



“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

October 7th, 2019

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1 --- Upon commencing at 10:02 a.m.

2

3 SANDRA COOPER, Previously Sworn

4

5 THE HONOURABLE FRANK MARROCCO: Just  
6 one (1) second.

7 Mr. Bonwick, when Mr. Dabrus was  
8 testifying there was some concern expressed by Mr.  
9 Trudell and Mr. Chenoweth that his testimony might  
10 have some effect on -- on you, and you weren't here.

11 I'll leave that to you, but -- but he's  
12 coming back on Wednesday, so you -- you might want to  
13 have a look -- probably should have a look at his  
14 evidence to see if you want to ask him any questions  
15 and you'll be able to do that that day.

16 MR. PAUL BONWICK: Thank you, Your  
17 Honour.

18

19 CROSS-EXAMINATION BY MR. FREDERICK CHENOWETH:

20 MR. FREDERICK CHENOWETH: Good  
21 morning, Mayor Cooper.

22 MS. SANDRA COOPER: Good morning.

23 MR. FREDERICK CHENOWETH: We have had  
24 occasion to meet before. My name is Fred Chenoweth  
25 and I act on behalf of Mr. Houghton.

1 MS. SANDRA COOPER: M-hm.

2 MR. FREDERICK CHENOWETH: As I  
3 understand it from evidence we've heard at the  
4 Commission, you were -- your inauguration for Mayor of  
5 the Town of Collingwood took place in November of  
6 2010. Am I correct in that?

7 MS. SANDRA COOPER: I'm thinking it  
8 was December.

9 MR. FREDERICK CHENOWETH: Very good.  
10 Early December --

11 MS. SANDRA COOPER: I recollect.

12 MR. FREDERICK CHENOWETH: -- 2010?

13 MS. SANDRA COOPER: Yes, that's my  
14 recollection.

15 MR. FREDERICK CHENOWETH: Thank you.  
16 And you were the Mayor and the head of Council in  
17 Collingwood from your inauguration in December of 2010  
18 until 2018, I understand?

19 MS. SANDRA COOPER: Yes.

20 MR. FREDERICK CHENOWETH: Thank you.  
21 So you would have been Mayor and head of Council  
22 during the time that the process unfolded that led to  
23 the resolution of -- of the Town on August 27th, 2012,  
24 to purchase a fabric roof over the pool and to  
25 purchase the fabric -- and to purchase a fabric roof

1 over a single pad arena in the Town?

2 MS. SANDRA COOPER: Yes, I was head of  
3 Council.

4 MR. FREDERICK CHENOWETH: Thank you  
5 very much. And do you know of an organization called  
6 Ameresco?

7 MS. SANDRA COOPER: Yes.

8 MR. FREDERICK CHENOWETH: And who are  
9 Ameresco?

10 MS. SANDRA COOPER: From what I know  
11 of them, they are a company that can put together,  
12 I'll say recreation facility -- that's what we're  
13 talking about, a facility, and looking at providing  
14 the process, offering the lending of that as well.

15 MR. FREDERICK CHENOWETH: Very good.  
16 And did they take some interest -- you remember the  
17 Steering Committee came out with a multi-use  
18 recreational facility recommendation on or about March  
19 5th of 2012?

20 Prior to that time and following that  
21 recommendation -- recommendation from the Steering  
22 Committee, did Ameresco take some interest in being  
23 involved in or doing a -- a portion of the building,  
24 of that multi-use recreational facility?

25 MS. SANDRA COOPER: Ameresco had, I

1 believe, sent a letter, and it was at that point in  
2 time provided to the Town administration.

3 MR. FREDERICK CHENOWETH: Very good.  
4 Try and answer my question, which was did Ameresco  
5 take an interest in building some of the multi-use  
6 recreational facility that was recommended by the  
7 Steering Committee?

8 MS. SANDRA COOPER: Yes.

9 MR. FREDERICK CHENOWETH: Thank you.  
10 And with respect to that interest, did you have  
11 occasion to meet with Ameresco?

12 MS. SANDRA COOPER: I believe, if my  
13 recollection serves me correct, that I had met and the  
14 CAO -- the request came in. They wanted to meet, and  
15 they came in and met with -- with Council.

16 MR. FREDERICK CHENOWETH: Very good.  
17 Could we look at a document which I believe is  
18 document number AME0000001?

19

20 (BRIEF PAUSE)

21

22 MR. FREDERICK CHENOWETH: This appears  
23 to be -- could you scroll through the letter so that  
24 the Mayor can have an opportunity to digest the  
25 document?



1 (BRIEF PAUSE)

2

3 MR. FREDERICK CHENOWETH: This appears  
4 to be a letter written by Frank Miceli of Ameresco on  
5 or about June 14th, 2013, and is directed to the  
6 Ontario Provincial Police, and it's setting out some  
7 information, from what I'm able to gather, that  
8 describes meetings of Ameresco with Town Councillors  
9 and -- and past Town Councillors.

10 Again, Terry Geddes is described here.  
11 Obviously he's a past mayor. Is that the case?

12 MS. SANDRA COOPER: Yes.

13 MR. FREDERICK CHENOWETH: All right.  
14 And he was involved in, it looks like most of these  
15 interactions between the Town and Ameresco. Is that  
16 correct?

17 MS. SANDRA COOPER: Yes, I do see his  
18 name on some meetings.

19 MR. FREDERICK CHENOWETH: Very good.  
20 I see his name on, I think -- on most of the meetings,  
21 but in any event we can take that from the document.

22 What interest did he have in -- in  
23 Ameresco and why would the past mayor have been at  
24 these meetings?

25 MS. SANDRA COOPER: The past mayor was

1 a member of the Central Park Steering Committee or  
2 Task Force.

3 MR. FREDERICK CHENOWETH: Good. Did  
4 he appear to act as a -- as a -- as a representative  
5 for Ameresco through the course of this period of  
6 time, from September of 2011 to -- to August of 2012?

7 MS. SANDRA COOPER: In my opinion, did  
8 he appear to be a representative of Ameresco, I'm  
9 taking is the question. I did not -- I did not see  
10 that.

11 MR. FREDERICK CHENOWETH: You didn't.

12 MS. SANDRA COOPER: No. At the time --

13 MR. FREDERICK CHENOWETH: Okay.

14 MS. SANDRA COOPER: -- I didn't.

15 MR. FREDERICK CHENOWETH: All right,  
16 very good.

17 And I see that you appear to have been  
18 involved in some of the meetings. I notice that you  
19 were involved in a meeting on December 15th, 2011. Is  
20 that fair?

21 MS. SANDRA COOPER: If someone could  
22 scroll up, back up, please.

23 MR. FREDERICK CHENOWETH: Sorry, I  
24 missed that.

25 MS. SANDRA COOPER: I just wanted to

1 see the screen.

2 MR. FREDERICK CHENOWETH: Yes. That's  
3 on the second page, the first entry for December 15,  
4 2011.

5 MS. SANDRA COOPER: Yes. I'm listed  
6 as being there and being invited, yes.

7 MR. FREDERICK CHENOWETH: All right.  
8 And it looks like Deputy Mayor Lloyd was in that  
9 meeting as well. Is that right?

10 MS. SANDRA COOPER: That's what, yes,  
11 is on the list.

12 MR. FREDERICK CHENOWETH: All right.  
13 And Terry Geddes as a past mayor was also in that  
14 meeting?

15 MS. SANDRA COOPER: Yes.

16 MR. FREDERICK CHENOWETH: And you were  
17 -- from this letter, it appears that you were also in  
18 another meeting with Ameresco on the 17th of April  
19 2012. Is that correct?

20 MS. SANDRA COOPER: Yes.

21 MR. FREDERICK CHENOWETH: All right.  
22 And I note that -- that Deputy Mayor Lloyd was also in  
23 that meeting with you at that time.

24 MS. SANDRA COOPER: Yes.

25 MR. FREDERICK CHENOWETH: And past

1 mayor Terry Geddes was in that meeting?

2 MS. SANDRA COOPER: Yes.

3 MR. FREDERICK CHENOWETH: All right.

4 And I notice that Deputy Mayor Lloyd appears to have  
5 been in two (2) other meetings with Ameresco. And  
6 looking again, just while we're on the second page, he  
7 appears to have been involved in a -- in -- in another  
8 meeting on August 16th, 2012, correct?

9 MS. SANDRA COOPER: Yes.

10 MR. FREDERICK CHENOWETH: And he was  
11 involved in a -- what appears to be a fourth meeting -  
12 - going back to the first page under November 15th.  
13 If you could scroll up to that. Thank you.

14 And he was involved in a fourth meeting  
15 on November 25th, 2011, correct?

16 MS. SANDRA COOPER: Yes.

17 MR. FREDERICK CHENOWETH: And it looks  
18 like Terry Geddes was also involved in -- in -- in  
19 that meeting as past mayor.

20 MS. SANDRA COOPER: yes.

21 MR. FREDERICK CHENOWETH: Thank you.

22 And I you acknowledged earlier that the meetings were  
23 for the purpose, I'm assuming, of discussing with  
24 Ameresco what assistance they might be to the Town  
25 with respect to the construction of the MURF pro --

1 project?

2 MS. SANDRA COOPER: Yes.

3 MR. FREDERICK CHENOWETH: Thank you.

4 And how many meetings did you have -- turning now to  
5 the project that eventually went ahead in 2012, how  
6 many meetings did you have with the Sprung/BLT people?

7 My memory from your evidence of the  
8 other day was that you had one (1) meeting with  
9 Sprung/BLT, and that was on July 11th, 2012, correct?

10 MS. SANDRA COOPER: Yes, that's  
11 correct.

12 MR. FREDERICK CHENOWETH: Thank you.  
13 Very good. Now, there was -- these are pretty general  
14 questions.

15 You recall that there was a penultimate  
16 meeting that took place on August 27th, 2012, at which  
17 two (2) resolutions of Council were passed with  
18 respect to the eventual construction -- or the  
19 improvement of both the pool and the construction of a  
20 single pad covered arena?

21 MS. SANDRA COOPER: Yes. That was at  
22 a Council meeting.

23 MR. FREDERICK CHENOWETH: Very good.  
24 That was a Council meeting?

25 MS. SANDRA COOPER: Yes.

1 MR. FREDERICK CHENOWETH: And there  
2 were some resolutions passed by Council on that  
3 occasion?

4 MS. SANDRA COOPER: Yes.

5 MR. FREDERICK CHENOWETH: All right.  
6 And no doubt that the resolutions that were passed  
7 were passed by Council on that occasion.

8 MS. SANDRA COOPER: That's correct.

9 MR. FREDERICK CHENOWETH: All right.  
10 And you were the head of Council?

11 MS. SANDRA COOPER: Yes.

12 MR. FREDERICK CHENOWETH: Thank you.

13 MS. SANDRA COOPER: One (1) of nine  
14 (9).

15 MR. FREDERICK CHENOWETH: Thank you  
16 very much. And -- so that you would have been -- and  
17 they were -- therefore, they were Council decisions on  
18 August 27th, correct?

19 MS. SANDRA COOPER: Yes.

20 MR. FREDERICK CHENOWETH: Thank you.  
21 And you've indicated that you were the Mayor and the  
22 head of Council throughout the process that led to  
23 those resolutions on August 27th. Is that fair?

24 MS. SANDRA COOPER: Yes.

25 MR. FREDERICK CHENOWETH: All right.

1 Can you assist me, Ms. Cooper, I listened to your  
2 testimony given the other day.

3 As Mayor and head of Council, having  
4 listened to that testimony, do you take any  
5 responsibility for the process that led to those  
6 resolutions on August 27th, 2012?

7 MS. SANDRA COOPER: That would be a  
8 procedural matter and the clerk's department would  
9 look after that.

10 MR. FREDERICK CHENOWETH: That really  
11 wasn't my question. My question was: Do you take any  
12 responsibility for the process that led to the  
13 resolutions of August 27th, 2012, as Mayor of the Town  
14 and head of Council?

15 MS. SANDRA COOPER: There is an  
16 occasion that Council -- a member of Council may wish  
17 -- I'm not sure if I'm answering this correctly --  
18 wished to -- when the agenda is presented at a Council  
19 meeting, that they may want an item separated out or  
20 deferred or -- then I would confer at that time with  
21 the clerk and determine how that can move forward. If  
22 that's --

23 MR. FREDERICK CHENOWETH: I'm going to  
24 ask the question for a third time, Ms. Cooper.

25 Do you take any responsibility for the

1 process that led to the resolution as -- as head of  
2 Council and the Mayor, do you take any responsibility  
3 for the process that led to the resolution of August  
4 27th, 2012?

5 MS. SANDRA COOPER: There are nine (9)  
6 members of Council that -- and I -- that vote on a  
7 particular matter. The clerk pulls the agenda  
8 together and then it's provided to me to run the  
9 Council meeting.

10 I'm not sure if I'm still  
11 understanding.

12 MR. WILLIAM MCDOWELL: Sorry,  
13 Commissioner, just listening to this, I think there's  
14 some confusion about which process we're talking  
15 about.

16 MR. FREDERICK CHENOWETH: Well, it's a  
17 pretty -- pretty general question.

18 I -- I think we have the answer of  
19 Mayor Cooper, Your Honour. And those are my questions  
20 of this witness. Thank you.

21 THE HONOURABLE FRANK MARROCCO: It's  
22 not just Mr. Chenoweth, I -- I'm very disappointed in  
23 myself having fallen victim to that.

24 Mr. Neubauer, do you have any  
25 questions?



1 MR. ERIC NEUBAUER: We have no  
2 questions.

3 THE HONOURABLE FRANK MARROCCO: Mr.  
4 Bonwick...?

5 MR. PAUL BONWICK: I do, Your Honour.  
6 The benefit of being up here, you don't have to turn  
7 it on.

8 THE HONOURABLE FRANK MARROCCO: Well,  
9 I will be warned if I don't turn it on.

10

11 CROSS-EXAMINATION BY MR. PAUL BONWICK:

12 MR. PAUL BONWICK: Thank you. Ms.  
13 Cooper, I'm here as Paul Bonwick, a participant in the  
14 part 2, just for the record.

15 I want to take you back in time a  
16 little bit. First of all, thanks for making time  
17 available.

18 During the 2006/2010 term of  
19 Collingwood Council, I believe the record indicates  
20 you served as Deputy Mayor, is that correct?

21 MS. SANDRA COOPER: Yes, two (2)  
22 terms.

23 MR. PAUL BONWICK: Two -- thank you.  
24 Could you describe the working relationship that you  
25 had with former Mayor Carrier during that 2006/2010

1 term?

2 MS. SANDRA COOPER: We served on  
3 Council together. I'll back up, we served on Council  
4 together and we had a good working relationship, good  
5 communication, good discussions, and then when I was  
6 Deputy Mayor and -- and he was Mayor, it was somewhat  
7 challenging in that I believed that he felt that the  
8 Deputy Mayor's role was not -- not a key role, it was  
9 as a member of Council.

10 I felt that he was autocratic. Council  
11 were not always aware of topics or things that he was  
12 doing on behalf of the municipality.

13 MR. PAUL BONWICK: Would it be  
14 reasonable to suggest that the relationship at times  
15 was adversarial?

16 MS. SANDRA COOPER: Yes.

17 MR. PAUL BONWICK: Dysfunctional?

18 MS. SANDRA COOPER: On occasion, yes.

19 MR. PAUL BONWICK: Was it your opinion  
20 that during that 2000 -- specific to the 2006/2010  
21 period was it your opinion that Council had been  
22 freely spending taxpayer's money in a rather  
23 significant way, specific to legal matters, specific  
24 to consultants?

25 MS. SANDRA COOPER: Yes, many things I

1 thought was -- there was an extravagance of spending.

2 MR. PAUL BONWICK: Was, in your  
3 opinion, the result of, using your word, this  
4 extravagant spending on lawyers and consultants, was  
5 that a result of Council, to some degree, or the  
6 municipality to some degree, being adversarial in  
7 nature towards many companies out there in the private  
8 sector trying to do business in the Town of  
9 Collingwood?

10 MS. SANDRA COOPER: I felt that it was  
11 a challenge for interests or developers, investors in  
12 the Town at that time.

13 MR. PAUL BONWICK: Would it be  
14 reasonable to suggest that it went beyond the scope of  
15 developers, also included companies like Canadian  
16 Mist, Collingwood Ethanol, amongst others?

17 MS. SANDRA COOPER: Yes.

18 MR. PAUL BONWICK: So sometime during  
19 the period of 2006-2010, you made a decision to run  
20 for the Mayor's seat. I think that's a fair  
21 statement.

22 MS. SANDRA COOPER: Yes.

23 MR. PAUL BONWICK: And during the time  
24 leading up to the 2010 election, did you predicate or  
25 base a significant part of your campaign on trying to

1 take a more fiscally conservative approach to managing  
2 taxpayer's money?

3 MS. SANDRA COOPER: Yes, I did. That  
4 was my platform.

5 MR. PAUL BONWICK: Did you raise  
6 issues with regards to your concern, not only on  
7 spending, but what future spending might do as it  
8 relates to debt for the Town of Collingwood?

9 MS. SANDRA COOPER: Certainly a  
10 concern of carrying charges, I'll call them, interest  
11 bearing initial cost of something.

12 MR. PAUL BONWICK: So just dig a  
13 little bit deeper on that.

14 So if I understand properly, you had  
15 concern about the existing debt and the costs  
16 associated with that, as well as potential for future  
17 debt and the cost associated with interest on those  
18 matters.

19 Is that fair?

20 MS. SANDRA COOPER: Yes.

21 MR. PAUL BONWICK: So during your --  
22 obviously in November 2010 you were successful in your  
23 bid for Mayor?

24 MS. SANDRA COOPER: Yes.

25 MR. PAUL BONWICK: You ran against

1 Mayor Carrier, if I'm not mistaken. Is that correct?

2 MS. SANDRA COOPER: That was the -- my  
3 second term that was -- 2010 was Mayor Carrier and  
4 Councillor Gardhouse.

5 MR. PAUL BONWICK: Right, thank you.

6 So just to be clear, I'm focussed right  
7 now on 2006/2010, the 2010 election, you ran against  
8 the incumbent Mayor Carrier, correct?

9 MS. SANDRA COOPER: Yes.

10 MR. PAUL BONWICK: You won?

11 MS. SANDRA COOPER: Yes.

12 MR. PAUL BONWICK: Without being  
13 specific on a date, you delivered an inauguration  
14 speech. The inauguration took place with yourself and  
15 other members of Council sometime in December, we  
16 believe, 2010?

17 MS. SANDRA COOPER: Around the first  
18 part of December, yes.

19 MR. PAUL BONWICK: I could, if it  
20 helped you at all, bring up your comments during that  
21 inauguration. I don't think I need to necessarily,  
22 but if you want them I can.

23 Do you recall during you inauguration  
24 speech touching on the need to make some significant  
25 shifts in terms of how municipal government was going

1 to operate, specific to finance?

2 MS. SANDRA COOPER: Yes.

3 MR. PAUL BONWICK: Do you recall  
4 laying out a challenge, not just for the community,  
5 but for staff, in short, to do things differently to  
6 manage the finances in such a way as to deliver  
7 services but in a more fiscally responsible manner?

8 MS. SANDRA COOPER: Yes.

9 MR. PAUL BONWICK: Do you recall  
10 sending that same directive after the inauguration  
11 speech, and I'm not going to come up with a date but  
12 for argument sake, sometime in January or February,  
13 assuming you broke for Christmas, effectively telling  
14 department heads or giving instructions on behalf of  
15 Council to department heads that this was, in fact, a  
16 mandate provided to this Council and that you expected  
17 and Council expected them to become more efficient in  
18 terms of how they were delivering services, both  
19 current and future?

20 MS. SANDRA COOPER: Yes.

21 MR. PAUL BONWICK: In short, would it  
22 be reasonable to say you asked them to start thinking  
23 outside that colloquial term, that -- thinking outside  
24 the box in terms of creating efficiencies and  
25 delivering services in a more cost-effective way?

1 MS. SANDRA COOPER: Yes, you could use  
2 that term.

3 MR. PAUL BONWICK: I could be  
4 mistaken, I was trying to count up the number of  
5 years, but did you serve on Council, mayor, deputy  
6 mayor and Council, was it sixteen (16) years?

7 MS. SANDRA COOPER: Twenty-one (21)  
8 years.

9 MR. PAUL BONWICK: Twenty (20) -- oh.  
10 So, during your twenty-one (21) years running for  
11 Council, obviously every Council position, whether it  
12 be on Council or deputy mayor or mayor, is a contested  
13 position, correct?

14 MS. SANDRA COOPER: Yes, they all are.

15 MR. PAUL BONWICK: At any time during  
16 that twenty-one (21) years were you ever defeated in  
17 your bid?

18 MS. SANDRA COOPER: No, it was  
19 consecutively twenty-one (21) years.

20 MR. PAUL BONWICK: Thank you. During  
21 your twenty-one (21) year term on Council, you lived  
22 in the community, you raised your family in the  
23 community, you worked in the community, correct?

24 MS. SANDRA COOPER: Yes.

25 MR. PAUL BONWICK: During your twenty-

1 one (21) years on Council, whether it be through work,  
2 church, family, would you suggest that you had a  
3 reasonable appreciation of some of the priorities that  
4 the people that elected you had?

5 MS. SANDRA COOPER: Yes.

6 MR. PAUL BONWICK: Would you agree  
7 that there was concern in the community with respect  
8 to how finances had been run at various stages during  
9 the time you sat on Council for those twenty-one (21)  
10 years?

11 MS. SANDRA COOPER: Yes.

12 MR. PAUL BONWICK: During your twenty-  
13 one (21) years, would it be reasonable to say that the  
14 community or a good -- a large group of the community  
15 were advocates for a second arena?

16 MS. SANDRA COOPER: Oh, there were  
17 many people that wanted a second arena in the Town.

18 MR. PAUL BONWICK: Going back many  
19 years?

20 MS. SANDRA COOPER: Yes.

21 MR. PAUL BONWICK: Is it reasonable to  
22 suggest -- well, perhaps not the same size of group.

23 Is it reasonable to say there was a  
24 large contingent of families in the community that  
25 wanted a fully functional aquatics centre?



1 MS. SANDRA COOPER: Yes. They wanted  
2 an aquatics centre, that council had shut down the  
3 contact centre, the fitness centre, where there was a  
4 warm water pool, and so, that was -- they felt was  
5 lacking.

6 And there was -- there were a lot of  
7 comments from the public in -- in that regard.

8 MR. PAUL BONWICK: For -- for benefit  
9 of the Inquiry, and I think they're familiar now with  
10 the contact centre or recreational facility that was  
11 located in the east end of town, the pool you're  
12 referring to is a therapeutic pool, warm water  
13 therapeutic pool, correct?

