

13 MR. JOHN MATHER: So if we could turn  
14 up paragraph 324.

15

16 (BRIEF PAUSE)

17

18 MR. JOHN MATHER: So, Mr. Lloyd, this  
19 is -- I'm just bringing you here because it shows a  
20 proposed time line for public disclosure about the --  
21 the Collus RFP. And you could see it contemplates a  
22 news release being released on November 17th, 2011.

23 And it's our understanding that that  
24 was the first time it was publically disclosed that  
25 there was an RFP ongoing. Do you recall being part of

1 any discussions about when and how to disclose  
2 publically that there was an RFP?

3

4 (BRIEF PAUSE)

5

6 MR. RICHARD LLOYD: I -- I'm sure that  
7 it was discussed, but I -- I can't remember the facts  
8 or -- or what was discussed, but I'm sure it was  
9 discussed.

10 MR. JOHN MATHER: And I was just  
11 seeing if you had any recollection, if you were part  
12 of those discussions.

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

14 MR. JOHN MATHER: Okay. And so we see  
15 here that the con -- what's contemplated is a press to  
16 issue a news release on the November 17th, and then to  
17 have a public information session five (5) days later.

18 Were you involved in determining how  
19 much time there should be between the press release  
20 the public --

21 MR. RICHARD LLOYD: No.

22 MR. JOHN MATHER: -- information  
23 section?

24 MR. RICHARD LLOYD: No.

25 MR. JOHN MATHER: As a councillor and



1 as an STT member, do you -- did you have any view on  
2 this time line?

3 MR. RICHARD LLOYD: No. Again, staff  
4 always presents us with time lines. And -- and unless  
5 we see something that drastically jumps out, it's  
6 their agenda and they have to make sure that  
7 everything is accomplished with those target dates.

8 MR. JOHN MATHER: Do you have any cons  
9 -- do you think five (5) days is sufficient from the  
10 day of the press release to the day of the public  
11 meeting?

12 MR. RICHARD LLOYD: I think so. We  
13 never had any issues. Nobody brought up any issues  
14 that -- that it wasn't enough. And I think there was  
15 another public meeting, as well, in the Council  
16 chambers, so I don't think there's -- there was any  
17 issue with that at all.

18 MR. JOHN MATHER: Okay. And why not?

19 MR. RICHARD LLOYD: Why would there  
20 be? Sorry.

21 MR. JOHN MATHER: So you think it's  
22 suffi -- it was sufficient time?

23 MR. RICHARD LLOYD: Yeah.

24 MR. JOHN MATHER: Yeah. Does it  
25 factor into your consideration at all that this was

1 the sale of the Town's largest asset?

2 MR. RICHARD LLOYD: And again,  
3 everything was -- there's a lot of meetings done  
4 publically at Council. There's this public meeting.  
5 We had another meeting, as well, to get input.

6 Quite fra -- frankly we didn't get the  
7 response from the community at our public meetings  
8 either, not only this one, but also the other one (1)  
9 that we had -- had in the Council chambers.

10 MR. JOHN MATHER: So did you attend  
11 both public meetings?

12 MR. RICHARD LLOYD: Yes.

13 MR. JOHN MATHER: And you -- you said  
14 that -- that you didn't have -- were they well  
15 attended?

16 MR. RICHARD LLOYD: No, there -- there  
17 wasn't -- a lot of our public meetings were not well  
18 attended, not unless it's a real hot item that -- that  
19 people are contesting.

20 This, with the amount of sale it was, a  
21 big asset, there's very little input from the  
22 community. They just didn't -- it's just business as  
23 usual, it seemed.

24 MR. JOHN MATHER: Do you recall  
25 anything else about the public meetings?

1 MR. RICHARD LLOYD: Only that if you -  
2 - if you took away all the consultants and took away  
3 all the -- the people that were there from Hydro and  
4 you took away from all the employees, from the general  
5 public, there was very few.

6 MR. JOHN MATHER: Okay.

7

8 (BRIEF PAUSE)

9

10 MR. JOHN MATHER: If we could go to  
11 paragraph 390 of the Foundation Document.

12

13 (BRIEF PAUSE)

14

15 MR. JOHN MATHER: So this paragraph  
16 says that:

17 "The Strategic Partnership Task Team  
18 met on November 23rd, 2011, to  
19 review their individual findings on  
20 the non-financial element of the bid  
21 and to prepare a recommendation to  
22 Collus Power and Collus Solutions  
23 Board for the upcoming December 2nd,  
24 2011, board meeting."

25 So this appears to be when the non-

1 financial component of the bid was scored?

2 MR. RICHARD LLOYD: That's right.

3 MR. JOHN MATHER: And then if we can  
4 go ahead to paragraph 406.

5

6 (BRIEF PAUSE)

7

8 MR. JOHN MATHER: It says:

9 "On November 28th, 2011, the  
10 Strategic Partnership Task Team,  
11 including KPMG representatives, met  
12 to discuss financial bids -- the  
13 financial bids for 50 percent of  
14 Collus shares."