14 MS. SANDRA COOPER: Yes.

15 MR. PAUL BONWICK: And as a result of  
16 the state of that building, that facility was closed  
17 down and the residents lost use of that therapeutic  
18 pool, correct?

19 MS. SANDRA COOPER: Yes.

20 MR. PAUL BONWICK: And then moving  
21 over to the Centennial pool, you'll, of course, be  
22 aware that the Centennial pool was built in 1967, I  
23 believe?

24 MS. SANDRA COOPER: I was there for  
25 the opening.

1 MR. PAUL BONWICK: Was it your opinion  
2 that in the years leading up to Council's decision  
3 that there were families that felt that the existing  
4 Centennial pool was no longer adequate to service the  
5 needs of the families, both existing and new families  
6 coming in?

7 MS. SANDRA COOPER: Yes, by the short  
8 period of time that it was available.

9 MR. PAUL BONWICK: Basically, and --  
10 and I don't recall when, but six (6) or seven (7)  
11 weeks during the summer months would be the prime use  
12 period for that pool because it wasn't covered. Is  
13 that fair?

14 MS. SANDRA COOPER: Opening in June,  
15 and then July and August. And then September, Labour  
16 Day, it would be shut down, or before, weather  
17 depending.

18 MR. PAUL BONWICK: So, we've heard  
19 your testimony that your Council was ele -- elected in  
20 part on a mandate of fiscal conservatism and concern  
21 over finance. You've -- you've stated that for the  
22 record?

23 MS. SANDRA COOPER: Yes.

24 MR. PAUL BONWICK: So, with that  
25 understanding in mind, during the ter -- period late

1 2000 -- I guess late 2009, 2010, and early 2011, there  
2 was a significant undertaking by a steering committee  
3 to explore a multi-use facility.

4 You're aware of that?

5 MS. SANDRA COOPER: Yes.

6 MR. PAUL BONWICK: The results at the  
7 end of the day were recommending to Council  
8 approximately a \$35 million plus solution.

9 Do you recall that?

10 MS. SANDRA COOPER: That was the  
11 presentation and that was the number approximately.

12 MR. PAUL BONWICK: Do you recall the  
13 appetite of the majority of your colleagues on Council  
14 to move down the path of a \$35 million plus multi-use  
15 facility once that report was delivered?

16 MS. SANDRA COOPER: I think it would  
17 be safe to say that, well, definitely the majority did  
18 not accept spending \$35 million.

19 MR. PAUL BONWICK: Irrespective of  
20 whether you were going to borrow the money, enter into  
21 a 3P partnership, irrespective of the case, is it  
22 reasonable to state that the majority of Council was  
23 not supportive of a \$35 million plus solution for the  
24 recreational needs in the community?

25 MS. SANDRA COOPER: That's fair.

1 MR. PAUL BONWICK: Is it also fair to  
2 say that the people that you served with during the  
3 term 2010-2014 would have had similar background and a  
4 similar understanding of the needs and wants of the  
5 community that you had?

6 MS. SANDRA COOPER: They would have  
7 input from -- everyone came from a different  
8 background and a different occupation, I guess I would  
9 say, and a different outreach.

10 So, members of Council would, each one,  
11 have a different group, I -- I'll say, in the  
12 community that they would have correspondence with,  
13 like, conversations with, whether it be a service club  
14 or where they're employed.

15 MR. PAUL BONWICK: Thank you. So, for  
16 the benefit of myself, they all come from unique  
17 backgrounds. They all bring unique perspectives. But  
18 at the end of the day, it would be your opinion, and  
19 please confirm this or -- or suggest something  
20 otherwise, that they too would have a reasonable sense  
21 of what the needs would be in the community based on  
22 the feedback they get?

23 MS. SANDRA COOPER: I believe that to  
24 be so.

25 MR. PAUL BONWICK: And again, the

1 overwhelming majority, using your language of Council,  
2 was not supportive of a \$35 million plus solution?

3 MS. SANDRA COOPER: That's correct.

4 MR. PAUL BONWICK: And using your  
5 language again, the overwhelming majority would have  
6 had a good sense that the community had long sought a  
7 second ice service -- surface, or arena, as well as  
8 getting a therapeutic pool and fully functioning pool  
9 in action for the community.

10 Is that fair?

11 MS. SANDRA COOPER: Yes, over a number  
12 of years.

13 MR. PAUL BONWICK: Would it be  
14 reasonable to suggest, or accurate to suggest, that  
15 Council -- that your elected colleagues were very  
16 familiar with the fact that several Councils had  
17 wrestled with the idea of enhancing recreational  
18 amenities over a period of twenty (20) years or more?

19 MS. SANDRA COOPER: Yes. It had been  
20 stated at the Council table. Councillor Cunningham at  
21 the time he had been fire chief and he'd sat at the --  
22 the department head table at Council -- many Council  
23 meetings and made that comment. Others had as well.

24 MR. PAUL BONWICK: How would you  
25 describe the working relationship that you had during

1 your term 2010/2014 with all other members of Council,  
2 or with -- generally speaking, the Council?

3 MS. SANDRA COOPER: Generally speaking  
4 it was a fairly good relationship.

5 MR. PAUL BONWICK: Generally speaking,  
6 respectful, engaging?

7 MS. SANDRA COOPER: Respectful.  
8 Sometimes not engaging directly with me, but having  
9 discussions among themselves.

10 MR. PAUL BONWICK: During that same  
11 period of time, and please correct me if I am -- make  
12 an error here, during that same period of time, 2010-  
13 2011, did your Council not move forward with a ground-  
14 breaking budget approval for a new modern fire hall?

15 MS. SANDRA COOPER: Yes, that was  
16 according to a fire marshal's report that we needed to  
17 look at the growth.

18 MR. PAUL BONWICK: During that same  
19 period of time -- sorry, go ahead.

20 MS. SANDRA COOPER: Just also the  
21 police and fire were in the same building, so somebody  
22 had to move and Council decided that it would be the  
23 fire.

24 MR. PAUL BONWICK: Thank you. During  
25 that same period of time, do you recall -- I should

1 maybe step back.

2                   During the time 2006-2010, do you  
3 recall issues being raised with respect to significant  
4 traffic challenges on 1st Street and Hurontario  
5 Street?

6                   MS. SANDRA COOPER:    Yes.

7                   MR. PAUL BONWICK:    During the period  
8 2006 to 2010, was anything done to resolve that  
9 situation?

10                  MS. SANDRA COOPER:    There was -- yes.  
11 And -- and of course there was spending that came in  
12 with that, but 1st Street was widened and the  
13 intersection at 1st, High, and Balsam was addressed.

14                  And then heading back easterly,  
15 Hurontario Street and 1st Street and Huron Street was  
16 another area that there was a -- I don't know what the  
17 technical term is, but there was a bottleneck there.

18                  MR. PAUL BONWICK:    I understand that  
19 1st Street, during the term 2006-2010 was widened,  
20 funds invested there to provide better flow of  
21 traffic.

22                  I'm speaking now to 2010 to 2014.  The  
23 intersection at 1st and High and other works regarding  
24 the major arteries, there was some substantive  
25 investments in terms of addressing that during your

1 term of Council as Mayor?

2 MS. SANDRA COOPER: Yes, including  
3 High Street.

4 MR. PAUL BONWICK: I only touch on  
5 these three matters, recreational, the fire  
6 department, and major transportation corridors as  
7 three (3), I'm sure there was several more.

8 But would you agree that during the  
9 time your Council served, 2010-2014, that they  
10 accomplished a great deal for the residents of  
11 Collingwood in terms of large infrastructure projects?

12 MS. SANDRA COOPER: Yes.

13 MR. PAUL BONWICK: You served on  
14 Council for twenty-one (21)s years. You must have  
15 experienced times on Council where Council's becomes  
16 so mired in process or an inability to work together  
17 that it's difficult for them to deliver.

18 Is that a fair statement?

19 MS. SANDRA COOPER: Yes. And I  
20 believe the province saw that in that the change was  
21 from a three-year term to a four-year term.

22 MR. PAUL BONWICK: Mr. Chenoweth was  
23 asking you questions about your level of awareness to  
24 Ameresco and the meetings that they hosted during the  
25 time 2010 to 2012.



1                   Could you bring that back up on the  
2 screen, please? Just scroll down a little bit,  
3 please, to the meetings. That's good, thank you.

4                   During that same period of time, was it  
5 your understanding or did you believe that there was a  
6 very significant lobby underway by those attached to  
7 the Steering Committee report to move forward with the  
8 \$35 million solution?

9                   MS. SANDRA COOPER: Yes.

10                  MR. PAUL BONWICK: Were you aware of  
11 the fact that there was a strategy that's -- I could  
12 bring up the email if you wish me to, it's already in  
13 the Court book or been submitted as evidence -- that  
14 in fact some of the folks that were attached to that  
15 \$35 million initiative were trying to institute a  
16 strategy whereby Council would not make a decision and  
17 that they would go beyond the 2010-2014 term of office  
18 as it relates to the recreational amenities?

19                  MS. SANDRA COOPER: The first time  
20 that I knew that part was reading the Foundation  
21 documents and emails that I was not aware of at the --  
22 at the time.

23                  But there was a -- which I'd never seen  
24 it happen in Collingwood -- there was a -- a small  
25 rally of children and a few adults in front of Town

1 Hall.

2 So some of the adults there were  
3 connected to that Central Park Committee.

4 MR. PAUL BONWICK: Thank you.

5 So to try to bring some focus to that.  
6 There was clearly a campaign of some type underway  
7 that would either a) see Council approve the \$35  
8 million facility, or b) delay it until such time as  
9 they find a more friendly Council.

10 Is that reasonable?

11 MS. SANDRA COOPER: Yes.

12 MR. PAUL BONWICK: The -- you  
13 mentioned that the term of office was four (4) years?

14 MS. SANDRA COOPER: Yes.

15 MR. PAUL BONWICK: Was it your opinion  
16 that the majority of Council wanted to deliver to the  
17 constituents that elected them, after so many years,  
18 wanted to deliver a new arena and a new aquatics  
19 facility that included a therapeutic pool during their  
20 term of office?

21 MS. SANDRA COOPER: Yes, there was  
22 great enthusiasm from members of Council to address  
23 that long-overdue need.

24 MR. PAUL BONWICK: And you've clearly  
25 stated, if I understood you correctly, that there was

1 also concern about going down the path of the \$35  
2 million solution?

3 MS. SANDRA COOPER: Yes.

4 MR. PAUL BONWICK: And so would it be  
5 reasonable to state that that was something that was  
6 in the back of most of Council's mind as well, as the  
7 option based on what was on the table for a new arena  
8 and aquatics facility?

9 I could maybe rephrase that question,  
10 that one kind of rambled on a bit.

11 MS. SANDRA COOPER: So there was  
12 discussion among members of Council saying that, you  
13 know, that we -- we collectively needed to move  
14 forward with a recreation facility long-overdue.

15 However, \$35 million, borrowing it or  
16 whatever way, that price tag was not acceptable.

17 MR. PAUL BONWICK: I'm going to clear  
18 up that -- oh, sorry, could you bring that back up on  
19 the screen, please, the letter from Ameresco?

20 And I think this speaks to the efforts  
21 that were underway to promote the \$35 million solution  
22 or \$35 million plus solution.

23 This is the first time I've actually  
24 seen the letter, so I was following it with interest.

25 You'll see not only is former Mayor

1 Terry Geddes in attendance at almost all of these  
2 meetings. Can you also note that Mr. Mark Palmer from  
3 Greenland is a participant in many of these meetings  
4 as well?

5 MS. SANDRA COOPER: Yes.

6 MR. PAUL BONWICK: Were you aware of  
7 the fact that Greenland Engineering had partnered or  
8 allied with Ameresco in terms of providing or  
9 wanting to provide some significant part of this \$35  
10 million solution?

11 MS. SANDRA COOPER: I did come to --  
12 to learn that, that they were partnered in -- in this.

13 MR. PAUL BONWICK: It would be  
14 reasonable to suggest, moving aside Mr. Palmer, that  
15 former Mayor Geddes, he was a former warden, I  
16 believe, with Simcoe County.

17 MS. SANDRA COOPER: Yes.

18 MR. PAUL BONWICK: Had served on  
19 Council for many years?

20 MS. SANDRA COOPER: Yes.

21 MR. PAUL BONWICK: Would have had a  
22 strong network within the community? A strong network  
23 of relationships within the community?

24 MS. SANDRA COOPER: I would agree with  
25 that.

1 MR. PAUL BONWICK: As a former Mayor,  
2 his -- would it be reasonable to suggest that his  
3 input, his opinions as a member of the Steering  
4 Committee, would have carried significant weight?

5 MS. SANDRA COOPER: Yes.

6 MR. PAUL BONWICK: Were you aware --  
7 are you familiar with a company called Stragis  
8 Environmental Services?

9 MS. SANDRA COOPER: Sorry, I don't  
10 think I do.

11 MR. PAUL BONWICK: On the Greenland  
12 website, there is a list of affiliate companies, one  
13 of which is Stragis Environmental Services. I can  
14 bring it up if you'd like to confirm it. But it's  
15 there.

16 Are you aware or were you made aware of  
17 the fact that former Mayor Geddes was a partner of Mr.  
18 Mark Palmer in Stragis Environmental Services?

19 MS. SANDRA COOPER: I was not aware of  
20 that.

21 MR. PAUL BONWICK: At any time was  
22 there issues brought forward by members of the  
23 Steering Committee, that you're aware of, to either  
24 yourself or the clerk, specific to any potential  
25 conflicts of interest?

1 MS. SANDRA COOPER: No.

2 MR. PAUL BONWICK: You'll be aware of  
3 the fact that Mr. Brian Saunderson was the co-chair of  
4 the Steering Committee?

5 MS. SANDRA COOPER: Yes.

6 MR. PAUL BONWICK: At any time did the  
7 issue come up with regards to any potential  
8 relationships he might have in his capacity as a  
9 lawyer or his firm with members of those promoting the  
10 \$35 million solution?

11 MS. SANDRA COOPER: No.

12 MR. PAUL BONWICK: Were you aware that  
13 immediately following Council's decision, that in fact  
14 Mr. Palmer and Mr. Saunderson were communicating about  
15 the desire or the option of pursuing a public or -- I  
16 think the language may be wrong -- a public or  
17 judicial inquiry related to the decision Council had  
18 made, going back to 2012?

19 MS. SANDRA COOPER: I've read that in  
20 the Foundation Documents. I was not aware of it at  
21 the time.

22 MR. PAUL BONWICK: Thank you. The --  
23 there has been some healthy or significant discussion  
24 regarding the process that Council ended up supporting  
25 to acquire or to authorize the construction of a new

1 arena and new aquatics facility, specific to sole  
2 sourcing. You'll be aware of that.

3 One (1) of the options that could have  
4 been available to Council was to move forward with a  
5 request for proposals, rather than sole sourcing.

6 Would you agree with that?

7 MS. SANDRA COOPER: Yes.

8 MR. PAUL BONWICK: In your experience  
9 twenty-one (21) years on Council, had Council decided  
10 to go down the path of a Request For Proposals, would  
11 it be accurate to state that you would need to develop  
12 drawings, a set of terms of reference, what those  
13 facilities are going to include, both inside and  
14 outside to deliver a new arena and aquatics facility?

15 MS. SANDRA COOPER: Council was not  
16 involved in an RFP, collecting and putting together an  
17 RFP.

18 MR. PAUL BONWICK: I understand that.  
19 Sorry, my question wasn't likely clear enough.

20 Had Council chose to go down the path  
21 of a request for proposals, Council would have had to  
22 instruct staff to engage a third party, assuming an  
23 architect -- or architectural firm, as well as others,  
24 to effectively design and include what amenities are  
25 going to be included in those two (2) facilities.

1                   Is that a fair statement?

2                   MS. SANDRA COOPER:    That's fair.

3                   MR. PAUL BONWICK:    And so, in your  
4 twenty-one (21) years on Council, had Council in 2011  
5 chose to head in that direction, would it be  
6 reasonable to suggest that that process may have taken  
7 six (6) or nine (9) months or perhaps more to try to  
8 get consensus within the community, as well as  
9 Council, in terms of what you would actually be asking  
10 for in terms of a design build?

11                   MS. SANDRA COOPER:    In my nontechnical  
12 opinion, I -- I would see that, and the public would  
13 see that, as being a very lengthy process.

14                   MR. PAUL BONWICK:    We've heard  
15 testimony from other witnesses that suggest that not -  
16 - that's not an unrealistic time line when, in fact,  
17 you're going to have to design a building -- or two  
18 (2) buildings that are going to have to accommodate an  
19 arena and an aquatics facility.

20                   I'm simply suggesting that nine (9)  
21 months is not an extraordinary length of time in order  
22 to seek out and design that so that you would be in a  
23 position to go to an RFP.

24                   Would you agree with that?

25                   MS. SANDRA COOPER:    I -- I would



1 agree.

2 MR. PAUL BONWICK: Would you agree,  
3 once you have the criteria and the design in a -- in a  
4 ma -- in a manner that is agreeable to members of  
5 Council and those within the community, that if you  
6 were to put that out for a request for proposals or an  
7 invited request for proposals, either -- either or,  
8 that you would have to give some reasonable amount of  
9 time to companies that would be interested in putting  
10 in a proposal to accommodate that?

11 Is that fair? And when I say, "A  
12 reasonable amount of time," I should say something  
13 along the lines of ninety (90) days wouldn't be  
14 untowards in terms of giving them ninety (90) days to  
15 respond to a detailed RFP for a new arena and a new  
16 aquatics facility?

17 MS. SANDRA COOPER: What I do know,  
18 that is -- that's a staff function, so it would be put  
19 -- whatever the project would be put to tender, I  
20 guess depending on the -- the complexities of it. And  
21 -- and I'm not sure of the period of time for response  
22 to that.

23 MR. PAUL BONWICK: I do understand and  
24 appreciate that it would be the staff that, at the end  
25 of the day, would put the Request For Proposals out in

1 the public or, with the approval of Council, invite  
2 comp -- qualified companies to bring forward a  
3 proposal.

4 All I'm simply asking is, would it seem  
5 reasonable that once you've identified or requesting  
6 that -- once that information is made available to the  
7 public or public companies, that you would allow them  
8 a time frame to put together a proposal and submit a  
9 proposal, and I'm suggesting ninety (90) days would be  
10 reasonable?

11 MS. SANDRA COOPER: Yes, there would  
12 be a period of time to put something together.

13 MR. PAUL BONWICK: And then once  
14 Council received those bids, those proposals, there  
15 would have to be an evaluation of those proposals?

16 MS. SANDRA COOPER: Well, staff do the  
17 evaluation first. And then the recommendation would  
18 come to Council.

19 MR. PAUL BONWICK: Right. And so, is  
20 it reasonable to assume that that evaluation would  
21 include two (2) components? One (1) would be cost and  
22 one (1) would be what the amenities are going to  
23 deliver in terms of service?

24 MS. SANDRA COOPER: I understand  
25 there's a two (2) envelope process.

1 MR. PAUL BONWICK: So, there would  
2 have been by staff a thorough review of the proposals  
3 that would have been submitted under an RFP process  
4 and, subsequently, they would make recommendations to  
5 Council. Is that fair?

6 MS. SANDRA COOPER: Yes.

7 MR. PAUL BONWICK: During that  
8 process, there would also be an opportunity for  
9 representatives from the public, from the steering  
10 committee group to bring forward deputations and  
11 suggest that their particular direction is ideal --

12 MS. SANDRA COOPER: Absolutely, yes.

13 MR. PAUL BONWICK: -- an open public  
14 process? And so, when I start putting these months  
15 together and looking at the time frame, understanding  
16 that your Council was about one-third of the way  
17 through its mandate, would it be reasonable or  
18 accurate to suggest, if you went down that process,  
19 that in fact Council may have found itself in a  
20 position where within its term of office might not  
21 actually be able to break ground on a new arena and  
22 new aquatics facility?

23 MS. SANDRA COOPER: That's a  
24 possibility.

25 MR. PAUL BONWICK: And you said

1 Council was concerned about the \$35 million solution?

2 MS. SANDRA COOPER: Yes.

3 MR. PAUL BONWICK: Do you think that  
4 the aggressive lobbying that took place in support of  
5 the \$35 million solution had an impact on the majority  
6 of Council to choose the solution that they did?

7

8 (BRIEF PAUSE)

9

10 MS. SANDRA COOPER: Could you repeat  
11 that, please?

12 MR. PAUL BONWICK: Sure. We -- you've  
13 confirmed that, in your opinion and based on your  
14 discussions with your fellow councillors during that  
15 time, that there was a reasonably well sophisticated  
16 or coordinated effort, a lobby effort, to see Council  
17 move towards the \$35 million plus solution.

18 You've confirmed that?

19 MS. SANDRA COOPER: Yes.

20 MR. PAUL BONWICK: And so, do you  
21 believe -- with all of Council understanding, that  
22 that sophisticated or coordinated lobby was afoot to  
23 see the move in the \$35 million direction, do you  
24 think that had bearing in terms of them moving more  
25 expeditiously on a lower cost solution?

1 MS. SANDRA COOPER: I can't speak for  
2 the rest of Council. I think the large -- well, and  
3 it could. It -- it could. I can speculate that it  
4 could.

5 I'm saying that I think first and  
6 foremost was the -- this cost, this pri -- large price  
7 tag and -- and trying to support moving forward with  
8 it. I think, too, the mandate and the term of Council  
9 all played in -- a role in decision.

10 MR. PAUL BONWICK: Thank you. And --  
11 and I appreciate your answer. Speculating is -- is  
12 difficult, I think, for the Inquiry and us to take.

13 But rather if you had recollection of  
14 specific conversations where councillors would  
15 approach you and say we need to get on with this now,  
16 the alternative could be a \$35 million solution,  
17 hypothetically, that would, in their minds, not be a  
18 positive step for the Town of Collingwood?

19 MS. SANDRA COOPER: That's a  
20 possibility.

21 MR. PAUL BONWICK: Okay. I'll move  
22 on. During the time 2004 when I left office  
23 federally, did I typically share with you the details  
24 of the people that I'm working with?

25 MS. SANDRA COOPER: No.

1 MR. PAUL BONWICK: Thank you. In  
2 fact, was I -- or were we not clear that that  
3 information should be kept separate and that in fact I  
4 should not be discussing those kinds of matters with  
5 you?

6 MS. SANDRA COOPER: Yes.

7 MR. PAUL BONWICK: During that same  
8 period of time, would we -- could you confirm if we  
9 were engaged arguably sometimes on a daily, certainly  
10 on a weekly basis, on matters related to family, dad  
11 challenges that we were facing during that period?

12 MS. SANDRA COOPER: Yes.

13 MR. PAUL BONWICK: Some difficult  
14 decisions, lots of discussion going on based on how  
15 that situation unfolded?

16 MS. SANDRA COOPER: Yeah.

17 MR. PAUL BONWICK: You've got a  
18 grandson in hockey right now?

19 MS. SANDRA COOPER: Yes, I do.

20 MR. PAUL BONWICK: Have you had the  
21 opportunity to visit the new arena?

22 MS. SANDRA COOPER: Many times. I've  
23 skated on it.

24 MR. PAUL BONWICK: Have you had the  
25 opportunity to visit the -- I guess I shouldn't say

1 new anymore, seven (7) year old facilities.

2                   Have you had the opportunity to visit  
3 the aquatics facility that's located over where  
4 Centennial Park -- I think it's still Centennial Park.

5                   MS. SANDRA COOPER:     Heritage Park.

6                   MR. PAUL BONWICK:     Heritage Park now,  
7 Heritage Park.

8                   MS. SANDRA COOPER:     Yes.

9                   MR. PAUL BONWICK:     In terms of the  
10 services the arena and the aquatics facility are  
11 providing to the community, what are your thoughts in  
12 terms of the value that was -- that has resulted for  
13 the community as it relates to those two (2)  
14 facilities?

15                   MS. SANDRA COOPER:     Well, I was  
16 impressed that the Toronto Maple Leafs had their  
17 summer camp there. Probably my first -- I'm thinking  
18 my first term, nothing against the Leafs or anyone  
19 else, but we had -- we had a NHL hockey team come.

20                             It's used all the time. The -- the  
21 rink is used regularly. I've heard comments about  
22 good ice. I've seen at the pool programs where little  
23 ones are taking swim lessons. I've seen people around  
24 my age that are taking aquatic lessons and quite a --  
25 both are being well used.

1 MR. PAUL BONWICK: I'm going to close  
2 out with the quick overview of the twenty-one (21)  
3 years. It obviously included several different  
4 councils because there was three (3) year terms and  
5 four (4) year terms within that twenty-one (21) year  
6 time you served on Council?

7 MS. SANDRA COOPER: Yes.

8 MR. PAUL BONWICK: People of  
9 Collingwood obviously had a great deal of confidence  
10 in terms of you representing them in an honourable and  
11 reasonable fashion?

12 MS. SANDRA COOPER: Yes, I had a  
13 strong plurality of -- of voters and vote -- and  
14 votes.

15 MR. PAUL BONWICK: And it would be  
16 accurate to suggest that you felt honoured by that  
17 level of confidence?

18 MS. SANDRA COOPER: Absolutely.

19 MR. PAUL BONWICK: Would it be  
20 reasonable to suggest you would not knowingly in any  
21 manner ever compromise the confidence those people put  
22 in you?

23 MS. SANDRA COOPER: I worked hard to  
24 represent them to the best of my ability, and very  
25 strong support in the community.



1 MR. PAUL BONWICK: And so, recognizing  
2 what you've just said there, is it reasonable -- or is  
3 it accurate to suggest that you made decisions --  
4 moving aside the other major infrastructure projects,  
5 you made decisions related to water and ice, as it's  
6 being termed here over the last few weeks, decisions  
7 that you truly felt were in the best re -- best  
8 interests of the people of the Town of Collingwood?

9 MS. SANDRA COOPER: Yes.

10 MR. PAUL BONWICK: Thank you very  
11 much, Your Honour. That ends my questioning.

12 THE HONOURABLE FRANK MARROCCO: Thank  
13 you, Mr. Bonwick. Mr. McDowell...?

14

15 CROSS-EXAMINATION BY MR. WILLIAM MCDOWELL:

16 MR. WILLIAM MCDOWELL: I just have a  
17 few questions for you, Ms. Cooper.

18

19 (BRIEF PAUSE)

20

21 MR. WILLIAM MCDOWELL: Could we pull  
22 up the -- the Foundation Document, paragraph 142?

23

24 (BRIEF PAUSE)

25

1 MR. WILLIAM MCDOWELL: And then if we  
2 scroll down... So, just pausing there, this, I think,  
3 is in May of 2012, and options are being considered  
4 about what to do about the water and ice  
5 possibilities, as Mr. Bonwick has termed it?

6 MS. SANDRA COOPER: Yes, many, many  
7 items.

8 MR. WILLIAM MCDOWELL: Right. And so,  
9 staff, as I understood it, were going to consider  
10 options and do some analysis of the various options?

11

12 (BRIEF PAUSE)

13

14 MS. SANDRA COOPER: Outstanding  
15 matters and all that together, yes, for Council from -  
16 - for their information.

17 MR. WILLIAM MCDOWELL: Right. So, I -  
18 - the last while has been like you had been watching  
19 this on -- on the computer.

20 So I took it that you gave some  
21 evidence about the process that was going to be  
22 followed on a couple of items. One, choosing which  
23 project would be supported, that was one (1) thing for  
24 consideration by Council, right?

25 MS. SANDRA COOPER: Yes.

1 MR. WILLIAM MCDOWELL: And then the  
2 second thing was how to pay for this. And so up for  
3 discussion was whether or not to use the Collus funds  
4 for this purpose.

5 MS. SANDRA COOPER: Yes. It wasn't  
6 determined at that time but certainly the Treasurer  
7 brought that forward.

8 MR. WILLIAM MCDOWELL: Right. And so  
9 both of these are important public issues. One is  
10 what you're going to build and then the second one is  
11 how you're going to pay for it.

12 MS. SANDRA COOPER: Yes.

13 MR. WILLIAM MCDOWELL: And the second  
14 one is particularly important, given I suggest that  
15 you have run on this austerity platform that you want  
16 to curb public spending, you want to pay down the  
17 debt?

18 MS. SANDRA COOPER: Correct.

19 MR. WILLIAM MCDOWELL: Correct. And  
20 so you gave evidence, and there were documents put to  
21 you, that your expectation had been that the same kind  
22 of process would be followed as was followed in the  
23 Collus transaction.

24 MS. SANDRA COOPER: Yes. Engaging the  
25 public.

1 MR. WILLIAM MCDOWELL: Engaging the  
2 public. But in that process, once the RFP was  
3 announced, there was a public information session,  
4 correct?

5 MS. SANDRA COOPER: Yes.

6 MR. WILLIAM MCDOWELL: And then that  
7 was itself quite well publicized?

8 MS. SANDRA COOPER: Staff had  
9 publicized it, yes.

10 MR. WILLIAM MCDOWELL: It was well  
11 attended. People were quite engaged in that process?

12 MS. SANDRA COOPER: I believe so, yes.

13 MR. WILLIAM MCDOWELL: It was  
14 televised, as I recall?

15 MS. SANDRA COOPER: All Council  
16 meetings are televised, and I believe -- yes, in the  
17 Chambers here, all Council meetings were televised, no  
18 matter what the topic.

19 MR. WILLIAM MCDOWELL: So I guess,  
20 having reviewed your evidence, you said effectively,  
21 the question of what process was going to be followed,  
22 engage the public, that was something that you  
23 delegated to staff.

24 MS. SANDRA COOPER: M-hm. Yes.

25 MR. WILLIAM MCDOWELL: Staff took care

1 of that.

2 MS. SANDRA COOPER: Yes.

3 MR. WILLIAM MCDOWELL: But if you're  
4 the Mayor, isn't that really your job to -- to direct  
5 how much public consultation there's going to be?  
6 That's not really a staff function, is it?

7 MS. SANDRA COOPER: I -- what I would  
8 say to that is that reach out to the media and let --  
9 let the media be aware of this. Again, meetings are  
10 televised. The agenda is posted on the window of the  
11 Town Hall. I would leave -- I would put that to -- to  
12 the staff and -- not to say specifically you need to  
13 contact these particular people or rent out a  
14 particular building, but certainly allow the public to  
15 -- to see the presentations.

16 MR. WILLIAM MCDOWELL: Okay. Your  
17 Honour, I wonder if we could take a break now, only  
18 because I've been fighting this cough and I neglected  
19 to fill up my water bottle.

20 THE HONOURABLE FRANK MARROCCO: We  
21 were going to take it around now anyway, so --

22 MR. WILLIAM MCDOWELL: All right.

23 THE HONOURABLE FRANK MARROCCO: --  
24 we'll break for --

25 MR. WILLIAM MCDOWELL: Thank you, Your

1 Honour.

2 THE HONOURABLE FRANK MARROCCO: -- ten  
3 minutes or so.

4

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

6 --- Upon resuming at 11:20 a.m.

7

8 CONTINUED BY MR. WILLIAM MCDOWELL:

9 MR. WILLIAM MCDOWELL: Ms. Cooper, I'm  
10 going to ask you some questions at various times about  
11 Deputy Mayor Lloyd and these matters, but you answered  
12 some questions posed by Commission counsel,  
13 surrounding the termination of Ms. Wingrove.

14 MS. SANDRA COOPER: Yes.

15 MR. WILLIAM MCDOWELL: And Mr. Bonwick  
16 had been made aware of some of these developments and  
17 the ultimate decision by Mr. Lloyd?

18 MS. SANDRA COOPER: Yes.

19 MR. WILLIAM MCDOWELL: And as I  
20 understood your evidence, you spoke to Mr. Lloyd about  
21 that and you told him that you thought that was  
22 inappropriate?

23 MS. SANDRA COOPER: Yes.

24 MR. WILLIAM MCDOWELL: Right. But you  
25 didn't speak to Mr. Bonwick about it?

1 MS. SANDRA COOPER: No.

2 MR. WILLIAM MCDOWELL: And could I  
3 just ask why that was?

4 MS. SANDRA COOPER: I felt that I had  
5 dealt with it with Mr. Lloyd, saying that it's not  
6 appropriate and that would be the end of it.

7 MR. WILLIAM MCDOWELL: And just now  
8 there was an exchange between you and Mr. Bonwick  
9 surrounding a rule, he didn't quite use those words,  
10 but that the two of you wouldn't discuss his business.

11 And was that in fact the case, that you  
12 had an understanding that you wouldn't?

13 MS. SANDRA COOPER: Mr. Bonwick had  
14 told me that he signed confidentiality agreements.

15 MR. WILLIAM MCDOWELL: Right. And was  
16 that to prevent you from having any discussion with  
17 him about what he was doing?

18 MS. SANDRA COOPER: That no one would  
19 have discussion with him, it would be his own  
20 information.

21 MR. WILLIAM MCDOWELL: And even if he  
22 -- if his business was involving the Town, the  
23 confidentiality agreement, as you understood it,  
24 prevented you from knowing that?

25 MS. SANDRA COOPER: Well, if he's

1 doing work with the Town, yes.

2 MR. WILLIAM MCDOWELL: Right. Now,  
3 could we turn up section 10.7 of the Foundation  
4 Document?

5 So this is a letter sent by Mr. Miceli  
6 to you, after the decision was made. And if you  
7 scroll down, so in the second paragraph he's talking  
8 about how what was decided and what was described in  
9 the staff report was quite different than the previous  
10 discussions about the multi-use recreation facility?

11 MS. SANDRA COOPER: Yes.

12 MR. WILLIAM MCDOWELL: And keep going  
13 down. Okay.

14 And then he says:

15 "If these divergences from the  
16 original plan were on enough, a  
17 formal procurement process seemed to  
18 be entirely abandoned in favour of a  
19 rapid award to a single supplier of  
20 a fabric-covered structure."

21 And it was true, in fact, that there  
22 was no RFP for this project, correct?

23 MS. SANDRA COOPER: Correct.

24 MR. WILLIAM MCDOWELL: And if you keep  
25 going down, if you look at his number 1:



1 "If the scope of work changed [and  
2 he goes on] from MURF to a single  
3 pad arena and a roof over an  
4 existing pool, why was a request for  
5 proposals not prepared in issue to  
6 solicit these solutions from the  
7 marketplace?"

8 So I appreciate he's a competitor, in a  
9 sense, but -- but that's a pretty good question, if  
10 you're going to go from this project that was going to  
11 cost a lot of money and that was kind of a daunting  
12 price tag, you're going to do something else, why  
13 don't you still go back to the marketplace to discover  
14 what the marketplace can offer?

15 MS. SANDRA COOPER: We had a strategic  
16 planning meeting in June with discussion among members  
17 of Council on various needs of the community, and I  
18 think that it all came down to here was a solution and  
19 that staff would review it to see if it was  
20 appropriate that it be an RFP and bring that to  
21 Council.

22 MR. WILLIAM MCDOWELL: Right. But  
23 Council could have said, because after all it's  
24 Council that has the decision and you're the head of  
25 Council. Council could have said we're having an RFP,

1 that's the starting point, and you could -- you staff  
2 can design the RFP.

3 But Council could have given that  
4 direction, couldn't it?

5 MS. SANDRA COOPER: They could very  
6 well have.

7 MR. WILLIAM MCDOWELL: Right. And as  
8 I understand it, certainly Mr. Bonwick's position on  
9 this, and we'll hear his evidence, but from his  
10 questions it can be devined that his position is if we  
11 had done that it would have taken so long that it  
12 would have gone into the election period before we  
13 broke ground, and that could have put the project in  
14 peril.

15 I just want to -- for the record, is  
16 that your view as well, that that's the reason not to  
17 do the RFP?

18 MS. SANDRA COOPER: No.

19 MR. WILLIAM MCDOWELL: And just so we  
20 have it clearly on the record, what is your reason?

21 MS. SANDRA COOPER: Taking it by the  
22 recommendation of what staff bring to Council.

23 MR. WILLIAM MCDOWELL: Right. And so  
24 you trusted staff to give precise and accurate  
25 information to Council in order to make that

1 determination?

2 MS. SANDRA COOPER: Yes.

3 MR. WILLIAM MCDOWELL: And the time in  
4 which this was going to be done is about a month and a  
5 half, and certainly we -- I don't know if you followed  
6 the evidence of Mr. Dabrus the other day, the  
7 architect --

8 MS. SANDRA COOPER: Yes.

9 MR. WILLIAM MCDOWELL: -- who  
10 expressed some discomfort about that period of time  
11 being enough. You're aware of that?

12 MS. SANDRA COOPER: I am aware of  
13 that. I wasn't here.

14 MR. WILLIAM MCDOWELL: No, but Marta  
15 Proctor, who was the head of parks and rec pretty much  
16 said the same thing, that it wasn't enough time to do  
17 the necessary work?

18 MS. SANDRA COOPER: In her evidence.

19 MR. WILLIAM MCDOWELL: In her  
20 evidence.

21 I took it from your evidence though,  
22 in-chief, that if had taken another couple of months,  
23 that would have been fine by you?

24 MS. SANDRA COOPER: If staff had come  
25 forward and -- and explained the challenges, then --

1 of trying to meet that deadline.

2 And I believe that Ms. Proctor had  
3 mentioned about a little -- she was a little concerned  
4 over it and the discussion was to -- of Council was if  
5 you need the support then Council supports that.

6 MR. WILLIAM MCDOWELL: Council would  
7 have given more time --

8 MS. SANDRA COOPER: Yes.

9 MR. WILLIAM MCDOWELL: -- if  
10 necessary?

11 MS. SANDRA COOPER: Yes. Or had  
12 someone come in and assist her.

13 MR. WILLIAM MCDOWELL: And Mr. -- as I  
14 understood it, Ms. Proctor didn't mention this concern  
15 to you, she mentioned it to Mr. Houghton?

16 MS. SANDRA COOPER: She -- she  
17 mentioned it, from what I've seen in her evidence,  
18 that she mentioned it to Mr. Houghton.

19 MR. WILLIAM MCDOWELL: Right. And Mr.  
20 Houghton didn't mention that to you, is that correct?

21 MR. FREDERICK CHENOWETH: Your Honour,  
22 that's not in keeping with what the transcript of the  
23 16th says.

24 MR. WILLIAM MCDOWELL: Well, I'm  
25 asking the question.

1 THE HONOURABLE FRANK MARROCCO: Well,  
2 I'll let you ask the question. The transcript or  
3 argument or wherever.

4

5 CONTINUED BY MR. WILLIAM MCDOWELL

6 MR. WILLIAM MCDOWELL: Just what is  
7 the -- did Mr. Houghton mention that to you, that Ms.  
8 Proctor thought there wasn't enough time?

9 MS. SANDRA COOPER: Mr. Houghton had  
10 voiced his frustration in that Ms. Proctor was on  
11 holidays at a critical time.

12 MR. WILLIAM MCDOWELL: Right. But did  
13 he raise with you Ms. Proctor's view that there was  
14 not enough time to do this?

15 MS. SANDRA COOPER: No.

16 MR. WILLIAM MCDOWELL: And if he  
17 didn't do that, should he not have done that, raised  
18 with you that here's the person whose department it is  
19 who says this is not enough time.

20 MS. SANDRA COOPER: To bring that to -  
21 - report to Council, myself and Council, to say that,  
22 you know, we can't possibly meet this time line.

23 MR. WILLIAM MCDOWELL: That's  
24 something that he should have done if that was her  
25 view?

1 MS. SANDRA COOPER: If that's how they  
2 felt, that staff felt, then, yes, to bring it to  
3 Council and say this -- this is too short of a time  
4 line and we just can't possibly meet the deadline.

5 MR. WILLIAM MCDOWELL: Right. And no  
6 one did that, I take it? Whether Mr. Houghton or  
7 anybody else, no one came to Council and said this is  
8 not enough time?

9 MS. SANDRA COOPER: No. Cou -- as I  
10 just said, that Ms. Proctor had mentioned at a Council  
11 meeting that she may be a little concerned over the  
12 time line. And Council said, whatever assistance that  
13 you need, then we support that.

14

15 (BRIEF PAUSE)

16

17 MR. WILLIAM MCDOWELL: Let me ask you  
18 some questions about Mr. Bonwick's involvement in this  
19 project. Of course, lots of evidence in phase 1 that  
20 Mr. Bonwick was involved in the Collus transaction?

21 MS. SANDRA COOPER: Yes.

22 MR. WILLIAM MCDOWELL: And in that  
23 instance, Mr. Houghton knew at the front-end in  
24 January that Mr. Bonwick was proposing to be involved,  
25 and you found out, as I understand it, in May. Is

1 that correct?

2 MS. SANDRA COOPER: What -- are we  
3 talking, to clarify, speaking of Collus or --

4 MR. WILLIAM MCDOWELL: Yes.

5 MS. SANDRA COOPER: Yes.

6 MR. WILLIAM MCDOWELL: May of 2012.

7 MS. SANDRA COOPER: Yes.

8 MR. WILLIAM MCDOWELL: All right. And  
9 then just from a high level, in this instance, the  
10 Sprung/BLT part of the transaction, as I understood  
11 it, you didn't know until 2018 that Mr. Bonwick was  
12 involved?

13 MS. SANDRA COOPER: I did not know  
14 until 2018.

15 MR. WILLIAM MCDOWELL: All right.  
16 Now, in brief, as I understand your evidence, you  
17 didn't know that Mr. Bonwick was involved in a company  
18 called Green Leaf?

19 MS. SANDRA COOPER: I didn't know that  
20 until 2018.

21 MR. WILLIAM MCDOWELL: Right. And you  
22 didn't know that Green Leaf was involved in the Sprung  
23 transaction?

24 MS. SANDRA COOPER: No.

25 MR. WILLIAM MCDOWELL: And the only

1 way that you became aware of that was that Mr.  
2 Houghton told you that in 2018, correct?

3 MS. SANDRA COOPER: Yes.

4 MR. WILLIAM MCDOWELL: Now, in  
5 November of 2012, a citizen had raised this question  
6 about whether or not Mr. Bonwick had -- or whether or  
7 not one (1) of your relatives, including Mr. Bonwick,  
8 had benefited from the transaction.

9 Do you recall that?

10 MS. SANDRA COOPER: Yes.

11 MR. WILLIAM MCDOWELL: And if we turn  
12 up the Foundation Document, paragraph 772... So, go  
13 up to 771 first.

14

15 (BRIEF PAUSE)

16

17 MR. WILLIAM MCDOWELL: So, the email  
18 asked the question:

19 "Heard your cousin, Paul Bonwick,  
20 was paid a substantial amount to  
21 negotiate this deal. I would  
22 especially like to hear whether your  
23 close relative, Paul Bonwick,  
24 benefited from this deal."

25 And that came to you, right?



1 MS. SANDRA COOPER: Yes, and as well,  
2 Councillor Edwards and Councillor Chadwick.

3 MR. WILLIAM MCDOWELL: Okay. And the  
4 if you scroll to 772, Mr. Chadwick answers the  
5 question saying:

6 "An FOI requested turned up no  
7 payment to Mr. Bonwick for any  
8 service. Mr. Bonwick does not do  
9 business with the municipality."

10 And you thought that was an adequate  
11 response, correct?

12 MS. SANDRA COOPER: Yes.

13 MR. WILLIAM MCDOWELL: But that wasn't  
14 -- the question was whether or not he had benefited,  
15 not whether or not he did business with the Town?

16 MS. SANDRA COOPER: And it does say  
17 Collingwood -- "Town of Collingwood turned up no  
18 payment."

19 MR. WILLIAM MCDOWELL: Right. But if  
20 you go up to 771, the question's about whether he  
21 negotiated the deal, whether he had benefited from the  
22 deal. It's not limited to whether or not the Town's  
23 paying him. Do you see that?

24 MS. SANDRA COOPER: I see that.

25 MR. WILLIAM MCDOWELL: I mean, I gue -

1 - I guess the question is this, that questions like  
2 this, if they're not answered, can undermine public  
3 trust.

4                   And so, when someone directly asks this  
5 question, as mayor, isn't it incumbent upon you to at  
6 least call him up and say, Paul, I just need to know,  
7 you know, were you involved in this and how and did  
8 you receive compensation and how much compensation?

9                   Wouldn't it have been fair to ask those  
10 questions at that point?

11                   MS. SANDRA COOPER:    There were many  
12 emails that came in around that time, in 2012 and  
13 2013, and that actually I had met -- I think it was  
14 Ms. Proctor that set -- Ms. Proctor that set the  
15 meeting up with Mr. Houghton, myself, Dr. Moran, and  
16 Dr. Lewin was to be there.  And Dr. Lewin did not show  
17 up.

18                   I felt it was an opportunity to have a  
19 discussion with him.  Again, there were many emails  
20 coming through, some of which were disturbing, and  
21 they were rumours.

22                   As the mayor, I wasn't prepared to  
23 address every rumour that was there.  And, also, I  
24 believe it was earlier in 2012, after the August 27th  
25 Council meeting, when it had been approved.

1                   And it was sometime towards the end of  
2 September, I believe, that there was a me -- media  
3 release put out. I also spoke about -- about rumours  
4 and addressed it at that time. And I felt that it had  
5 been addressed.