15 So it appears that there was a non-  
16 financial -- a meeting to re -- to score the non-  
17 financial components on November 23rd, and then a  
18 meeting to review the financial components on November  
19 28th?

20 MR. RICHARD LLOYD: That's accurate,  
21 yes.

22 MR. JOHN MATHER: Is that --

23 MR. RICHARD LLOYD: That's right.

24 MR. JOHN MATHER: Okay. So I'm going  
25 to ask you questions about both meetings, but I'm

1 going to start --

2 MR. RICHARD LLOYD: Thank you.

3 MR. JOHN MATHER: -- with questions  
4 about the November 23rd non-financial meeting.

5 MR. RICHARD LLOYD: Okay.

6 MR. JOHN MATHER: So apologies. If we  
7 could go back to paragraph 389.

8

9 (BRIEF PAUSE)

10

11 MR. JOHN MATHER: So this paragraph  
12 says that the non-financial portions of the bid were  
13 circulated to the members of the Strategic Partnership  
14 Task Team prior to the November 23rd meeting. Does  
15 that accord with your recollection?

16 MR. RICHARD LLOYD: I was reading. I  
17 apologize.

18 MR. JOHN MATHER: Sorry. I don't mean  
19 to rush you, so --

20 MR. RICHARD LLOYD: Yeah. No, that's  
21 okay. I didn't hear your --

22 MR. JOHN MATHER: So it looks to me  
23 that the task team members were given the  
24 non-financial bids in advance of the November 23rd  
25 meeting.

1 MR. RICHARD LLOYD: That's correct,  
2 yeah. I must tell you that -- that when I did my  
3 statement, I hadn't read the document. And when I  
4 read it, that's exactly what happened.

5 MR. JOHN MATHER: Okay. So if  
6 that's -- so do you remember how far in advance you  
7 were given the non-financial?

8 MR. RICHARD LLOYD: I think it was  
9 just a week at the most. I -- I can't remember the  
10 exact date, but it wasn't -- it was fairly recent.

11 MR. JOHN MATHER: And if you look in  
12 this paragraph again, it references an email that --  
13 I'm sorry. First, there's a reference to an email to  
14 Mr. Herhalt from Pam Hogg about her resending a  
15 PowerStream proposal, as the one (1) she'd sent  
16 earlier included financials in the executive summary.

17 And then further down, there's a note  
18 about after the November 23rd meeting, Ms. Hogg wrote  
19 to Mayor Cooper, yourself, and Ms. Wingrove, and  
20 Mr. Fryer that someone left a copy of their executive  
21 summary from PowerStream, which includes financials.

22 Do you recall there being financial  
23 information in the executive summary of PowerStream's?

24 MR. RICHARD LLOYD: No, I don't. I  
25 don't.

1 MR. JOHN MATHER: And sorry, again, I  
2 know it's getting late in the day but please wait till  
3 I finish --

4 MR. RICHARD LLOYD: Yeah.

5 MR. JOHN MATHER: -- the question. So  
6 do you -- do you recall there being financials in  
7 PowerStream's executive summary of its bid?

8 MR. RICHARD LLOYD: No. I -- I don't  
9 remember that in advance. But I do remember this, and  
10 I do remember who had the -- the document that forgot  
11 to hand it in.

12 MR. JOHN MATHER: Okay. Do you recall  
13 whether there was any financial information in any of  
14 the other --

15 MR. RICHARD LLOYD: There wasn't.

16 MR. JOHN MATHER: -- executive  
17 summaries?

18 MR. RICHARD LLOYD: There wasn't. And  
19 I think that as soon as this was opened, it was  
20 handed -- like, we didn't go any further with it. As  
21 soon as Pam announced it -- there was financial  
22 information, and it -- it was just closed; it was  
23 done; and hand it back in.

24 MR. JOHN MATHER: And sorry, that's --  
25 tell me more about what you recall about that?

1 MR. RICHARD LLOYD: I remember that  
2 that -- any of the -- proposals for PowerStream that  
3 were sent and if -- and if we had them, as soon as it  
4 was realized there was financial information, they  
5 were closed and handed back to -- to Pam, except one  
6 (1) hadn't.

7 MR. JOHN MATHER: Do you -- can you  
8 tell me more about the -- do you remember who first  
9 discovered that there was financial information?

10 MR. RICHARD LLOYD: I think it was  
11 Pam. I think it was -- she was the one (1) that...

12 MR. JOHN MATHER: Is that something  
13 you, again, specifically recall, or is it something  
14 you're --

15 MR. RICHARD LLOYD: I -- it's  
16 eight (8) years ago, and I'm trying my best to try and  
17 remember whatever. But I think it was Pam that --  
18 that said, whoa, there's financial information here.  
19 Hand them back in. And unfortunately, one (1) person  
20 ended up leaving with it.