6                   MR. WILLIAM MCDOWELL: Right, but you  
7 -- in addressing it, you didn't have the benefit of  
8 the truth about what had gone on, correct, involving  
9 Mr. Bonwick?

10                  MS. SANDRA COOPER: I did not know  
11 that Mr. Bonwick was involved here.

12                  MR. WILLIAM MCDOWELL: Right. But if  
13 -- and I -- I take your point, that there were a lot  
14 of emails coming in, and some of them are  
15 conspiratorial and so on.

16                  But -- but if you want to clear the  
17 air, did it not occur to you to just ask Mr. Bonwick  
18 what the facts actually were, and then decide how to  
19 address that with the public rather than let these  
20 rumours fester for a period of years leading up to the  
21 calling of the inquiry?

22                  MS. SANDRA COOPER: Many rumours that  
23 -- rumour was that Councillor Sunny -- Sandy  
24 Cunningham was also related. There's so many rumours  
25 out there. I mean, I'm the mayor. I'm not chasing

1 down rumours. I -- I go by fact.

2 MR. WILLIAM MCDOWELL: Yeah, but you  
3 seem to have avoided --

4 MS. SANDRA COOPER: I may -- I --

5 MR. WILLIAM MCDOWELL: -- getting the  
6 facts is the problem.

7 THE HONOURABLE FRANK MARROCCO: Just  
8 let --

9 MS. SANDRA COOPER: I -- I addre -- I  
10 believe I -- sorry.

11 THE HONOURABLE FRANK MARROCCO: No,  
12 no.

13 MR. WILLIAM MCDOWELL: That's my  
14 fault.

15 THE HONOURABLE FRANK MARROCCO: I  
16 wanted you to finish your answer before you were asked  
17 another, so go ahead.

18

19 CONTINUED BY MR. WILLIAM MCDOWELL:

20 MR. WILLIAM MCDOWELL: Go ahead.  
21 Sorry.

22 MS. SANDRA COOPER: I think I've  
23 already stated that in September I did address the  
24 rumours. I had asked as well staff to prepare the  
25 steps along the way and the decision that we had made,

1 that this was a good, affordable solution.

2                   Again, there were rumours that were  
3 very difficult on my family.

4                   MR. WILLIAM MCDOWELL:    So let me ask  
5 you another question about Mr. Bonwick and his  
6 involvement.

7                   First of all, if -- if Mr. Bonwick is  
8 benefitting from the conduct of public business, is  
9 that something that in your view potentially could  
10 undermine public confidence, public trust?

11                  MS. SANDRA COOPER:    Sorry, could you  
12 repeat that?

13                  MR. WILLIAM MCDOWELL:    If Mr. Bonwick  
14 -- if there's -- if there's a transaction -- so here  
15 you're going to build a covering for a rink and you're  
16 going to construct a covering for a pool and you're  
17 going to make certain improvements, and Mr. Bonwick,  
18 we know, on the evidence and the Foundation Document,  
19 his company received a little over \$750,000 for that.

20                  So when you look at that, you're the  
21 Mayor, the fact that he's receiving that kind of  
22 benefit in connection with public business, is that  
23 something that in your view could potentially  
24 undermine public trust?

25                  MS. SANDRA COOPER:    It would have been

1 beneficial for me to know --

2 MR. WILLIAM MCDOWELL: Right.

3 MS. SANDRA COOPER: -- and I would  
4 have taken the proper steps.

5 MR. WILLIAM MCDOWELL: And I know  
6 we're looking in hindsight, but what sorts of steps  
7 would those have been?

8 MS. SANDRA COOPER: I would have  
9 conferred with the -- with the Clerk and had a --had  
10 a discussion with her and then -- not that she can  
11 give advice, legal advice, but she would have assisted  
12 me in what direction to take.

13 MR. WILLIAM MCDOWELL: Right. And you  
14 might have, at that point, spoken to Mr. Bonwick and  
15 said I'm not sure you should be doing this?

16 MS. SANDRA COOPER: I -- well, I would  
17 have spoken to -- had I known -- we're talking about  
18 speculation, had I known?

19 MR. WILLIAM MCDOWELL: Right. We  
20 accept that this is with the benefit of hindsight --  
21 you didn't know, but just so that we have it from you.

22 MS. SANDRA COOPER: Yeah. I -- I did  
23 not know. Would it have been beneficial to know?  
24 Absolutely.

25 MR. WILLIAM MCDOWELL: Right. And

1 then the next question is: Would you have intervened  
2 with Mr. Bonwick and asked him to reconsider his  
3 involvement?

4 MS. SANDRA COOPER: I -- I would have  
5 again, this is all would have, could have. I  
6 certainly would have called him and asked what is it  
7 exactly that you are doing.

8 MR. WILLIAM MCDOWELL: Right. And  
9 once you knew, what then in relation to him?

10 MS. SANDRA COOPER: Well again, there  
11 was -- I did not know this, so what would I do had I  
12 known? Again, speak to the Clerk and she would assist  
13 me with going in a direction. I know we -- there are  
14 times that she clarifies things through Town  
15 solicitor. I would have certainly picked up the phone  
16 and asked --

17 MR. WILLIAM MCDOWELL: What the  
18 appropriate steps were?

19 MS. SANDRA COOPER: What -- what are  
20 you doing? I would have asked certainly Mr. Bonwick,  
21 what -- what is it that you're doing. I definitely  
22 would have spoken to the Clerk and asked what is it  
23 that I need to -- what do you believe that I need to  
24 do to move forward and --

25 MR. WILLIAM MCDOWELL: You said there

1 I think that you might other -- also have asked the  
2 Town solicitor for advice.

3 MS. SANDRA COOPER: I would check with  
4 the Clerk to see what direction I should go.

5 MR. WILLIAM MCDOWELL: Including --  
6 and if she said call the Town solicitor, you would  
7 have followed that?

8 MS. SANDRA COOPER: Yes.

9 MR. WILLIAM MCDOWELL: All right.  
10 Now, could we pull up the evidence of Mr. Tom Lloyd,  
11 October 1st, at page 124?

12 I guess while we're pulling that up,  
13 did you watch Mr. Tom Lloyd's evidence when he gave  
14 it?

15 MS. SANDRA COOPER: I did watch some.

16 MR. WILLIAM MCDOWELL: I appreciate  
17 it's not the -- the best use of a great fall day  
18 maybe, but do you know whether you -- you caught his  
19 evidence?

20 MS. SANDRA COOPER: Well, sometimes  
21 the vacuum cleaner calls me, so I did watch --

22 MR. WILLIAM MCDOWELL: All right.

23 MS. SANDRA COOPER: -- I did watch  
24 some.

25 MR. WILLIAM MCDOWELL: All right. So



1 let's just look at this quickly. Scroll down, and I  
2 think it's at -- towards the bottom of the page here.

3 Did you and Mayor Lloyd ever discuss  
4 Mr. Bonwick on the phone?

5 MS. SANDRA COOPER: I think that's  
6 Deputy Mayor.

7 MR. WILLIAM MCDOWELL: Sorry, correct.  
8 Did Deputy Mayor Lloyd ever discuss Mr. Bonwick on the  
9 phone? He says, "Yes."

10 Then if we keep going, he says:

11 "Mr. Bonwick was a passionate -- was  
12 just as passionate as he was about  
13 getting some infrastructure for --  
14 desperately needed infrastructure  
15 for the City of Collingwood and  
16 would be great to get involved as  
17 part of the process."

18 And then if you keep going down. Keep  
19 going. All right.

20 And then the questions asked:

21 "Did Deputy Mayor Lloyd express to  
22 you what he thought specifically Mr.  
23 Bonwick may be able to do?"

24 "As I would say, first and foremost  
25 get the project done, whether it's

1 Sprung or anyone else."

2 And keep going down. And he makes  
3 reference to Mr. Bonwick getting the ball in the end  
4 zone.

5 Right. So you see that evidence?

6 MS. SANDRA COOPER: Yes.

7 MR. WILLIAM MCDOWELL: So if that  
8 evidence is true, that in fact Mr. -- and we will  
9 hear, I guess, from Mr. Rick Lloyd, whether or not he  
10 accepts that he suggested that Mr. Bonwick get  
11 involved.

12 Are you troubled by that, the Deputy  
13 Mayor suggesting that Mr. Bonwick become involved?

14 MS. SANDRA COOPER: I think that --  
15 and Mr. Lloyd -- Mr. Rick Lloyd can speak for himself,  
16 but I know he was very enthusiastic about moving this  
17 project forward and recreation -- the recreational  
18 project. I'm not sure where he's coming with -- with  
19 this.

20 MR. WILLIAM MCDOWELL: Right. But let  
21 me just put this in context.

22 Sprung wants to do this project.  
23 Elsewhere in this transcript, Mr. Tom Lloyd talks  
24 about wanting to do it, if he can, as a sole source.  
25 You're aware of that obviously.

1 MS. SANDRA COOPER: In the Foundation  
2 Documents, yes.

3 MR. WILLIAM MCDOWELL: Yes. And the  
4 Deputy Mayor is part of a council which has to decide  
5 whether to do an RFP and whether or not to sole source  
6 the Sprung proposal. That -- that's correct?

7 MS. SANDRA COOPER: Yes.

8 MR. WILLIAM MCDOWELL: And here he is  
9 suggesting to get Mr. Bonwick involved, and one of the  
10 things Mr. Bonwick, I assume, is going to be doing,  
11 and on the evidence of Mr. Barrow, and Ms. Stec is  
12 doing, is he's attempting to get this project sole  
13 sourced.

14 MS. SANDRA COOPER: I've read that in  
15 the Foundation Documents.

16 MR. WILLIAM MCDOWELL: Right. So does  
17 it not seem to you a little strange that you've got  
18 the deputy head of Council who is involved in the  
19 process to get Mr. Bonwick involved?

20 MS. SANDRA COOPER: I -- I mean, if  
21 he's -- Mr. Bonwick's in the community and -- and the  
22 job that he usually does, I guess he -- he would have  
23 his website, that interested parties could contact  
24 him, yes. It wouldn't have to necessarily come from  
25 Mr. Rick Lloyd.

1 MR. WILLIAM MCDOWELL: But it did come  
2 -- well, it may have come from Mr. Rick Lloyd. I  
3 guess it'll be a finding for the Commissioner to make.  
4 But if Mr. Rick Lloyd is doing this, I just ask you,  
5 doesn't seem to be a bit offside?

6 MS. SANDRA COOPER: Yes.

7 MR. WILLIAM MCDOWELL: And then the  
8 next question, I guess. You found out about Mr.  
9 Bonwick's involvement in this in 2018 --

10 MS. SANDRA COOPER: Yes.

11 MR. WILLIAM MCDOWELL: -- because Mr.  
12 Houghton told you?

13 MS. SANDRA COOPER: Yes.

14 MR. WILLIAM MCDOWELL: If Mr. Lloyd is  
15 having these discussions, shouldn't he have told you  
16 about them in 2012?

17 MS. SANDRA COOPER: I -- I would have  
18 liked to know that they were having discussion of Mr.  
19 Bonwick being involved in the BLT/Sprung --

20 MR. WILLIAM MCDOWELL: Right.

21 MS. SANDRA COOPER: -- project,  
22 absolutely.

23 MR. WILLIAM MCDOWELL: And Mr.  
24 Houghton, my reading of the evidence and the  
25 Foundation Document -- we'll hear from Mr. Houghton,

1 but it seems that Mr. Houghton was well aware that Mr.  
2 Bonwick and Green Leaf were involved in 2012.

3                   Shouldn't he have told you about this  
4 in 2012?

5                   MS. SANDRA COOPER: I think I should  
6 have been notified.

7                   MR. WILLIAM MCDOWELL: Right. Those  
8 are my questions, Commissioner.

9                   THE HONOURABLE FRANK MARROCCO: Thank  
10 you, Mr. McDowell.

11                   Mr. Marron, go ahead.

12                   MR. GEORGE MARRON: Thank you.

13

14 DIRECT EXAMINATION BY MR. GEORGE MARRON:

15                   MR. GEORGE MARRON: You just indicated  
16 you would have notified -- or would have hoped to have  
17 been notified that there was some involvement between  
18 Mr. Houghton and your Deputy Mayor, Rick Lloyd.

19                   MS. SANDRA COOPER: In this --

20                   MR. GEORGE MARRON: What did you mean  
21 by the term "notified"?

22                   MS. SANDRA COOPER: If -- that -- to  
23 be notified or to pick up the phone and ask me -- pick  
24 up the phone and say Mr. Bonwick is involved in the  
25 BLT/Sprung facility.

1 MR. GEORGE MARRON: Right. In other  
2 words, hoping that someone would tell you?

3 MS. SANDRA COOPER: Yes.

4 MR. GEORGE MARRON: Right.

5 MS. SANDRA COOPER: Yes.

6 MR. GEORGE MARRON: Directly?

7 Directly?

8 MS. SANDRA COOPER: Directly, yes.

9 MR. GEORGE MARRON: Now, you -- you've  
10 given some evidence that you relied on staff.

11 And can you indicate to us, I mean, the  
12 degree of the reliance that you may have put on staff,  
13 and in particular on the staff report that was  
14 prepared in reference to this Sprung transaction,  
15 referencing the arena and the pool?

16 MS. SANDRA COOPER: So on July 16th  
17 Council meeting, there was a presentation and staff  
18 gave that presentation regarding Sprung and then --  
19 and the -- and the needs -- more -- the needs of the  
20 community in recreation and what Council had so  
21 desired from the workshop.

22 And then August 27th Council meeting,  
23 there was further presentation by staff prior to the  
24 staff report being voted on, and I felt confident in  
25 what the information that staff had provided, being

1 the Executive Management Team and others.

2 Ms. Leonard brought forward information  
3 that helped me make -- make the decision that I made.

4 MR. GEORGE MARRON: Well -- and Ms.  
5 Leonard appeared and made presentation before Council  
6 on the 27th of August?

7 MS. SANDRA COOPER: Yes, she did.

8 MR. GEORGE MARRON: And what you're  
9 indicating is you had some prior discussion with Ms.  
10 Leonard.

11 MS. SANDRA COOPER: Yes. Looking  
12 forward to presentation coming forward and asking her  
13 if -- you know, fulfilling all the information that  
14 Council need in going forward and the numbers she has  
15 at her fingertips.

16 MR. GEORGE MARRON: Numbers being  
17 financial numbers?

18 MS. SANDRA COOPER: Financial numbers,  
19 yes.

20 MR. GEORGE MARRON: Now, we may hear  
21 from -- from Mr. Lloyd. There was an indication that  
22 the Town not only was confronted with a debt of  
23 approximately \$50 million during this point in time --

24 MS. SANDRA COOPER: Yes.

25 MR. GEORGE MARRON: -- but that there

1 were some considerable future expenditures that were  
2 anticipated that would have to be made for significant  
3 infrastructure elements at the Town of Collingwood.

4 MS. SANDRA COOPER: Yes, and I sort of  
5 touched on that with Mr. Bonwick, with his  
6 questioning, and then as he sat down I thought of  
7 other areas, Highway 26 West. There -- there were a  
8 list of -- Hume Street was another, Highway 26 East  
9 with the realignment there, the new highway. There  
10 were many.

11 The wastewater plant, we're chat -- we  
12 were discussing -- in discussion with New Tecumseth  
13 about our water -- water treatment plant as well and  
14 upgrades there.

15 MR. GEORGE MARRON: All right. Well,  
16 perhaps, you know, we'll get into more of a discussion  
17 of what the particulars of it were, but I -- my  
18 understanding is, and perhaps you can correct me if  
19 I'm wrong, that future expenditures to be considered -  
20 - and these were for essential and necessary services  
21 such as water, wastewater, that we were looking -- the  
22 Town of Collingwood was looking at expenditure over  
23 ten (10) years that might amount to 150 to \$160  
24 million.

25 MS. SANDRA COOPER: Yes, they were --



1 yes.

2

3 MR. GEORGE MARRON: So there appeared  
4 -- would -- would you agree with me, did there appear  
5 to be some will on the part of Council that if -- if  
6 these two facilities, the pool and the arena can be  
7 obtained, and obtained at something that the Town  
8 could afford to have -- afford to obtain, that there  
9 was this will of Council to go forward?

10 MS. SANDRA COOPER: Absolutely, yes.  
11 Council was very enthused and excited to move it  
12 forward.

13 MR. GEORGE MARRON: Well, there was a  
14 fair bit of determination on the part of Council, and  
15 that was evident from the Town Hall meeting that you  
16 had with the Council members back in June of 2012?

17 MS. SANDRA COOPER: Yes, there was a  
18 lot of discussion, various recreation opportunities or  
19 for the residents of Collingwood.

20 MR. GEORGE MARRON: And you'd known  
21 personally, by your involvement with Town Council,  
22 that this had been an issue that had been -- that  
23 hadn't been resolved, it remained unresolved for a  
24 period of fifteen (15) to twenty (20) years?

25 MS. SANDRA COOPER: Absolutely, going

1 back to 2003.

2 MR. GEORGE MARRON: So was there  
3 anything that you saw in the staff report, and this  
4 was presented to you, what; on the Friday prior to the  
5 Monday, August 27th Council meeting? Or was it  
6 presented to you on the Monday morning, 27th of  
7 August, 2012?

8 MS. SANDRA COOPER: Generally  
9 speaking, Council agendas come to Council on Thursday  
10 and this one, it could have been on Friday, but  
11 generally they come on Thursday.

12 If -- if there's a --

13 MR. GEORGE MARRON: I think the  
14 evidence is that we were looking at Friday.

15 MS. SANDRA COOPER: Friday.

16 MR. GEORGE MARRON: And like my  
17 question is: Did you see it Friday or did you see it  
18 on Monday, or what -- what was the first point that  
19 you reviewed the staff report?

20 MS. SANDRA COOPER: It would be over  
21 the weekend at home, reviewing the Council agenda.

22 MR. GEORGE MARRON: There was some --  
23 there was some information that while some of the  
24 Council members had the staff report delivered, the  
25 staff report and the other areas of agenda for the --

1 for the Council meeting on August 27th, some -- some  
2 of that, I understood, was delivered to the residences  
3 but that, in your case, it was left in your office  
4 here at Town Hall?

5 MS. SANDRA COOPER: Yes, that's right.

6 MR. GEORGE MARRON: All right. So  
7 when you said you think you may have reviewed it over  
8 the weekend, do you recall coming into Town Hall and  
9 picking it up and taking it home, or reviewing it  
10 here? Do you recall that?

11 MS. SANDRA COOPER: It would have been  
12 left in my office at the end of the day, on Friday,  
13 and I -- I don't recall specifically. On occasion I  
14 would come in and pick up my mail and read it in the  
15 office.

16 MR. GEORGE MARRON: Well, I mean this  
17 was a significant purchase or significant allotment of  
18 the taxpayer's money you're looking at.

19 You did review the staff report prior  
20 to the Council meeting?

21 MS. SANDRA COOPER: Yes, I read the  
22 entire agenda, including the staff report, yes.

23 MR. GEORGE MARRON: Okay, and the  
24 staff report was a portion of a rather extensive  
25 agenda for the Council meeting of August 27th?

1 MS. SANDRA COOPER: Yes. I wanted to  
2 allow what -- we had present -- deputations of -- from  
3 the public, and as well I wanted all of Council to  
4 have an opportunity to speak to the staff report and  
5 discussion, I wanted --

6 MR. GEORGE MARRON: Okay, well, the --  
7 the Council meeting is a matter of record.

8 MS. SANDRA COOPER: Well, it's about a  
9 four-hour meeting.

10 MR. GEORGE MARRON: Yes, that was what  
11 I was getting at. It was -- it was a meeting that  
12 went -- what -- significantly beyond the usual Council  
13 meeting on a Monday night here in the Town of  
14 Collingwood?

15 MS. SANDRA COOPER: Oh, absolutely,  
16 yes.

17 MR. GEORGE MARRON: So in advance of  
18 that, and knowing that it had a number of items on the  
19 agenda, I take it that you met with Ed Houghton, as  
20 the evidence has shown, and that was on the Monday, on  
21 the Monday morning?

22 MS. SANDRA COOPER: Yes, that's  
23 correct.

24 MR. GEORGE MARRON: Met with Ed  
25 Houghton, Kevin Lloyd, and Rick Lloyd, your Deputy

1 Mayor, at Mr. Houghton's offices out in -- in the  
2 Collus PowerStream building?

3 MS. SANDRA COOPER: Yes, that's  
4 correct.

5 MR. GEORGE MARRON: So you didn't meet  
6 at the Town Hall, you came back to Town Hall, I take  
7 it, and at some point you gave your evidence that you  
8 couldn't specifically recall but you believe that you  
9 may have met with Marta Proctor?

10 MS. SANDRA COOPER: Yes.

11 MR. GEORGE MARRON: In any event, you  
12 spoke with Marta Proctor, I take it?

13 MS. SANDRA COOPER: Yes.

14 MR. GEORGE MARRON: Was there any  
15 indication on the part of Ms. Proctor that in spite of  
16 your leave on vacation and the difficulty that Mr.  
17 Houghton may have expressed, was there any indication  
18 from Marta Proctor to you that she had been frustrated  
19 herself in dealing with the staff report or that she  
20 wished more time to deal with the staff report?

21 MS. SANDRA COOPER: No, that wasn't  
22 the case. And in fact, I wanted to ensure that she  
23 was ready and prepared for and that I was well-aware,  
24 being -- of her being prepared for the Council meeting  
25 and any discussions of any input that she would have.

1                   Now, everything was fine. I asked her  
2 is everything -- you're comfortable in moving forward  
3 and there was no indication of anything else.

4                   MR. GEORGE MARRON:    Okay. And she  
5 made a presentation at the Council meeting of August  
6 27th?

7                   MS. SANDRA COOPER:    Yes.

8                   MR. GEORGE MARRON:    All right.

9                   So did you have any sense or did you  
10 have any doubt that what you were provided by way of a  
11 staff report was something that you could rely on?

12                  MS. SANDRA COOPER:    Absolutely, I  
13 relied on it. It was the Executive Management Team  
14 that put it together. Ms. Proctor had input into it,  
15 Mr. McNalty would have -- would certainly have some  
16 input into it as well. I was satisfied with all the  
17 staff that were involved with it, that the information  
18 was accurate.

19                  MR. GEORGE MARRON:    Okay. So you  
20 acted on the staff report?

21                  MS. SANDRA COOPER:    Absolutely, yes.

22                  MR. GEORGE MARRON:    You heard the  
23 presentations?

24                  MS. SANDRA COOPER:    Yes.

25                  MR. GEORGE MARRON:    And you were asked

1 by -- in -- in one (1) of these emails, I believe was  
2 formulated and directed to you and other members of  
3 Council by Mr. Berman.

4                   There's some question raised as to when  
5 you came to the decision to vote in favour of the  
6 Council resolution in the Council meeting logs, 27th.

7                   MS. SANDRA COOPER:    Mr. Berman sent  
8 many emails, it took a lot of staff time, sent me that  
9 one (1) in particular and his -- his others that he  
10 had, yes.

11                   MR. GEORGE MARRON:    I didn't intend to  
12 get into that, but the reality is is that you did  
13 respond to Mr. Berman's email?

14                   MS. SANDRA COOPER:    Yes, I did.

15                   MR. GEORGE MARRON:    All right. And  
16 you indicated to him that you're -- well, what did you  
17 indicate to him? It's a matter of record, but what  
18 did you indicate to him?

19                   MS. SANDRA COOPER:    So my response  
20 back was I thanked him and -- and said that I -- my  
21 decision was made on August 27th, if there was  
22 something else come in that Council -- or that staff  
23 might say, you know what, we -- we can't bring it  
24 forward tonight then it would -- that would defer my  
25 decision, but I made my decision on August 27th.

1 MR. GEORGE MARRON: Did you make it  
2 before the presentation that was presented to Council  
3 on August 27th, or did you make it after, or did you  
4 make it during the presentation?

5 MS. SANDRA COOPER: Well, my ultimate  
6 -- I had made my -- my mind up at the end of the  
7 presentations and -- in the staff report, coming  
8 forward, as I had read it previously.

9 However, when the presentations were --  
10 were made, that confirmed that I supported -- that --  
11 the recommendation.

12 MR. GEORGE MARRON: All right. Now,  
13 you -- you made a public statement that was to Mr.  
14 Adams of the local newspaper, and you did that on, I  
15 believe it was June 11th, 2012, and that -- that had  
16 to deal with your -- your opinion in reference to the  
17 proposal for \$35 million being spent on the  
18 recreational facilities.

19 MS. SANDRA COOPER: Yes, that's  
20 correct, I did respond.

21 MR. GEORGE MARRON: What was the  
22 statement or your opinion at that time?

23 MS. SANDRA COOPER: My opinion on --  
24 at that time was that \$35 million was too much, the  
25 taxpayers couldn't afford that and that was -- that



1 was -- that was my view.

2 MR. GEORGE MARRON: Well, there was  
3 indication of that in the Foundation Document, and I  
4 take it that you're content with that, that your  
5 answer reflects that?

6 MS. SANDRA COOPER: Yes.

7 MR. GEORGE MARRON: A brief  
8 indulgence, Your Honour.

9 Mr. McDowell used the word "benefit"  
10 and Mr. Chadwick's email, which is addressed to -- I'm  
11 sorry --

12 THE HONOURABLE FRANK MARROCCO: Do --  
13 do you want five (5) minutes or so to find whatever it  
14 is you're looking for, Mr. Marron?

15 MR. GEORGE MARRON: Well, I -- I think  
16 I can find it quickly if -- and I'll -- this is the --

17 THE HONOURABLE FRANK MARROCCO: Well,  
18 I'll just wait outside until you find it and then  
19 we'll come back on.

20 MR. GEORGE MARRON: Well, I -- I'm  
21 reluctant to ask you to do that, but if you would,  
22 we'll move ahead. Thanks.

23

24 --- Upon recessing at 12:06 p.m.

25 --- Upon resuming at 12:07 p.m.

1 MR. GEORGE MARRON: Thank you, Your  
2 Honour. Thank you for the indulgence.

3

4 CONTINUED BY MR. GEORGE MARRON:

5 MR. GEORGE MARRON: So I -- I would  
6 refer to paragraph 771 and 772 of the Foundation  
7 Document. Could that -- thank you. That's on the  
8 screen, Your Honour.

9 So this was an indication and you were  
10 questioned by My Learned Friend Mr. McDowell on this,  
11 Mayor Cooper. And this -- this had to do with an  
12 email that -- that I guess had been sent in reference  
13 to doct -- or Mike Lewin and someone indicating an  
14 expression of disappointment with what that individual  
15 saw as the treatment of Dr. Lewin during his  
16 deputation.

17 Now, was this a deputation that was  
18 made on the 27th of August, 2012, or do you recall?  
19 It may have been earlier than that.

20 MS. SANDRA COOPER: It was prior to  
21 August 27th.

22 MR. GEORGE MARRON: Okay, now doc --  
23 Mike Lewin was -- was he a member of the Central Park  
24 Steering Committee?

25 MS. SANDRA COOPER: I believe he was a

1 member of the Friends of Central Park.

2 MR. GEORGE MARRON: Okay. As was Dr.  
3 Geoff Moran?

4 MS. SANDRA COOPER: Yes.

5 MR. GEORGE MARRON: And Dr. Moran, was  
6 he a member of the Steering Committee of Central Park,  
7 or do you recall?

8 MS. SANDRA COOPER: I don't believe he  
9 was.

10 MR. GEORGE MARRON: All right.

11 These were two individuals, obviously,  
12 in the community and we're -- were well known by you,  
13 you knew them personally?

14 MS. SANDRA COOPER: I had -- Dr.  
15 Lewin, I didn't know him. Dr. Moran, I certainly saw  
16 him in the arena.

17 MR. GEORGE MARRON: Yes, okay.

18 MS. SANDRA COOPER: But I knew him.

19 MR. GEORGE MARRON: All right. And --  
20 and he knew you?

21 MS. SANDRA COOPER: Yes.

22 MR. GEORGE MARRON: All right. Okay.  
23 So, the indication was -- and this was a response that  
24 was made by Councillor Chadwick, but he -- he made a  
25 response to what Mr. McDowell read to you:

1 "Heard your cousin, Paul Bonwick,  
2 was paid a substantial amount to  
3 negotiate this deal."

4 So, there was the word 'paid', and --  
5 and obviously that would refer to -- to some payment  
6 of money or funds?

7 MS. SANDRA COOPER: I would think so.  
8 That's how I would take it.

9 MR. GEORGE MARRON: Then there was the  
10 word used in the same -- in the same outline in the  
11 Foundation Document in reference to this email,  
12 whether Paul Bonwick benefited from this deal. So,  
13 Mr. McDowell quite properly asked you about the terms  
14 of benefit.

15 Did -- did you consider that at any  
16 point in -- in time prior to being questioned today,  
17 that there's a distinction between den -- benefit and  
18 -- and a payment of money?

19 MS. SANDRA COOPER: No. I --

20 MR. GEORGE MARRON: I mean, a benefit  
21 can mean something -- it can mean -- it can mean a  
22 payment of money, but it can mean something in  
23 addition to that or separate from that.

24 Do you understand that?

25 MS. SANDRA COOPER: I understand that.

1 MR. GEORGE MARRON: Did you understand  
2 that at the time?

3 MS. SANDRA COOPER: I -- when I had  
4 seen this before in the Foundation Documents, I -- and  
5 -- and prior to -- and to when he had sent it out to  
6 the three (3) of us, I had seen it as only at the  
7 financial benefit.

8 MR. GEORGE MARRON: Well, and the  
9 response to the email is from Mr. Chadwick?

10 MS. SANDRA COOPER: Yes, he responded.

11 MR. GEORGE MARRON: His response is  
12 set out in the Foundation Document and he talks about  
13 there being no payment to Mr. Do -- Bonwick for any  
14 service?

15 MS. SANDRA COOPER: Yes.

16 MR. GEORGE MARRON: And so, you saw  
17 that and you -- you reviewed that because your  
18 evidence was -- in your evidence in-chief was that you  
19 were content with that response, and so you didn't  
20 make your own personal response to it?

21 MS. SANDRA COOPER: I was satisfied  
22 with the response.

23 MR. GEORGE MARRON: The last subject  
24 area, Your Honour, is the Council meeting of September  
25 17, 2012. Colli -- okay.

1 MS. SANDRA COOPER: Yes.

2 MR. GEORGE MARRON: Okay. And -- and  
3 you indicated earlier in -- in your -- in your cross-  
4 examination of this morning that you addressed the  
5 issue of rumours and innuendo, and -- and you did that  
6 at that meeting?

7 MS. SANDRA COOPER: Yes, that's  
8 correct.

9 MR. GEORGE MARRON: We've reviewed the  
10 transcript. And I take it your satisfied that the  
11 transcript sets out what you indicated at that time?

12 MS. SANDRA COOPER: Yes.

13 MR. GEORGE MARRON: It also indicates  
14 that it was at the outset of the Town Council meeting  
15 of September 17th, 2012, that you addressed that issue  
16 of rumour?

17 MS. SANDRA COOPER: Yes, I did.

18 MR. GEORGE MARRON: And so, you set  
19 the record straight. Is that what you attempted to  
20 do?

21 MS. SANDRA COOPER: That's what I was  
22 attempting to do.

23 MR. GEORGE MARRON: Right. And so,  
24 you dealt with it as the mayor because it obviously  
25 was a matter of concern. And you've indicated that to

1 us today, that -- the elements of concern that were  
2 there?

3 MS. SANDRA COOPER: Yes.

4 MR. GEORGE MARRON: Right. And -- and  
5 one (1) of the elements con -- of concern was the  
6 indication that there were some aggressive -- or I  
7 don't think he used the term 'aggressive,' but there  
8 were some emails that were distasteful and were far  
9 from satisfactory, and they were being addressed to  
10 you and your family members?

11 MS. SANDRA COOPER: Yes. There were  
12 some that -- a lot of complaint emails coming in not  
13 satisfied with the decision made. But there were also  
14 some emails coming in that were disturbing --  
15 disturbing and impactful on my family.

16 MR. GEORGE MARRON: Okay. And -- and  
17 were there steps taken with the authorities in  
18 reference to some of these emails?

19 MS. SANDRA COOPER: Yes. We had  
20 contacted the OPP.

21 MR. GEORGE MARRON: Okay. And that's  
22 a matter of record. The OPP would have an occurrence  
23 report of that, and you're satisfied that they do?

24 MS. SANDRA COOPER: Yes.

25 MR. GEORGE MARRON: All right.

1 (BRIEF PAUSE)

2

3 MR. GEORGE MARRON: Thank you, Your  
4 Honour. Those are my questions.

5 THE HONOURABLE FRANK MARROCCO: Thank  
6 you. Re-examination...?

7 MR. JOHN MATHER: Yes, Your Honour.

8

9 RE-DIRECT EXAMINATION BY MR. JOHN MATHER:

10 MR. JOHN MATHER: Ms. Cooper, Mr.  
11 Bonwick asked you questions about what might have  
12 happened had the recreation facility's decision gone  
13 to an RFP. Do you recall those questions?

14 MS. SANDRA COOPER: Yes.

15 MR. JOHN MATHER: And some of the  
16 questions dealt with what the process and timing of  
17 that process might look like.

18 At that point in time, the Town had  
19 recently gone through the RFP for the 50 percent  
20 interest in Collus. Is there any reason why that RFP  
21 process couldn't have served as a guide or a model for  
22 an RFP process for the recreation facility decisions?

23

24 (BRIEF PAUSE)

25



1 MS. SANDRA COOPER: I would say no.  
2 However, depending on -- having depended on staff's  
3 recommendation, I would follow on that.

4 MR. JOHN MATHER: And Mr. Bonwick  
5 specifically asked you about the time frame within an  
6 RFP for proponents to respond with their proposal as  
7 it came to recreation facilities.

8 What we see in the evidence is that BLT  
9 was engaged with respect to the arena and the pool  
10 sometime after July 16th, 2012. And then on August  
11 22nd, 2012, BLT submitted a proposal and a budget to  
12 Town staff.

13 Are you aware of any reason why another  
14 company that was seeking to make a proposal about  
15 recreation facilities couldn't have made a proposal in  
16 a similar time frame?

17 MS. SANDRA COOPER: No. I would say  
18 that -- to add to that, that Ms. Leonard had reviewed  
19 what was available, if there were other options  
20 available, and had determined that there wasn't, so,  
21 hence, the one (1).

22 MR. JOHN MATHER: Those are my  
23 questions.

24 THE HONOURABLE FRANK MARROCCO: Thank  
25 you very much, Ms. Cooper.

1 MS. SANDRA COOPER: Thank you, Your  
2 Honour.

3 THE HONOURABLE FRANK MARROCCO: You --  
4 you can -- you can leave the witness stand. I'm sure  
5 you've sat there long enough.

6 MS. SANDRA COOPER: Thank you very  
7 much.

8

9 (WITNESS STANDS DOWN)

10

11 MS. KATE MCGRANN: The next witness is  
12 Rick Lloyd.

13 THE HONOURABLE FRANK MARROCCO: Yes,  
14 Mr. Bonwick?

15 MR. PAUL BONWICK: Ju -- just if I  
16 may, I'm merely looking for some feedback from you due  
17 to my lack of understanding of process.

18 And so, for -- Counsel for the Inquiry,  
19 when they're asking -- at the end of the cross-  
20 examination, when they're asking questions, do they  
21 ask questions for clarification purposes or are they  
22 able to open up a new line of questioning, in which  
23 case, we're supposed to respond?

24 THE HONOURABLE FRANK MARROCCO: Not a  
25 -- this isn't a trial, it's an investigation, so the

1 questioning can be a little broader than it would  
2 normally be.

3 MR. PAUL BONWICK: So, if the Counsel  
4 for the Inquiry brings up what is effectively a new  
5 line of question or new information that wasn't  
6 either, (a) dealt with through the advanced witness  
7 testimony that we received or any of the cross-examine  
8 or evidence in-chief, do we have an opportunity to  
9 address that or --

10 THE HONOURABLE FRANK MARROCCO: It  
11 depends on the specific question. Whi -- which --  
12 which area is concerning you?

13 MR. PAUL BONWICK: Just an open-ended  
14 question about whether an RFP for a multimillion  
15 dollar partnership for an LDC would be a reasonable  
16 template for purchasing an arena and an aquatics  
17 facility. And --

18 THE HONOURABLE FRANK MARROCCO: Well,  
19 there's two (2) -- two (2) things there. First of  
20 all, there'll be other wit -- there would -- there --  
21 the first thing that I would think of in -- in  
22 response to that if -- if I were trying to decide what  
23 to do about that is can that question be put to a  
24 witness that's coming along, for example, Mr.  
25 Houghton, can -- can you ask that question of him, is

1 he in a position to give an answer that, if you accept  
2 it, he's qualified to give.

3                   And I would suspect he probably is.  
4 Deputy Mayor Lloyd, the same -- same sort of thing.  
5 So, it doesn't seem to me that the issue can't be  
6 addressed, and so, therefore, that -- that's kind of  
7 the way I would look at it rather than creating a  
8 situation where you then question the witness further  
9 ex -- because somebody, in the end -- in order for  
10 this to be orderly, there has to be an order to the  
11 questions.

12                   There's always a possibility somebody  
13 asked a question you didn't think of and -- or that --  
14 that -- where the answer surprises you. And we can't  
15 keep going back in forth indefinitely, or we'll --  
16 we'll all be buried here.

17                   MR. PAUL BONWICK: Thank you for that  
18 clarification. I certainly understand and appreciate  
19 the order through cross-examination and the fact that  
20 information may come up after I'm done speaking with  
21 representatives or lawyers representing the  
22 participants.

23                   My question was really more specific  
24 just to the process related to the Inquiry Counsel and  
25 are they seeking clarification or are they allowed to

1 visit new information once everybody's finished  
2 speaking.

3 THE HONOURABLE FRANK MARROCCO:

4 Basically, we would prefer that -- that there not be  
5 new information, that it's -- it's related to some  
6 line of inquiry.

7 So, to take, for example, the -- the  
8 question that you referenced where there are questions  
9 which suggest that it would take -- it would take too  
10 long to -- to go through the typical RFP process, and  
11 -- and, therefore -- but the implication being, and,  
12 therefore, a more expeditious process was required,  
13 that arguably is related to a question then put to the  
14 same witness, well, would the -- would -- in terms of  
15 timing, would -- the RFP process that we talked about  
16 in phase 1, would the timing be the same.

17 And -- and the former mayor, you know,  
18 you -- Ms. Cooper's a former mayor, so the question's  
19 arguably within her area of -- of understanding, so  
20 she gave an answer. But she's not the only witness  
21 called with that kind of knowledge.

22 And so, I think what I would do in that  
23 situation is say, no, you -- you pur -- if you want to  
24 pursue that, you can pursue that with -- witnesses who  
25 are coming. You'll get an opportunity then to -- to

1 test your proposition, which is they're actually quite  
2 different and you can't draw a parallel.

3 MR. PAUL BONWICK: Thank you, Your  
4 Honour.

5 THE HONOURABLE FRANK MARROCCO: All  
6 right.

7 MS. KATE MCGRANN: The next witness is  
8 Rick Lloyd.

9 THE HONOURABLE FRANK MARROCCO: Mr.  
10 Lloyd...

11

12 RICHARD EARL LLOYD, Sworn

13

14 EXAMINATION-IN-CHIEF BY MS. KATE MCGRANN:

15 MS. KATE MCGRANN: Good morning, Mr.  
16 Lloyd.

17 MR. RICHARD LLOYD: Good afternoon.

18 MS. KATE MCGRANN: Fair enough. I'd  
19 like to start with a couple of questions about your  
20 construction experience in particular.

21 Before 2012, did you have any  
22 experience in construction related to aquatic  
23 facilities?

24 MR. RICHARD LLOYD: No, but I've had a  
25 lot of experience in excavation and earthwork.

1 MS. KATE MCGRANN: Did you have any  
2 construction experience related to arenas?

3 MR. RICHARD LLOYD: No.

4 MS. KATE MCGRANN: Had you had any  
5 experience with fabric buildings before?

6 MR. RICHARD LLOYD: No.

7 MS. KATE MCGRANN: Had you  
8 participated in design build projects before?

9 MR. RICHARD LLOYD: I have  
10 participated in earthwork for design build buildings  
11 before, yes.

12 MS. KATE MCGRANN: And in the  
13 earthworks work that you did related to design builds,  
14 were you acting as a subcontractor to the main  
15 contractor on the design build contract?

16 MR. RICHARD LLOYD: That's correct,  
17 subcontractor.

18

19 (BRIEF PAUSE)

20

21 MS. KATE MCGRANN: In the time that  
22 you served on Town Council before 2012, had you been  
23 involved in -- in Town construction projects before as  
24 a councillor?

25 MR. RICHARD LLOYD: Repeat that

1 question. I'm sorry.

2 MS. KATE MCGRANN: As a Town  
3 councillor, had you been involved in decisions that  
4 Council made about prior construction projects before  
5 2012?

6 MR. RICHARD LLOYD: Yes.

7 MS. KATE MCGRANN: Were you involved  
8 in the negotiation of any construction-related  
9 contracts for the Town?

10 MR. RICHARD LLOYD: I don't believe  
11 so, no.

12

13 (BRIEF PAUSE)

14

15 MS. KATE MCGRANN: Could we turn up  
16 paragraph 1 -- oh sorry -- 14, Code of Conduct, the  
17 Code of Ethics, of the Foundation Document?

18

19 (BRIEF PAUSE)

20

21 MS. KATE MCGRANN: I want to look  
22 particularly at 14(a) here which says that:

23 "Members will acknowledge that only  
24 Council as a whole has the capacity  
25 to direct staff members to carry out



1                   specific tasks or functions."

2                   Were you aware of this provision of the  
3 Code of Ethics when you were on Council in 2012?

4                   MR. RICHARD LLOYD:    Yes.

5                   MS. KATE MCGRANN:    Okay, we've got a  
6 record that you signed the Code, I can show it to you  
7 if you want, but you agree that you signed the Code of  
8 Ethics before you commenced your --

9                   MR. RICHARD LLOYD:    That's correct,  
10 yes.

11                  MS. KATE MCGRANN:    Did you receive any  
12 training with respect to this provision that says that  
13 only Council as a whole has the capacity to direct  
14 staff?

15                  MR. RICHARD LLOYD:    Not specific to  
16 this, there's always been Council workshops over the  
17 past.

18                  MS. KATE MCGRANN:    In 2012, what was  
19 your understanding as to why this requirement was in  
20 place?

21                  MR. RICHARD LLOYD:    Just exactly what  
22 it says, the Code of Conduct for members and Code of  
23 Ethics for -- for Council members.

24                  MS. KATE MCGRANN:    What was your  
25 understanding of why the requirement that only Council

1 as a whole has a direct -- the capacity to direct  
2 staff? Why did you think that was in the Code of  
3 Ethics?

4 MR. RICHARD LLOYD: Just for exactly  
5 what it says.

6 MS. KATE MCGRANN: Why did you think  
7 that requirement was there? Why was only Council as a  
8 whole allowed to --

9 MR. RICHARD LLOYD: Probably so  
10 Council would be aware of what direction was given to  
11 staff.

12 MS. KATE MCGRANN: So Council could be  
13 aware. Did you think it was important that the public  
14 also be aware of what directions Council were giving  
15 to staff?

16 MR. RICHARD LLOYD: I don't think -- I  
17 don't agree with that. I think it was more for  
18 Council themselves, councillors, members that were  
19 elected.

20 MS. KATE MCGRANN: Okay. Did you  
21 think that it was there to assist with staff so that  
22 they would know who they could take instruction from?

23 MR. RICHARD LLOYD: Positively, yes.

24 MS. KATE MCGRANN: And what  
25 instructions to follow?

1 MR. RICHARD LLOYD: Guidelines.

2 MS. KATE MCGRANN: I understand that  
3 during the 2010 to 2014 Council term, you were the  
4 Chair of the Public Works Committee, is that right?

5 MR. RICHARD LLOYD: I was Chair of  
6 Public Works and finance.

7 MS. KATE MCGRANN: So I'm focussing on  
8 Public Works right now. You were the Chair of Public  
9 Works?

10 MR. RICHARD LLOYD: I was Chair of  
11 Public Works, but again I didn't want to make a  
12 perception that's wrong. I was Chair of more than one  
13 (1) committee.

14 MS. KATE MCGRANN: Okay. So focussing  
15 on Public Works for now, what did that role involve?

16 MR. RICHARD LLOYD: Well, I was  
17 involved in -- in looking at their budget, their  
18 operations, dealing with this -- the head of Public  
19 Works at the time was Mr. Houghton and also Brian  
20 Macdonald.

21 I had more interaction with Brian  
22 Macdonald than -- than any at Public Works.

23 MS. KATE MCGRANN: In that role, did  
24 you understand that you were allowed to individually  
25 provide directions to staff, as opposed to all of

1 Council providing direction?

2 MR. RICHARD LLOYD: I -- I felt that I  
3 was consulted a lot by staff, being consulted I did  
4 give them my -- I don't know if it was direction, but  
5 my answers to many of their questions, which  
6 undoubtedly helped them with the direction they were  
7 going.