21 MR. JOHN MATHER: And it appears from  
22 Ms. Hogg's email that someone left the room with it.  
23 So is it your recollection that you -- what did --  
24 what do you recall about doing after it was  
25 discovered? Did you hand them back to Ms. Hogg?



1 MR. RICHARD LLOYD: We handed  
2 everything always back to her. She signed off to see  
3 who did. It with Ms. Wingrove that accidentally took  
4 one (1) with her.

5 MR. JOHN MATHER: Was there any  
6 discussion at that meeting about the fact that there  
7 was financial information in PowerStream's --

8 MR. RICHARD LLOYD: No. There was --  
9 there was no discussion. There's -- on numbers or  
10 anything. It was just, whoa, here's an error. Hand  
11 it back in.

12 MR. JOHN MATHER: So it appears -- and  
13 I think you said that you had the non-financial  
14 packages before the meeting. Did you open your  
15 non-financial package before the meeting?

16 MR. RICHARD LLOYD: The non-financial  
17 package that -- that we had was -- we took it home to  
18 evaluate and then brought back in to -- I believe  
19 that's how it worked.

20 MR. JOHN MATHER: You believe it -- is  
21 that how you recall?

22 MR. RICHARD LLOYD: That's how I  
23 recall it.

24 MR. JOHN MATHER: And do you recall  
25 noticing there was financial information in the

1 PowerStream package when you opened it at home?

2 MR. RICHARD LLOYD: No. I -- and  
3 again, that's what's a little bit confusing. I don't  
4 think the packages we took home had any financial  
5 information on it. I just want to read this email  
6 again, just to --

7 MR. JOHN MATHER: Yes, please.

8 MR. RICHARD LLOYD: -- get it in my  
9 mind. Yeah.

10 MR. JOHN MATHER: Please, take your  
11 time. Yeah.

12 MR. RICHARD LLOYD: It doesn't make  
13 sense.

14 THE HONOURABLE FRANK MARROCCO: I  
15 think as soon as you finish, we'll end for the day.

16 MR. RICHARD LLOYD: Okay. When I read  
17 the email, it says that we had gotten prior to  
18 November 23rd, but in a November 16th email to  
19 John Herhalt, Pam Hogg wrote:

20 "I am resending the PowerStream  
21 proposal, as the one (1) I sent  
22 earlier included the financials in  
23 the executive summary. I've  
24 attempted to recall the email."

25 We didn't have it. We didn't have

1 the -- the financial end of it at all. When I read  
2 this, I remember that -- that we didn't -- we didn't  
3 have it. I don't think there's -- I know that it goes  
4 on to said include financials. I don't remember any  
5 financials in it at all.

6

7 CONTINUED BY MR. JOHN MATHER:

8 MR. JOHN MATHER: Okay. So then I  
9 just want to know your recollection.

10 MR. RICHARD LLOYD: Yeah.

11 MR. JOHN MATHER: So did you receive  
12 the -- the non-financial bids in hard copy?

13 MR. RICHARD LLOYD: Yes, I believe it  
14 was. Yeah.

15 MR. JOHN MATHER: Okay. And again,  
16 I --

17 MR. RICHARD LLOYD: In an envelope  
18 sealed.

19 MR. JOHN MATHER: -- I understand --  
20 and I just want to know your recollection of when you  
21 opened the hard copy document, if you recall in  
22 PowerStream's if there was financial information in  
23 the executive summary.

24 MR. RICHARD LLOYD: Yeah. I don't  
25 recall that there was any financial in it at all.

1 MR. JOHN MATHER: Okay.

2 MR. RICHARD LLOYD: Yeah.

3 MR. JOHN MATHER: I think we can leave  
4 it there.

5 THE HONOURABLE FRANK MARROCCO: And  
6 just for your -- I think most of you know, but just  
7 generally so that people watching know, Mr. Lloyd has  
8 to attend a funeral tomorrow morning. So Mr. Chadwick  
9 --

10 MR. JOHN MATHER: Tomorrow afternoon.

11 THE HONOURABLE FRANK MARROCCO:

12 Tomorrow afternoon?

13 MR. JOHN MATHER: Yes.

14 THE HONOURABLE FRANK MARROCCO: And so  
15 we'll have Mr. Chadwick as a witness tomorrow morning  
16 or tomorrow, period?

17 MR. JOHN MATHER: Tomorrow after -- I  
18 think we're going to continue with Mr. Lloyd. We may  
19 just have to --

20 THE HONOURABLE FRANK MARROCCO: All  
21 right. So we'll continue with Mr. Lloyd in the  
22 morning, and then Mr. Chadwick in the afternoon so we  
23 don't lose the afternoon.

24 MR. RICHARD LLOYD: Thank you. Thank  
25 you for your consideration. Thank you very much.

1 You're welcome.

2

3 --- Upon adjourning at 4:30 p.m.

4

5 Certified Correct,

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9 Wendy Woodworth, Ms.

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