8 I wouldn't say thou shall do this, it  
9 was more of a case that I'd be consulted on different  
10 things and I'd be asked.

11 Even at budget time, with their budget,  
12 hours and hours were spent on the budget, going over  
13 things and I was asked my opinion all the way though  
14 it. I don't look at that as giving direction, it was  
15 more staff asking me opinions.

16 We'd go back to the Code of Conduct and  
17 say should I have been doing that? That's what the  
18 Chair of the -- of each committee did, so I guess  
19 there's a little bit of confusion between what the  
20 Code of Conduct is and what, in fact, members of  
21 Council did when they're chair of committees.

22 MS. KATE MCGRANN: Why did you believe  
23 that it was okay for you to provide your personal  
24 opinions to staff in response to questions, as opposed  
25 to taking those questions back to Council?

1 MR. RICHARD LLOYD: Probably the same  
2 as what we're doing right here. You're asking me and  
3 I'm answering your questions, just like I did with  
4 staff. When staff would ask me, I'd give them my --  
5 my question. They would only ask when they wanted an  
6 answer, I'd give them my opinion.

7 It didn't mean they had to do it, it  
8 was what I felt they -- that was a good idea to do.

9 MS. KATE MCGRANN: Did you turn your  
10 mind at the time to whether you should be responding  
11 to those questions on your own with your own opinions,  
12 or whether you should be taking them back to Council?

13 MR. RICHARD LLOYD: I was Chair of  
14 Public Works. I wouldn't have even given it a second  
15 thought. That's what I felt my role was.

16 Being elected for twenty-five (25)  
17 years, it's what had been going on for -- since 1985  
18 when I first got elected.

19 In fact, back years ago, in the early  
20 '80s, the Chair of Public Works used to ride around  
21 with the -- the Director of Public Works looking at  
22 the day-to-day operations.

23 So I went through all of those  
24 transitions over the years. I didn't see anything  
25 wrong with answering questions from staff. In fact, I

1 felt that it boosted staff, gave them the confidence  
2 when they came to Council, that someone was aware of  
3 what was going on within the operations.

4 Today I still get calls from different  
5 staff within this municipality and others for advice.

6 MS. KATE MCGRANN: Now, you'll agree  
7 with me that there's a difference in the role that you  
8 have as a citizen that people call, as compared to  
9 being the Deputy Mayor of the Town?

10 MR. RICHARD LLOYD: I don't agree. I  
11 think what it was was because of knowing that I was  
12 Deputy Mayor, sometimes it is political questions that  
13 are asked of me and of what I felt they should do and  
14 stuff. And again, I don't see anything wrong with  
15 being the Chair of the committee dealing with -- with  
16 the community when they're asking me questions.

17 MS. KATE MCGRANN: Mr. Lloyd, are you  
18 suggesting to me that you don't think you had any more  
19 power or influence over staff when you held the role  
20 of Deputy Mayor than you do now?

21 MR. RICHARD LLOYD: I don't think the  
22 role of Deputy Mayor was a position of power. In  
23 fact, I don't think it's a position of power at all.  
24 I think that it's a governance -- it governs the  
25 community and I never once looked at the position of

1 being elected as a power position.

2 I felt that it was a position  
3 representing the community, representing the taxpayers  
4 of the community, and giving that side of -- of what  
5 was being presented to staff.

6 MS. KATE MCGRANN: Do you think that  
7 the answers that you provide to staff now, as a  
8 citizen, have any more or less impact than they did  
9 when you were the Deputy Mayor when they spoke to you?

10 MR. RICHARD LLOYD: None whatsoever.

11 MS. KATE MCGRANN: So you've pointed  
12 out you were also the Chair of the Budget Committee  
13 during the term 2010 to 2014?

14 MR. RICHARD LLOYD: Chair of Finance,  
15 that's correct.

16 MS. KATE MCGRANN: What did that role  
17 involve?

18 MR. RICHARD LLOYD: A lot of hours,  
19 lot of time, going over every budget within every  
20 department of the Town of Collingwood with the  
21 Treasurer, sitting down with the Treasurer, and she  
22 would present all the -- the stuff to me.

23 I'd even sit down with the audit  
24 committee, which was our auditors. I was invited to  
25 these meetings, I didn't insist on going, and that's

1 the -- the direction was -- was always through.

2 MS. KATE MCGRANN: And in that role,  
3 did you feel that you could provide instructions to  
4 staff individually as opposed to -- as a member of  
5 Council as a whole?

6 MR. RICHARD LLOYD: Again, I want to  
7 make it very clear here, on the record, I wasn't  
8 instructing staff. What I was doing was when I was  
9 asked questions by staff, I would answer the questions  
10 and assist them. I wasn't, again as I said earlier,  
11 saying thou shall do this. It was a case of this is  
12 what I think we should do, if it was asked of me.

13 And there's never, ever a concern  
14 brought forth to me, I never, ever had a concern  
15 brought to me from the clerk or from the HR committee.

16 So I wasn't in there in a dictatorship  
17 role. I was in there as -- as the Chair of the  
18 committee, trying to work with them.

19 MS. KATE MCGRANN: Ms. Cooper has  
20 given some evidence, and you saw some of it this  
21 morning, in her evidence one (1) of the things she  
22 said is that she spoke to you about you dealing with  
23 staff directly and suggested to you that that was not  
24 the way things should be done.

25 Do you remember having any discussions



1 with the Mayor like that?

2 MR. RICHARD LLOYD: No, but I did get  
3 an email where -- where the clerk had suggested that -  
4 - that I shouldn't direct staff and that -- that the  
5 email I should send should involve all of Council.  
6 Which I did.

7 But interesting enough, if you go  
8 through the Foundation Document, as you have, there's  
9 other situations where other councillors have done  
10 exactly what I've done.

11 MS. KATE MCGRANN: One (1) of the  
12 things that we see as we look at the documents that  
13 the Inquiry has received is that in all of the  
14 discussions that Council has about potential  
15 recreation facilities that it may build, right up  
16 until August 27th when it makes the decision to  
17 proceed with the two (2) Sprung structures, there's no  
18 discussion about setting a budget for what Council  
19 might wish to spend to assist in those considerations.

20 Are you aware of any discussions about  
21 a potential budget for Council's spending for the  
22 recreation facilities?

23 MR. RICHARD LLOYD: No. Up until then  
24 it was Central Park Committee were investigating  
25 opportunities. In one (1) of the roles or one (1) of

1 the questions or one (1) of the objectives of the  
2 Central Park Committee was to investigate funding  
3 opportunities, partnerships, and it wasn't until near  
4 the end of their presentation that came in at 35  
5 million, and don't be fooled by the 35 million, it's  
6 not 35 million.

7                   There was the cost to relocate the ball  
8 diamonds, the cost to relocate the -- the lawn bowling  
9 and the cost to relocate the outdoor rink.

10                   I would surmise that it would be closer  
11 to 42 or 44 million, which quite frankly in a  
12 population of a community of 22,000, it just wasn't  
13 within the realms of what we could afford to do.

14                   MS. KATE MCGRANN:    Okay.  And I take  
15 it that you formed the view that it wasn't within the  
16 realms of what Council could afford to do when the  
17 Central Park Steering Committee made its final  
18 presentation?

19                   MR. RICHARD LLOYD:    I think when we  
20 found out, and I think the -- your book shows that  
21 Council, when they become aware that, first of all,  
22 the YMCA were not participating in the -- in the --  
23 the funding of it, and also the cost which was just  
24 prohibitive at the time, we were going around in  
25 circles, that we had done for the last twenty-five

1 (25) years.

2 We'd study something to death, find out  
3 the costs were not realistic, and then it would just  
4 get shelved for another five (5) or six (6) or ten  
5 (10) years, and then on with the next thing.

6 MS. KATE MCGRANN: My question for you  
7 is: When you found out the price tag associated with  
8 the Central Park steering committee's proposal at that  
9 point in time, when they pre -- when they gave their  
10 final presentation, did you determine for yourself  
11 that that was too much money for Council to spend?

12 MR. RICHARD LLOYD: Totally 100  
13 percent.

14 MS. KATE MCGRANN: So, we see that  
15 presentation gets made in March of 2012. And then  
16 Council's focus shifts. There's a strategic planning  
17 session in June where there's brainstorming. And then  
18 directions are give to sta -- to staff to go look at  
19 individual solutions to individual problems.

20 At any point after Council's focus  
21 shifts away from the multi-use recreation facility,  
22 were there any discussions about what kind of a budget  
23 Council would be willing to put towards the recreation  
24 facilities?

25 MR. RICHARD LLOYD: No. I think they

1 were very open-minded to it. I think they were  
2 working towards coming up with some solution. And  
3 when a solution was determined, then a budget could be  
4 -- at that point in time, see if it was realistic.

5 I could have come out with a solution  
6 for a hundred million dollars, but it just wasn't  
7 realistic for the taxpayers of this community. Never  
8 did we ever say it could only be this plateau or this  
9 plateau.

10 MS. KATE MCGRANN: As Chair of  
11 Finance, did you see yourself as having par -- any  
12 particular responsibility in assisting Council in  
13 determining what budgets it should be setting for  
14 things, when those budgets should be set?

15 MR. RICHARD LLOYD: No. Department  
16 heads set the budget. Quite often, I've had  
17 discussions with the treasurer about the budget. And  
18 I must say the treasurer's very brilliant when it  
19 comes to numbers and working out the -- the facts and  
20 getting everything through.

21 But as for the budget, other than  
22 public works, I'd sit down with the public works  
23 director and he'd go through the budget, asking me  
24 questions of different projects, if -- if I felt that  
25 it's something that this one (1) would be a priority

1 this year or 'B' should be a priority, things like  
2 that.

3 And I'd say, well, it should maybe come  
4 to Council, but this is how much money that we had  
5 last year, that we can only have a realistic increase  
6 this year.

7 MS. KATE MCGRANN: So, I appreciate  
8 that answer. I'm not talking about department head  
9 budgets or department budgets. Council is looking at  
10 potential recreation facility options in the spring  
11 and early summer of 2012, right?

12 MR. RICHARD LLOYD: Yes.

13 MS. KATE MCGRANN: Council is  
14 determining which options it's going to direct staff  
15 to pursue. Is that right?

16 MR. RICHARD LLOYD: That's correct.

17 MS. KATE MCGRANN: And Council  
18 ultimately makes the decision about how much money the  
19 Town is going to spend on the recreation facilities?

20 MR. RICHARD LLOYD: Ultimately, yes.

21 MS. KATE MCGRANN: So, my question for  
22 you is, in particular in your role as Chair of  
23 Finance, did you think it was important at all for  
24 Council to discuss what it would be willing to spend  
25 to assist it, to assist staff in the work that

1 everyone was doing to look at options?

2 MR. RICHARD LLOYD: No, because it  
3 wasn't like buying a candy bar off the shelf or a car  
4 from a local dealership. We can't -- we couldn't  
5 determine this is what this is going to be work.

6 So, we were still looking at all the  
7 options. We weren't going to handcuff the option by  
8 saying we've only got 5 million, we've only got 10  
9 million, so it was never discussed.

10 We didn't put a handcuff on any  
11 committee or anyone to be able to say this is all  
12 we're going to spend. Come to us with a proposal.  
13 Let's see if it's realistic and see if we can move  
14 forward.

15 MS. KATE MCGRANN: Okay. So, after  
16 the presentation of the Central Park steering  
17 committee's report, we know 35 million is too much,  
18 but something less than that might be very workable?

19 MR. RICHARD LLOYD: No. The 35 to 44  
20 million was out of the question totally. And I'm not  
21 the only councillor. If you go through it here, there  
22 -- there's all kinds of emails from other councillors  
23 saying it's impossible.

24 So, we had to notch it down to  
25 something that was realistic. What was realistic at

1 that point in time? Probably do nothing, like other  
2 councils had done for twenty-five (25) years.

3 The next thing was to try and find an  
4 alternative. The whole world changed when I went to  
5 FCM to the conference.

6 MS. KATE MCGRANN: Okay. And we'll  
7 talk about that in a few minutes. Still focussing on  
8 -- on your experience in Council, the purchasing  
9 bylaw, did you receive any training on the purchasing  
10 bylaw before August of 2012?

11 MR. RICHARD LLOYD: Again, being a  
12 member of Council is -- is a part-time position within  
13 the municipality of Collingwood. It's not like the  
14 City of Toronto, where the individuals are paid a  
15 hundred thousand plus to sit on Council.

16 When I was sitting as a Council member,  
17 I think the first term was around \$8,000 a year we  
18 got. Sitting as deputy mayor in the end, I was -- I  
19 was receiving funding of up to \$22,000, so I didn't go  
20 to any special school or university or anything else  
21 for any specific training.

22 We get as much training as we could  
23 through AMO, which is Association of Municipalities of  
24 Ontario. They'd have workshops at their conferences.  
25 So, that would be usually a three (3) day workshop

1 over the -- over the course of -- of the year. Then  
2 the next year, the same thing.

3 So, we got preliminary workshops, but  
4 it was more to what the role of a councillor is or the  
5 role of a deputy mayor or the role of a mayor, and  
6 that's somewhat different within some municipalities.

7 So, making a long answer short, no,  
8 there was no formal training. There was -- the  
9 treasurer was the best person to explain how it would  
10 work.

11 MS. KATE MCGRANN: As Chair of  
12 Finance, did you have any particular responsibility  
13 with respect to the administration of the purchasing  
14 bylaw during the 2010 to 2014 Council term?

15 MR. RICHARD LLOYD: No.

16 MS. KATE MCGRANN: Can we look at  
17 paragraph 15 of the Foundation Document, please?

18

19 (BRIEF PAUSE)

20

21 MS. KATE MCGRANN: Paragraph 15  
22 describes the purchasing bylaw that was in place  
23 during the 2010 to 2014 Council term. And one (1) of  
24 the requirements of that bylaw was, you can see it's  
25 set out here at 15(b):



1 "Purchases over fifty thousand  
2 dollars (\$50,000) shall be obtained  
3 by tender."

4 Do you see that?

5 MR. RICHARD LLOYD: Yes, I do.

6 MS. KATE MCGRANN: Were you aware of  
7 that requirement in 2010?

8 MR. RICHARD LLOYD: If I was, I wasn't  
9 -- if I had seen this before, which probably I had at  
10 some point in time, again, I -- no. How's that?

11 MS. KATE MCGRANN: I just -- I just  
12 want the answer, so whatever the right -- whatever  
13 your answer is, is --

14 MR. RICHARD LLOYD: No.

15 MS. KATE MCGRANN: -- is just fine.  
16 Did you have any understanding as to why the Town was  
17 required to -- to go to tender for purchases over a  
18 certain amount of money?

19 MR. RICHARD LLOYD: No, but these kind  
20 of questions, in my opinion, should be asked of the  
21 treasurer because she'll give you the proper answer.  
22 I'm assuming, as Chair of -- of Finance, in a -- in a  
23 menial role, that -- that this is exactly the end.

24 But I can assure you that the treasurer  
25 will give you within the reasons why we can step

1 beyond that and not go to tender and why we can sole  
2 source stuff.

3 MS. KATE MCGRANN: Okay. So, let's  
4 take this off the screen. More generally, just  
5 stepping back from the tax, did you have an  
6 understanding as to why there were requirements that  
7 the Town go to tender when it was making purchases  
8 while you were on Council in 2010 to 2014?

9 MR. RICHARD LLOYD: Yes.

10 MS. KATE MCGRANN: Okay. Why did you  
11 understand that was something that was encouraged?

12 MR. RICHARD LLOYD: Generally, to be  
13 fair and equitable within the community. Now, over  
14 the years, there has been not necessarily the lowest  
15 tender accepted either.

16 As for per local entities, for many  
17 different reasons, sometimes not only the local -- or  
18 not only the lowest tender is accepted.

19 So, even when you look at this process,  
20 it's even superceded by other things, that Council  
21 decides in the end that they're not going to go with  
22 the lowest tender. And they have that opportunity  
23 because when they write the contract, they quite often  
24 write it, but not necessarily the lowest tender will  
25 be accepted.

1                   So, the theory behind the tendering  
2 process is to be fair, get the -- all the lowest  
3 tenders possible, but even then there's exceptions.

4                   MS. KATE MCGRANN:    Okay.  So, I just  
5 want to make sure that I've got this right.  When a  
6 tender is put together for the Town, the Town is able  
7 to say in a tender what it's going to consider most  
8 important.

9                   At some point in time, it might be the  
10 lowest -- the lowest price.  It could be a different  
11 thing that they're going to be choosing based on local  
12 labour or something like that, but Council gets to,  
13 first of all, determine what it's going to use to make  
14 decisions?

15                  MR. RICHARD LLOYD:    And usually a  
16 staff recommendation will come through.  But I've seen  
17 staff recommendations recommending the lowest tender  
18 and Council saying no.

19                  MS. KATE MCGRANN:    So, I want to talk  
20 about putting a tender together because I understand  
21 you be giving -- you to be giving evidence that, at  
22 some points when tenders went out, they indicated  
23 we're not necessarily looking for the lowest bid,  
24 we're looking for the lowest bid and some other  
25 criteria that we're going to take very seriously.

1 Is that fair?

2 MR. RICHARD LLOYD: Yeah, I think  
3 that's fair.

4 MS. KATE MCGRANN: Okay.

5 MR. RICHARD LLOYD: Slow down. I  
6 can't keep up with you, sorry.

7 MS. KATE MCGRANN: So, in addition to  
8 allowing the Town to explain to the public what  
9 criteria it's going to use to help it pick the winner  
10 of the tender --

11 MR. RICHARD LLOYD: Generally --  
12 generally, what would happen is a recommendation would  
13 come from staff. Ninety-nine point nine (99.9)  
14 percent of them would just be approved.

15 MS. KATE MCGRANN: You identified that  
16 tenders are used to be fair and equitable?

17 MR. RICHARD LLOYD: Correct.

18 MS. KATE MCGRANN: Were they also used  
19 to help ensure that the Town had the best information  
20 about what was available for what the Town was looking  
21 to buy?

22 MR. RICHARD LLOYD: Not necessarily,  
23 because it's interesting, during busy times, like now,  
24 with the construction industry, tenders are coming in  
25 way above engineers' estimates. And as a result of

1 that, it's thrown a real monkeywrench into budgeting  
2 of municipalities.

3                   A lot of projects are getting shelved,  
4 or in fact the tender process -- I know personally  
5 there have been many tenders have gone out from  
6 municipalities where only one (1) company's tendered  
7 it because they're too busy. So the -- the theme  
8 behind tendering and the process of getting the best  
9 price and so on doesn't necessarily work all the time.

10                   And again during busy times when  
11 businesses are busy, they quite often throw a price at  
12 it, not wanting to do it because they're busy enough  
13 without it, and they'll be way high. So to make it  
14 equitable, it -- the theory is right but it doesn't  
15 necessarily work that way.

16                   MS. KATE MCGRANN:    Okay.  When you  
17 talk about companies throwing a high price on because  
18 they're too busy and they don't really want to work,  
19 is the Town getting information about what they would  
20 have to pay in order to get that company to come and  
21 do the work?

22                   MR. RICHARD LLOYD:    What happens  
23 generally, the engineer, the consulting engineer will  
24 -- who has done all the plans will come up with an  
25 estimate on the project.  From what I've seen in the

1 last couple of years, the engineer's estimates are  
2 low. What does that tell me; that the engineer really  
3 knows what he's doing, but unfortunately because times  
4 are busy the contractors are -- are putting their  
5 prices up, and the pipe companies and so on.

6 MS. KATE MCGRANN: Did you understand  
7 that tenders introduced an element of competition for  
8 the respondents, that they understand that they're  
9 competing with each other for the Town's business?

10 MR. RICHARD LLOYD: That's correct.  
11 It does allow for some competition, yes.

12 MS. KATE MCGRANN: And the benefit of  
13 that competition, amongst other things, is to  
14 encourage the respondents to give the Town the best  
15 price it can?

16 MR. RICHARD LLOYD: Exactly, other  
17 than what I've just explained to you, that in the  
18 event of -- of years like this where, in, fact you're  
19 only getting one (1) tender for a project, it sure  
20 throws a monkeywrench into stuff, and generally the  
21 municipality will go back and negotiate with that  
22 contractor, or in fact shelve it and re-tender it  
23 again when things are -- when times are slower.

24 But unfortunately, quite often there's  
25 provincial funding in -- involved in it, and they have

1 a time line with -- where they have to do this  
2 contract, so sometimes they go with the tender even  
3 though it's way higher than the engineer's estimate.

4 MS. KATE MCGRANN: Okay. And I think  
5 that you just said to me that in the event that where  
6 there's only one (1) respondent, the Town would then  
7 go and attempt to negotiate.

8 MR. RICHARD LLOYD: That's right.

9 MS. KATE MCGRANN: And the reason that  
10 that happens is so that the Town can try to ensure  
11 that it's getting the best price that it can.

12 MR. RICHARD LLOYD: Sometimes, but  
13 others have said that that's not proper to do it  
14 either, because when you've got a sealed tender and  
15 that's the price, the price is the price is the price,  
16 what's a municipality going back, trying to beat this  
17 contractor up to get a lower price. So you see both  
18 sides of it. I see the Town trying to do that, but  
19 I'm not necessarily convinced that that's the role of  
20 municipalities.

21 MS. KATE MCGRANN: You'll agree with  
22 me that a municipality should be trying to get the  
23 best price they can in the interest of their citizens  
24 and otherwise?

25 MR. RICHARD LLOYD: Definitely.

1 MS. KATE MCGRANN: What's your  
2 understanding about the circumstances in which the  
3 Town could use sole source procurement? What is your  
4 understanding about when they could do that in 2012?

5 MR. RICHARD LLOYD: The Treasurer had  
6 sent around to Council how we can sole source, but up  
7 until then we had sole sourced many times in many  
8 different issues, not to the degree of the fine --  
9 financial amount of money that this one is, but I  
10 know, even through Public Works where we've sole  
11 sourced products or equipment that only one (1)s  
12 manufacturer was -- was building.

13 So there is an opportunity, and there's  
14 an opportunity under the Municipal Act that allows  
15 municipalities to pass their -- their own financial  
16 budgets that allows for sole sourcing.

17 I know that it's even occurring in this  
18 Council, and the previous Council, so it's not  
19 something that -- that this was the one (1) and only  
20 time. It was -- the dollar amount was a lot of money,  
21 however, we're -- we're still sole sourcing.

22 MS. KATE MCGRANN: So my question was  
23 about what your understanding was as to when you could  
24 sole source in 2012. You said the Treasurer sent  
25 something around to Council.



1                   What are you talking about?

2                   MR. RICHARD LLOYD:    I'm sorry, I  
3 didn't hear that.

4                   MS. KATE MCGRANN:    You said the  
5 Treasurer sent something around to Council with  
6 respect to sole sourcing.

7                   What -- what did the Treasurer send  
8 around?

9                   MR. RICHARD LLOYD:    I think in here  
10 there's a response from the Treasurer about sole  
11 sourcing. I believe it's in the document. I've read  
12 it somewhere. And it was basically that, yes, we can  
13 sole source.

14                   I think it was responding to a  
15 residence actually I think. I'm trying to remember  
16 what's in this. You probably know the document better  
17 than I do. But it was allowing the Town -- or the --  
18 the Council to -- or the municipality to sole source  
19 different --

20                   MS. KATE MCGRANN:    So in the  
21 Foundation Document there is a staff report that's  
22 delivered on August 24th in advance of the August 27th  
23 Council meeting, in which there is an explanation  
24 given for why sole sourcing was permissible.

25                   Is that what you're thinking of?

1 MR. RICHARD LLOYD: That's correct,  
2 yes. Thank you.

3 MS. KATE MCGRANN: Do you remember the  
4 Treasurer providing any other information about when  
5 sole sourcing was permissible prior to Council  
6 deciding to purchase the Sprung buildings?

7 MR. RICHARD LLOYD: No, but I know  
8 over the -- the twenty-five (25) years I've sat on  
9 Council, there was issues with -- questions about sole  
10 sourcing before, and I know Treasurers have answered  
11 the question that, yes, we can do that; Treasurers  
12 before Marjory Leonard being Terry Gordon.

13 I know there's a brief discussion about  
14 sole sourcing, and I think it was to do with the Fire  
15 Department, when we brought -- bought the Bronto unit.

16 We had bought a -- a cabin chassis in  
17 the Town of Collingwood and sent it over to, I think  
18 Finland, and had a -- a fire apparatus put on the back  
19 of it, and at that point in time there's a -- a move  
20 afoot by the community to say what are you doing, and  
21 it was being sole sourced from -- from Finland or  
22 Sweden, whoever it was. That's when sole sourcing  
23 really become an issue with me, when I become aware of  
24 it.

25 And that was that -- I think the item

1 was somewhere, by the time it was finished, close to a  
2 million dollars.

3 MS. KATE MCGRANN: You referenced  
4 seeing sole sourcing at public works, I think you said  
5 where there was only one (1) manufacturer.

6 Was it your understanding that sole  
7 sourcing was permissible when there was only one (1)  
8 source for something that the Town needed?

9 MR. RICHARD LLOYD: That's just one  
10 (1) example. I don't want to handcuff staff because  
11 if they sole source their -- their printing or sole  
12 source their -- their paper they're buying for the  
13 photocopy or whatever, one (1) of the ways is that if  
14 it's something that's unique, that isn't available  
15 just across the market, it is something that is  
16 available.

17 MS. KATE MCGRANN: I don't think you  
18 need to be worried about handcuffing staff by  
19 explaining to us today what you understood about sole  
20 sourcing in 2012.

21 Other than when there's only one (1)  
22 supplier for something that the Town needs, did you  
23 understand that the Town was allowed to go by way of  
24 sole source in any other circumstances?

25 MR. RICHARD LLOYD: Yeah. I -- I feel

1 that that -- there was other circumstances. Some  
2 department heads dealt with one (1) company for  
3 products and they sole sourced them.

4                   Whether -- like I said before, whether  
5 it was paper products or whatever, there are -- there  
6 are some departments that dealt with -- with one (1)  
7 intentionally.

8                   I think they have a purchasing --  
9 they've changed their purchasing policies and stuff,  
10 the Town of Collingwood, but over the years that's  
11 what's happened. So there's other reasons why they  
12 sole source other than just a unique product.

13                   I mentioned about the Works Department  
14 being a unique product. If it was something that they  
15 found was unique or that through their research that  
16 the other products on the market were not comparable  
17 to the one (1) they wanted to buy, they would -- they  
18 would sole source it. So there's all kinds of reasons  
19 why they sole source.

20                   MS. KATE MCGRANN:   Were you familiar  
21 with the unsolicited proposals guideline in 2011 --  
22 sorry, 2012?

23                   MR. RICHARD LLOYD:   No.

24                   MS. KATE MCGRANN:   Were you aware that  
25 there was an unsolicited proposals guideline in 2012?

1 MR. RICHARD LLOYD: I can't remember.  
2 Honestly, I -- I don't know.

3 MS. KATE MCGRANN: Mr. Barrow from BLT  
4 and Ms. Stec from Green Leaf have both appeared to  
5 give evidence in the Inquiry already, and they both  
6 gave evidence that in a meeting on July 26th, Mr.  
7 Bonwick spoke, amongst other things, about a potential  
8 sole source contract for BLT and Sprung with the Town.

9 When do you first recall the concept of  
10 sole sourcing for the arena and pool buildings being  
11 discussed?

12 MR. RICHARD LLOYD: I don't remember  
13 discussing the sole source until it become an issue  
14 with the -- committees such as what was happening in  
15 the community with -- with the Friends of Central Park  
16 and all the -- the noise that was happening behind.

17 As I've stated to you and -- and Mr.  
18 Mathers (sic), that -- that I was very enthusiastic  
19 about the Sprung structures when I came back from the  
20 conference in Saskatoon. That's the first I ever seen  
21 them or heard of them, and it had nothing to do with  
22 sole sourcing, it had nothing to do anything other  
23 than this to me was the answer of our -- that would  
24 get an aquatic centre built and get an ice rink built,  
25 simple as that.

1 MS. KATE MCGRANN: I asked you when  
2 you first recall the concept of sole sourcing coming  
3 up with respect to the pool and the arena, and you  
4 said it came up in discussions with the Friends of  
5 Central Park.

6 What are you talking about there?

7 MR. RICHARD LLOYD: No. It was all  
8 the noise -- it was all the -- the stuff that was  
9 happening from -- from the Friends of Central Park.  
10 The committee wanted us to build a \$35 million  
11 project. There was rallies that were occurring later  
12 on in the Town Hall. There was all kinds of emails  
13 being sent to us, negative stuff, and it just went on  
14 and on and on.

15 It didn't -- I didn't see any issues  
16 about sole sourcing until closer to the date when  
17 Marjory sent that out saying, yes, we can sole source.  
18 I don't know how the question came up. I have no idea  
19 to this day who asked the question. I don't remember  
20 who asked the question. But I just know there was a -  
21 - an answer from the -- the -- the Treasurer saying  
22 that we can sole source and -- and everything is fine.

23 MS. KATE MCGRANN: So we see a draft  
24 of the staff report circulated late on the 23rd,  
25 further -- further drafts on August 24th that discuss

1 sole sourcing.

2 Do you remember any discussions with  
3 anyone about whether the arena and pool buildings  
4 could be sole sourced before that?

5 MR. RICHARD LLOYD: I don't remember  
6 any discussions before that. If I can just add, it  
7 wasn't an issue for me that we're sole sourcing.

8 MS. KATE MCGRANN: Why wasn't it an  
9 issue for you that the Town was sole sourcing?

10 MR. RICHARD LLOYD: As I've explained  
11 all the way through, we have sole sourced before. As  
12 I'm sure we'll get into about the Sprung stuff, it was  
13 a unique product, it was a unique building, it was  
14 something that would work. I never even gave it a  
15 second thought, never thought of it when I brought it  
16 -- the idea back from Saskatoon. I didn't think of it  
17 being sole source. I just thought here's an idea.

18 MS. KATE MCGRANN: I'm moving on to  
19 another section. Now might be a good time for lunch.

20 THE HONOURABLE FRANK MARROCCO: We'll  
21 take the lunch break, Mr. Lloyd.

22 MR. RICHARD LLOYD: Pardon me?

23 THE HONOURABLE FRANK MARROCCO: We --  
24 we'll break for lunch.

25 MR. RICHARD LLOYD: Thank you.

1 --- Upon recessing at 12:56 p.m.

2 --- Upon resuming at 2:01 p.m.

3

4 CONTINUED BY MS. KATE MCGRANN:

5 MS. KATE MCGRANN: Good afternoon, Mr.  
6 Lloyd.

7 MR. RICHARD LLOYD: Hi.

8 MS. KATE MCGRANN: Could we turn up  
9 paragraph 75 of the Foundation Document, please?

10

11 (BRIEF PAUSE)

12

13 MS. KATE MCGRANN: This paragraph  
14 describes some email correspondence in March of 2012,  
15 in particular, Councillor Dale West sent an email to a  
16 group, including Mayor Sandra Cooper, yourself, and  
17 CAO Kim Wingrove, writing that he felt it was still  
18 appropriate to contact Ameresco.

19 You responded directly to him, and I'll  
20 just scroll this down so you can see it. You say:

21 "Yes, but we really should go into  
22 RFQ as meeting with Ameresco could  
23 put them and the Municipality in  
24 conflict, as we will have received  
25 their information then go out



1                   publically for RFQs."

2                   Do you remember sending this email?

3                   MR. RICHARD LLOYD:    Yes.

4                   MS. KATE MCGRANN:    At this point in  
5 time it appears that you were considering that there  
6 would be an RFQ put out in relation to the recreation  
7 facility construction that the Town was considering.

8                   Do you remember that?

9                   MR. RICHARD LLOYD:    Sure, yes.

10                  MS. KATE MCGRANN:   The -- the conflict  
11 that you're concerned about here, can you explain to  
12 me what that was?

13                  MR. RICHARD LLOYD:    The conflict would  
14 have been, had we gone down the road of -- of trying  
15 to do a public private partnership to go out to other  
16 partners, it could have put them at an advantage.

17                  MS. KATE MCGRANN:    And when you say it  
18 could have put them in an advantage, do you mean it  
19 could have put Ameresco at an advantage?

20                  MR. RICHARD LLOYD:    That's correct.

21                  MS. KATE MCGRANN:    That's an advantage  
22 over other people who may be responding to the RFQ?

23                  MR. RICHARD LLOYD:    That's right, if  
24 we met with Ameresco ahead of time and they gave us  
25 all of their information and -- and we -- it could

1 have put them into conflict, I felt.

2 MS. KATE MCGRANN: And you go on to  
3 say:

4 "This would be unfair to Ameresco."

5 Why did you think it would be unfair to  
6 Ameresco?

7 MR. RICHARD LLOYD: Just what I just  
8 said.

9 MS. KATE MCGRANN: Because it could  
10 create a problem for them in responding to the RFQ?

11 MR. RICHARD LLOYD: Well, what would  
12 happen if we went to RFQ, Request For Proposals, to  
13 other potential private partnership partners, and if  
14 we had all the information ahead of time from Ameresco  
15 and that could have put them in a situation that would  
16 have put them into conflict if we had the information  
17 ahead of time.

18 MS. KATE MCGRANN: And you note in may  
19 -- it maybe also a potential liability to the Town.

20 What liability to the Town were you  
21 worried about there?

22 MR. RICHARD LLOYD: Again, my thought  
23 was that if we got all the information ahead of time  
24 from Ameresco, and then went out to get RFQs when we  
25 already had all the information from Ameresco, that

1 there could have been a potential concern that  
2 Ameresco could have come after us for damages because  
3 we already had their information. But I'm not a  
4 lawyer, I'm just assuming.

5 MS. KATE MCGRANN: Shifting focus for  
6 a second.

7 When you appeared in part 1 and gave  
8 evidence, you were asked a series of questions about  
9 the termination of CAO Wingrove's employment with the  
10 Town.

11 I don't propose to go over that topic  
12 with you again, but we have heard evidence from Ms.  
13 Proctor and Ms. Almas that Ms. Wingrove's termination  
14 was a cause of concern amongst members of staff.

15 At the time, did you turn your mind to  
16 whether terminating Ms. Wingrove, in the way that her  
17 employment was terminated, could cause staff concern  
18 about their own jobs?

19 MR. RICHARD LLOYD: I -- no. And to  
20 be honest with you, I never heard of any of that.  
21 Terminating her contract was what was done, and I  
22 never heard any concerns from any staff person at all.  
23 None. It comes to me as a surprise, to be honest with  
24 you.

25 MS. KATE MCGRANN: Okay, my next

1 question was going to be sitting where you are today,  
2 with all of the information that you have available  
3 and knowing that that evidence has been given, can you  
4 see how staff would be concerned for their jobs after  
5 Ms. Wingrove's employment was terminated?

6 MR. RICHARD LLOYD: I understand, now  
7 listening to the evidence that -- from reading the  
8 document. But in all sincerity, I don't see how that  
9 could have created any issue that they would have for  
10 their jobs, because there's never been an issue with  
11 any of those staff people.

12 The clerk, in my opinion, as I've said  
13 before, is one (1) of the -- the smartest clerks that  
14 I've ever seen and I've been involved around for  
15 twenty-five (25) years, in fact, is smart enough to be  
16 the CAO.

17 As for other staff, I -- I never heard  
18 an issue. Never heard anything from HR. I never heard  
19 anything from anyone. So I understand now that they  
20 may have had a concern, but it was never brought to my  
21 attention.

22 MS. KATE MCGRANN: If we could turn to  
23 paragraph 12 of the Foundation Document. Scroll down  
24 a little bit more.

25 Really, I just brought you here to

1 place us in time in terms of when Ed Houghton was  
2 appointed as acting CAO.

3 And again, in part 1 you gave evidence  
4 about Mr. Houghton's appointment as acting CAO. All I  
5 really want to ask you about that today is this: Mr.  
6 Houghton's evidence was that he took that job on and  
7 his understanding was that it would be a temporary  
8 appointment, he mentioned two (2) months.

9 What steps did Council take to find a  
10 permanent replacement CAO after terminating Ms.  
11 Wingrove?

12 MR. RICHARD LLOYD: I don't think they  
13 did anything right at the beginning. Eventually they  
14 did. There was -- but at the very beginning we did  
15 nothing.

16 MS. KATE MCGRANN: Why didn't Council  
17 take steps immediately to start looking for a  
18 replacement CAO?

19 MR. RICHARD LLOYD: I -- I think a  
20 couple reasons was they were satisfied, business as  
21 usual, put Mr. Houghton in that role for the time  
22 being and -- and plod along for a few months and then  
23 change it over. A lot of changes all at once. I  
24 don't know, quite honestly. It just didn't occur to  
25 Council to move that fast on it or move forward, and

1 we didn't. We did eventually, but we didn't at the  
2 very beginning.

3 MS. KATE MCGRANN: Was Mr. Houghton  
4 offered any training on his role when he took on the  
5 position of acting CAO?

6 MR. RICHARD LLOYD: No.

7 MS. KATE MCGRANN: Did Council turn  
8 its minds at all to the fact that it has appointed  
9 someone with no CAO experience and think about how  
10 they can provide him with some assistance in that  
11 regard?

12 MR. RICHARD LLOYD: No, I think  
13 Council was excited to get Mr. Houghton in there in a  
14 temporary position to keep things moving.

15 Keep things moving, keep the  
16 municipality in a proactive way, in a direction that  
17 was very positive for the community.

18 MS. KATE MCGRANN: And we've seen that  
19 the Executive Management Committee was formed. Did  
20 you have any role in the formation of the Executive  
21 Management Committee?

22 MR. RICHARD LLOYD: No.

23 MS. KATE MCGRANN: Did you discuss  
24 with anyone who maybe should sit on that committee?

25 MR. RICHARD LLOYD: No. The -- it was

1 a brain child of Mr. Houghton and it was a -- a good  
2 decision.

3 MS. KATE MCGRANN: Did you give him  
4 any feedback on who was appointed to the Executive  
5 Management Committee?

6 MR. RICHARD LLOYD: I don't think so.  
7 I think it was a -- it was a natural being that the  
8 clerk and the treasurer were on it and somebody -- Mr.  
9 -- Mr. Irwin as well. I think they were all high  
10 executive levels within the Town and, you know, I  
11 think Council looked at it and thought it was a  
12 brilliant idea.

13 And I still think it would have been a  
14 brilliant idea to continue on that way.

15 MS. KATE MCGRANN: Was it your  
16 understanding that Mr. Irwin was a Town employee?

17 MR. RICHARD LLOYD: No. He -- he was  
18 working for Collus at the time, or -- I'm not sure if  
19 it was Collus at that point in time or if it was -- if  
20 it changed over to PowerStream.

21 MS. KATE MCGRANN: Why did it seem  
22 like a good idea to you to have a non-Town staff  
23 member on an executive management committee advising  
24 the CAO?

25 MR. RICHARD LLOYD: It was owned 100

1 percent by the Town of Collingwood, then 50 percent by  
2 the Town of Collingwood. And Mr. Irwin -- we had many  
3 other staff people that were -- were employees of --  
4 of Collus that were part of the dividends that we  
5 received from Collus.

6                   So for instance, Mr. Houghton was part  
7 of the dividend we received from Collus, as well Brian  
8 Macdonald, who was the head of Public Works, he was  
9 paid by Collus, not by the Town of Collingwood, that  
10 was all part of the dividend.

11                   And this was just a -- an add-on to the  
12 dividends that we received from Collus at the time.

13                   MS. KATE MCGRANN: You understand that  
14 Town staff set out to act in the Town's best interests  
15 as part of their job?

16                   MR. RICHARD LLOYD: Say that again,  
17 I'm sorry.

18                   MS. KATE MCGRANN: You understand that  
19 Town staff act in the Town's best interests when they  
20 set out to do their jobs?

21                   MR. RICHARD LLOYD: Positively.

22                   MS. KATE MCGRANN: What obligation did  
23 Mr. Irwin have, to your knowledge, to act in the  
24 Town's best interests? He's a Collus employee.

25                   MR. RICHARD LLOYD: As a Town staff



1 person, being that we owned Collus, and that's all  
2 part of the Town umbrella, he had every obligation  
3 that everyone else had to make sure he acted on behalf  
4 of the best interests of the taxpayers of Collingwood.

5 MS. KATE MCGRANN: What did you  
6 understand the EMC's role to be?

7 MR. RICHARD LLOYD: The -- the  
8 management team basically can -- they got together at  
9 weekly meetings, I believe, and worked together to  
10 conclusions to questions and -- and the operation of  
11 the Town.

12 I think rather than one (1) person  
13 being the CAO looking after it as it is today, he had  
14 a team of people that would consult and come up with -  
15 - with very positive stuff for -- for the municipality  
16 to deal with.

17 MS. KATE MCGRANN: Did you have any  
18 involvement in the EMC meetings?

19 MR. RICHARD LLOYD: Never. Never  
20 attended one.

21 MS. KATE MCGRANN: Did you receive any  
22 reports back on what was discussed at the EMC  
23 meetings?

24 MR. RICHARD LLOYD: I think Council  
25 did. I think Council continually heard back, I'm not

1 sure if it's through the CAO or through emails or  
2 whatever, stuff that the EMC were dealing with.

3 MS. KATE MCGRANN: Do you remember  
4 receiving any reports back on the discussions that the  
5 EMC had about the Town's recreation facilities in  
6 2012?

7 MR. RICHARD LLOYD: I don't remember.  
8 I don't remember it specifically.

9 MS. KATE MCGRANN: We understand you  
10 attended the FCM conference in June of 2012?

11 MR. RICHARD LLOYD: In Saskatoon,  
12 that's correct.

13 MS. KATE MCGRANN: Is that where you  
14 first heard of Sprung structures?

15 MR. RICHARD LLOYD: It is.

16 MS. KATE MCGRANN: You hadn't heard  
17 anything about them before that?

18 MR. RICHARD LLOYD: Never.

19 MS. KATE MCGRANN: And how did you  
20 learn about them at that conference?

21 MR. RICHARD LLOYD: There's a trades  
22 floor where FCM hold every year where many of the --  
23 the service providers to municipalities attend with  
24 their ideas. Viking, snowploughs, some of the truck  
25 manufacturers, snowplough and manufacturers, arena

1 people. It's -- it's a trade show that's as large as  
2 an arena filled with all these people that supply  
3 municipalities.

4 In that there was -- Sprung had a booth  
5 and walking up and down the corridors, I came across  
6 Sprung and discussed it with them. And the people  
7 there, because we have name tags, said oh, you're from  
8 Collingwood. So they knew about Collingwood.

9 MS. KATE MCGRANN: What did they know  
10 about Collingwood?

11 MR. RICHARD LLOYD: I -- it was just a  
12 passing by comment.

13 MS. KATE MCGRANN: Did they indicate  
14 to you that anybody from the company had already  
15 spoken with someone from Collingwood?

16 MR. RICHARD LLOYD: No.

17 MS. KATE MCGRANN: Do you remember who  
18 you spoke to at the conference?

19 MR. RICHARD LLOYD: I don't. But I'm  
20 sure the registration would show who it was that was  
21 there.

22 MS. KATE MCGRANN: Did you just have  
23 one (1) conversation with someone from Sprung at the  
24 conference, or did you have several?

25 MR. RICHARD LLOYD: The -- the trade

1 show, I think just operates the -- the Friday night  
2 and Saturday.

3 So I may have only, at the most it  
4 would be two (2) conversations, but I think I only  
5 attended the trade show the one (1) day.

6 MS. KATE MCGRANN: Do you remember how  
7 long you were speaking with the people from Sprung?

8 MR. RICHARD LLOYD: No idea.

9 MS. KATE MCGRANN: What did you learn  
10 from them when you spoke with them at the trade show?

11 MR. RICHARD LLOYD: Everything.

12 MS. KATE MCGRANN: Could you be a  
13 little bit more specific than that?

14 MR. RICHARD LLOYD: All right. I  
15 learned about it being a -- a fabric covered building  
16 with aluminum reinforcing throughout it.

17 I learned that it can be repurposed  
18 easily. I learned that -- that they have a -- a tri-  
19 building -- three (3) buildings in -- in Calgary where  
20 it houses ice rinks. I learned about the stuff they  
21 do for the -- the Federal Government. I learned about  
22 what -- because they had slides on it and information  
23 on -- on where they'd done stuff in Afghanistan and so  
24 on, temporary buildings and -- and so on.

25 So I -- I was like a sponge. I was

1 taking all the information in that they would give me.

2 MS. KATE MCGRANN: What about their  
3 product seemed most applicable to the Town of  
4 Collingwood to you?

5 MR. RICHARD LLOYD: Knowing at that  
6 point in time that -- that the proposals were  
7 unreachable, the 35 or 44 million or whatever it is  
8 for the -- the Central Park committee.

9 Looking at this and seeing the slides  
10 of -- of the arenas that were out in Calgary, I  
11 thought, well, here's an idea, Canadian manufacturer.  
12 I think they were in business for over a hundred and  
13 twenty (120) years.

14 This is perhaps another solution to --  
15 to the problem that we have in Collingwood, to try and  
16 come up with amenities for the skaters and the  
17 swimmers.

18 MS. KATE MCGRANN: Anything other than  
19 the fact that they were Canadian and they had been in  
20 business for a long time suggest to you that they may  
21 be a potential solution to the rec needs in  
22 Collingwood?

23 MR. RICHARD LLOYD: I think when I  
24 seen the rec facilities they had built, and that's  
25 part of their slide presentation and stuff, it just

1 seemed like a natural fit.

2 I know I had discussions with them  
3 about, you know, can you cover pools and all that kind  
4 of stuff. And they say, yeah, they definitely could.

5 MS. KATE MCGRANN: Do you recall  
6 having discussions with anyone before speaking with  
7 Sprung at the FCM about covering a pool?

8 MR. RICHARD LLOYD: No. I know over  
9 the years, we've discussed it, not -- not specifically  
10 of -- I can't tell you a date. But over the years,  
11 we've quite often said, oh, we should cover the  
12 outdoor pool because it only operates, at the most, a  
13 hundred (100) to a hundred and twenty (120) days a  
14 year, and it'd be nice to have it covered.

15 So, it's not a new idea. It's been  
16 something -- the Sprung is a new idea, but covering  
17 the pool wasn't a new idea.

18 MS. KATE MCGRANN: When you say,  
19 "We've discussed it in the past," who are you  
20 referring to?

21 MR. RICHARD LLOYD: In the community,  
22 there was discussion. My family I had discussed it  
23 with. I think Councils of the past, there was  
24 discussion of it, but never went anywhere.

25 MS. KATE MCGRANN: So, you discussed

1 covering the outdoor with Sprung at the FCM  
2 conference. Did they tell you that they had done  
3 anything like that before?

4 MR. RICHARD LLOYD: I didn't get  
5 examples of where they've done it, but they said it  
6 could be done. Because, at that point in time, also,  
7 the -- the outdoor rink was a possibility, to cover  
8 it. And they said, Oh, we've covered -- we can cover  
9 an outdoor rink.

10 MS. KATE MCGRANN: Okay. So, they  
11 told you they could cover an outdoor rink. Did they  
12 tell you that they had covered an outdoor pool?

13 MR. RICHARD LLOYD: I can't remember.

14 MS. KATE MCGRANN: Other than talking  
15 about covering the outdoor rink, did you have any  
16 other discussions with them about an arena for the  
17 Town at that meeting?

18 MR. RICHARD LLOYD: No. The only  
19 intention was to -- and it was previous Councils had  
20 discussed covering the outdoor rink, as well, Councils  
21 that had been on. I believe it was Cou -- Councillor  
22 Kathy Jeffrey had discussed covering the outdoor rink.

23 MS. KATE MCGRANN: Okay. And that's -  
24 - so, that had been discussed but not pursued before?

25 MR. RICHARD LLOYD: Repeat that, I'm

1 sorry.

2 MS. KATE MCGRANN: That had been  
3 discussed, covering the outdoor rink. Had the Town  
4 taken any steps to look into covering the outdoor rink  
5 before?

6 MR. RICHARD LLOYD: I don't think so.  
7 I can't remember back. It was in the -- it was when  
8 Peter Dunbar was a rec director, so I -- I can't  
9 remember if -- if they had or hadn't.

10 MS. KATE MCGRANN: Did you have any  
11 discussions without -- sorry, without. Did you have  
12 any discussions about BLT or what other construction  
13 companies may be involved in putting together Sprung  
14 --

15 MR. RICHARD LLOYD: We never ever  
16 heard of BLT before. I thought Sprung built their own  
17 structures or put them up.

18 MS. KATE MCGRANN: Okay. So, when you  
19 left your discussions with Sprung at FCM, you were  
20 under the impression that Sprung did the construction,  
21 all the insides and everything like that?

22 MR. RICHARD LLOYD: That's correct.

23 MS. KATE MCGRANN: When did you first  
24 learn about BLT?

25 MR. RICHARD LLOYD: You know, I -- I -



1 - I can't tell you the date, but it was after the  
2 conference and before, obviously, it was built. I --  
3 I don't know when I first met them.

4 MS. KATE MCGRANN: Okay. Did you take  
5 any promotional materials from the Sprung  
6 representatives at the FCM conference?

7 MR. RICHARD LLOYD: I did, yes, and  
8 circulated it.

9 MS. KATE MCGRANN: Circulated it to  
10 who?

11 MR. RICHARD LLOYD: Council. It was  
12 interesting because I know that Councillor Hull had  
13 said he had already seen them when I showed it to him.  
14 It was at the cou -- at a council meeting here.

15 MS. KATE MCGRANN: Do you remember --  
16 for example, we've seen that there's a June 11th  
17 strategic planning session when councillors get  
18 together to talk about their views on what  
19 recreational facilities for the Town could look like.

20 Was that the meeting that you  
21 circulated the Sprung promotional material at?

22 MR. RICHARD LLOYD: I don't think so.  
23 I think I circulated it here at the Council table. I  
24 can't remember specifically, but I think it was a  
25 Council meeting. And I handed it out before the

1 meeting to everybody when I came back from FCM.

2 I do remember, like I said, the  
3 comments from Councillor Hull, and I see why, because  
4 he had already spoken with -- with Sprung unknown to  
5 me.

6 MS. KATE MCGRANN: So, you meet the  
7 Sprung reps at the FCM conference. I understand that  
8 you're immediately excited about the possibility of  
9 their project, is that fair, or their product?

10 MR. RICHARD LLOYD: That's correct.

11 MS. KATE MCGRANN: Did you make any  
12 arrangements to follow up with them when you got home?

13 MR. RICHARD LLOYD: Not with them. I  
14 brought the information to the Town. And, as you can  
15 see from the emails that are in there with -- Mr.  
16 Houghton asked him to -- to look into it.

17 The clerk had made it clear that I  
18 shouldn't be directing staff, so I redirected the --  
19 my email back to all of Council. And then you can see  
20 the email response from all the councillors were very  
21 positive.

22 MS. KATE MCGRANN: Did anyone from  
23 Sprung follow up with you when you got back from the  
24 FCM conference?

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

1 MS. KATE MCGRANN: If we could look at  
2 paragraph 134 of the Foundation Document.

3

4 (BRIEF PAUSE)

5

6 MS. KATE MCGRANN: And while that's  
7 coming up, did you receive any information from the  
8 people at Sprung while you were at FCM about the cost  
9 associated with their buildings or the time it takes  
10 to construct them?

11 MR. RICHARD LLOYD: I was just reading  
12 that, sorry.

13 MS. KATE MCGRANN: That's okay. Did  
14 you receive any information from the Sprung  
15 representatives at the FCM about the cost associated  
16 with their buildings or the time it takes to construct  
17 them?

18 MR. RICHARD LLOYD: What was discussed  
19 -- and again, it was just an over-the-counter  
20 discussion with them about, you know, like, if we had  
21 an outdoor pool to cover and we had an outdoor rink to  
22 cover, can you do it, yes, you know, what kind of  
23 costs would be associated.

24 They said, Well, we'd have to look at  
25 it, but it could be anywhere from 10 to \$15 million

1 ballpark, you know. It wasn't 34 million. So, all of  
2 the sudden, the light came on. I thought, well, this  
3 is maybe another solution to it.

4 MS. KATE MCGRANN: Okay. When you  
5 said they said 10 to 15 million ballpark, was that  
6 just to cover the pool or was that for a pool and an  
7 arena?

8 MR. RICHARD LLOYD: Pool and the  
9 arena, out -- it was the arena, the outdoor ice.

10 MS. KATE MCGRANN: Outdoor ice. And  
11 what I'm trying to understand is, what about this  
12 company was so exciting to you? And so, was cost a  
13 factor? Was time to build a factor? Like, why did  
14 you -- why were you so excited about them?

15 MR. RICHARD LLOYD: I -- whenever I  
16 seen it, and being that -- the insulation factor, the  
17 building and -- and so on, and then when they said the  
18 cost, it was, like, really.

19 And all of the sudden, when heard the  
20 co -- cost, I thought, well, here's a great  
21 opportunity maybe for our municipality, something that  
22 we perhaps could afford.

23 MS. KATE MCGRANN: Okay. So, less to  
24 do with the building itself and more to do with the  
25 cost that it could be put for?

1 MR. RICHARD LLOYD: The building and,  
2 I was impressed with their product and I was impressed  
3 with the cost.

4 MS. KATE MCGRANN: What about the  
5 product were you impressed with?

6 MR. RICHARD LLOYD: What part of it?

7 MS. KATE MCGRANN: What -- what about  
8 it were you impressed with?

9 MR. RICHARD LLOYD: I think that --  
10 that it's -- the insulation factor, that the whole  
11 dome is insulated, I think, to an R-30 category. They  
12 never ever had a failure. It -- it -- it's guaranteed  
13 -- I think was for fifty (50) years.

14 I -- I think that -- that the roof, the  
15 outside membrane, was guaranteed for twenty (20)  
16 years, which is the same as an asphalt shingle roof  
17 that you have to replace every twenty (20) years.

18 I thought it was very good that you  
19 could re-utilize it in something else down the road.  
20 If we did build a multi-use facility, a big one (1),  
21 then these could be used for other -- other features  
22 within the Town, whether it be a theatre or -- or  
23 whatever.

24 MS. KATE MCGRANN: So, if we look at  
25 paragraph 134 which is on your screen...

1 (BRIEF PAUSE)

2

3 MR. RICHARD LLOYD: Okay.

4 MS. KATE MCGRANN: This describes a  
5 meeting that you had with Mr. Houghton on the morning  
6 of June 11th. And after the meeting, it appears that  
7 he forwards you an email from Sprung representative,  
8 Pat Mills.

9 Do you recall what you discussed with  
10 Mr. Houghton at that meeting?

11 MR. RICHARD LLOYD: No.

12 MS. KATE MCGRANN: Do you recall  
13 generally approaching Mr. Houghton to discuss Sprung  
14 structures when you got back from the FCM conference?

15 MR. RICHARD LLOYD: Oh, I definitely  
16 did. I spoke to everybody that would listen to me.

17 MS. KATE MCGRANN: Well, let's focus  
18 on what you said to Mr. Houghton, okay? So, what --  
19 when did you first go talk to him?

20 MR. RICHARD LLOYD: I can't tell you  
21 specially the day and the time and the minute. I just  
22 know that when I got back from the conference I had  
23 all this information that I circulated.

24 I was talking to Mr. Houghton. I  
25 talked to councillors, Councillor Lloyd and -- and

1 many people, so I don't know specifically what day it  
2 was.

3 MS. KATE MCGRANN: Do you remember  
4 learning that Mr. Houghton had already spoken with  
5 someone from Sprung?

6 MR. RICHARD LLOYD: Yes.

7 MS. KATE MCGRANN: What can you tell  
8 us about that conversation?

9 MR. RICHARD LLOYD: He -- I can't  
10 remember exactly what the conversation was, but I do  
11 remember him -- he -- he knew about the product, which  
12 surprised me.

13 And it surprised me more when I went  
14 through the Foundation Document to find that a few  
15 years previous to that, they had in Town and -- and  
16 were making presentations to parks recreation culture,  
17 as well, the Central Park committee.

18 I guess, Patrick Mills, when I read the  
19 Foundation Document, was a teacher of Brian Saunderson  
20 and wanted to make a presentation to the Central Park  
21 committee, as well.

22 I think that is exactly how Councillor  
23 Hull found out about it, too --

24 MS. KATE MCGRANN: So --

25 MR. RICHARD LLOYD: -- but I'm not

1 sure.

2 MS. KATE MCGRANN: -- when you found  
3 out from Mr. Houghton that he had already been in  
4 contract with Sprung, do you remember what Mr.  
5 Houghton told you he had learned from the Sprung  
6 representative?

7 MR. RICHARD LLOYD: No, I don't.

8 MS. KATE MCGRANN: Do you know why Mr.  
9 Houghton sent you his correspondence with the Sprung  
10 representative at this point in time?

11 MR. RICHARD LLOYD: I can only assume  
12 because I had already met with him about Sprung and he  
13 was showing me information about Sprung that he had.

14 MS. KATE MCGRANN: Do you remember  
15 requesting this information from Mr. Houghton?

16 MR. RICHARD LLOYD: No, I don't  
17 remember at all.

18 MS. KATE MCGRANN: Okay. And you  
19 can't explain --

20 MR. RICHARD LLOYD: I wouldn't know  
21 that he had the information prior to meeting with him.

22 MS. KATE MCGRANN: Okay. So, you  
23 can't explain to us why he sent this to you?

24 MR. RICHARD LLOYD: Pardon me?

25 MS. KATE MCGRANN: You can't explain



1 to us why he sent that contact information to you, and  
2 that correspondence?

3 MR. RICHARD LLOYD: Just when I read  
4 it:

5 "Deputy Mayor Rick Lloyd attended Ed  
6 Houghton's office for a meeting at  
7 10:00 a.m. on June the 11th.  
8 Mr. Houghton forwarded an email he  
9 received from Sprung to Patrick  
10 Mills on May 3rd [I didn't know  
11 anything about it on May 3rd,  
12 nothing] in which Mr. Mills thanked  
13 Mr. Houghton for taking time to chat  
14 about the Sprung building."

15 Obviously, May 3rd Mr. Houghton met  
16 with Patrick -- or Pat Mills, and he forwarded me the  
17 information. I don't even remember what the  
18 information was.

19 MS. KATE MCGRANN: Do you remember  
20 doing anything with this information when you received  
21 it from Mr. Houghton?

22 MR. RICHARD LLOYD: I don't remember  
23 doing anything with it.

24 MS. KATE MCGRANN: And we know that  
25 there was a strategic planning session that Council

1 held on June 11th. Do you know whose idea that  
2 session was?

3 MR. RICHARD LLOYD: I think -- I think  
4 Mayor Cooper. We -- we had strategic planning  
5 sessions through, just like goals and objectives, for  
6 the -- for the Council.

7 Each year we would hold them. And I  
8 think that was just part of what -- what council would  
9 do.

10 MS. KATE MCGRANN: Can we look at  
11 paragraph 138 of the Foundation Document? And while  
12 that's coming up, what did you understand the purpose  
13 of the strategic planning session on June 11th was?

14 MR. RICHARD LLOYD: Repeat that.

15 MS. KATE MCGRANN: What did you  
16 understand the purpose of the strategic planning  
17 session on June 11th was?

18 MR. RICHARD LLOYD: Do you have a copy  
19 of the agenda or anything that I can review to -- to  
20 bring myself up to speed on it?

21 MS. KATE MCGRANN: Yeah. One (1)  
22 second.

23

24 (BRIEF PAUSE)

25

1 MS. KATE MCGRANN: Can we pull up  
2 paragraph 143 of the Foundation Document?

3

4 (BRIEF PAUSE)

5

6 MS. KATE MCGRANN: This is an excerpt  
7 from the minutes of that session, so you can --

8 MR. RICHARD LLOYD: This is the  
9 minutes but not the agenda.

10 MS. KATE MCGRANN: This is the  
11 minutes. We don't have an agenda.

12 MR. RICHARD LLOYD: Because there  
13 would have been an agenda on it, too, I'm sure.

14

15 (BRIEF PAUSE)

16

17 MR. RICHARD LLOYD: From this, it --  
18 it very much appears that it was in regards to the  
19 recreational facilities.

20 MS. KATE MCGRANN: Do you remember  
21 attending the strategic planning session?

22 MR. RICHARD LLOYD: It's seven (7),  
23 eight (8) years ago. Like, I attended so many  
24 meetings. To ask me specific -- obviously, I must  
25 have attended it, but I can't specifically remember.

1 MS. KATE MCGRANN: Can we look at  
2 paragraph 138 of the Foundation Document?

3

4 (BRIEF PAUSE)

5

6 MS. KATE MCGRANN: This is an excerpt  
7 from a slide presentation that was given to Council at  
8 that meeting.

9 MR. RICHARD LLOYD: Okay.

10 MS. KATE MCGRANN: And if you look  
11 here, it discusses the Collus fund. So, just take a  
12 read of that paragraph for me.

13 MR. RICHARD LLOYD: I'll just read it  
14 for a minute.

15

16 (BRIEF PAUSE)

17

18 MR. RICHARD LLOYD: Okay.

19 MS. KATE MCGRANN: Do you remember any  
20 discussions about potentially using the Collus funds  
21 to pay for the Town's construction of recreation  
22 facilities at any point before the August 27th Council  
23 meeting?

24 MR. RICHARD LLOYD: I don't remember.  
25 I know that we were looking at funding it through our

1 reserves or debenturing it. I think there's a --  
2 there is a funding from Marjory Leonard from the  
3 Treasurer within the Foundation Document.

4 MS. KATE MCGRANN: Did you turn your  
5 mind to the possibility of using the Collus funds to  
6 pay for the construction of recreation facilities  
7 after you met the people from Sprung, for example?

8 MR. RICHARD LLOYD: Not at that point  
9 in time, I didn't.

10 Getting the finances to build something  
11 10 to \$15 million wasn't out of the question, it was  
12 within the realm that we could do, either through  
13 debenture debt or a lot of it could be done through  
14 self-financing through our own reserves, paying them  
15 back.

16 There was avenues that were available.  
17 The Collus funds at that -- at the beginning weren't  
18 even a question. We didn't -- I didn't, and I don't  
19 think Council went out and sold the hydro to build  
20 recreation facilities. They have nothing to do with  
21 it at all.

22 MS. KATE MCGRANN: Did you ever turn  
23 your mind to the notion that if you -- or if Council,  
24 I should say, chose to construct something, that was  
25 about the price of the -- the Collus proceeds, you'd

1 be able to pay for it without raising taxes?

2 MR. RICHARD LLOYD: It wasn't a  
3 question at that point in time.

4 MS. KATE MCGRANN: Did it become a  
5 question in your mind through the summer as you  
6 approached the -- the decision on August 27th?

7 MR. RICHARD LLOYD: At some point in  
8 time, I don't know exactly when, but that it came down  
9 to a fact that we could use the Collus funds, perhaps,  
10 to fund Hume Street, which is around 10, \$12 million -  
11 - 9 I think it was, 9 to \$10 million, or we could use  
12 it for the recreational facilities, whatever.

13 When I was analysing the two (2)  
14 options, I thought you know, to fund the -- to pay  
15 back the debentures that we already had, we were  
16 locked into -- to penalties that wouldn't make sense  
17 to pay them out early.

18 So to pay for the construction of Hume  
19 Street in its entirety, with -- with those funds, I  
20 felt that if I was going to debenture anything I'd  
21 rather debenture Hume Street because the whole  
22 community uses Hume Street where the recreation  
23 facility only some in the community use them.

24 So it made more sense, pay off the  
25 recreation facility, debenture, in my opinion, Hume

1 Street so over the next course of twenty (20), twenty-  
2 five (25) years the community are using the Hume  
3 Street, the whole community, and left them paying for  
4 it, and I felt more justified in doing that.

5 MS. KATE MCGRANN: Do you remember  
6 when you went through that thought process?

7 MR. RICHARD LLOYD: When? When did I?  
8 I don't remember now, but I just know that that's  
9 weighing the odds why I would use the capital or the  
10 funds from Collus, or the other discussion was to put  
11 the Collus funds in a reserve for future hydro  
12 acquisitions was the other discussion that we had.

13 MS. KATE MCGRANN: When did you have  
14 that discussion?

15 MR. RICHARD LLOYD: I don't remember  
16 now, but I know that there was discussion that -- that  
17 perhaps being able to grow Collus -- Collus  
18 PowerStream into maybe buying Wasaga Beach Hydro and  
19 maybe buying Orangeville or others, that was always  
20 potential that it was. But obviously the -- that  
21 didn't go anywhere.

22 MS. KATE MCGRANN: Do you remember if  
23 that discussion took place at a Council meeting?

24 MR. RICHARD LLOYD: I don't remember  
25 where it was, I'm just telling you what I remember,

1 that that was a discussion. I don't know where it was  
2 held.

3 MS. KATE MCGRANN: Do you remember who  
4 was involved in that discussion?

5 MR. RICHARD LLOYD: No. It could have  
6 even been at the -- at the level -- at the Collus when  
7 we were looking at the sale with -- with PowerStream.  
8 It could have been even then. But there was  
9 discussion of having capital funds to be able to grow  
10 Collus too.

11 MS. KATE MCGRANN: And is that  
12 something that you kept in mind after the Collus sale  
13 was completed, that the Town would need capital fund  
14 to -- to participate in the growth?

15 MR. RICHARD LLOYD: I really didn't  
16 think anything more about it, in any event, until all  
17 of a sudden these issues came up and --

18 MS. KATE MCGRANN: Can we look at  
19 paragraph 144 of the Foundation Document? This  
20 paragraph describes an email that Ms. Cooper sent to  
21 you during the strategic planning session on June  
22 11th, and she says:

23 "The same process as Collus going  
24 forward."

25 Do you remember receiving this email?



1 MR. RICHARD LLOYD: Yes, I do.

2 MS. KATE MCGRANN: What did you  
3 understand Ms. Cooper to be talking about when she  
4 said "Same process as Collus going forward?"

5 MR. RICHARD LLOYD: I think public  
6 process. I don't remember receiving the email, but  
7 when I read it I realize I did receive it.

8 I think that's what it was, was to make  
9 sure that we use a pro -- a public process in -- in  
10 doing so.

11 MS. KATE MCGRANN: What do you mean by  
12 "public process"?

13 MR. RICHARD LLOYD: To involve the  
14 public, to make sure that we pass the motion  
15 publically. We --

16 MS. KATE MCGRANN: And when you say  
17 "involve the public," what do you mean by that?

18 MR. RICHARD LLOYD: The public process  
19 to make sure that -- that we let the public know what  
20 we're doing. You know, that we're going through the -  
21 - the process of -- of the arena, of -- of a new arena  
22 when we got down to that, covering the outdoor pool  
23 and so on. And it was discussed at Council meetings  
24 and so on.

25 MS. KATE MCGRANN: Okay, so you want

1 the public to be able to see every decision Council  
2 makes so they understand the work that staff is doing  
3 and how things are unfolding?

4 MR. RICHARD LLOYD: As much as  
5 possible, that's correct.

6 MS. KATE MCGRANN: Did you wonder at  
7 all whether she was referring to the RFP process that  
8 the Town went through in order to sell the Collus  
9 shares?

10 MR. RICHARD LLOYD: No.

11 MS. KATE MCGRANN: Why not?

12 MR. RICHARD LLOYD: I don't know.

13 MS. KATE MCGRANN: Was there any  
14 consideration given to a public consultation about the  
15 new direction that Council was heading in, away from  
16 the multi-use facility and instead towards a --

17 MR. RICHARD LLOYD: Oh, my God. All  
18 you have to do is look at all the stuff that we got  
19 from the Central Park Committee. Mr. Saunderson, I  
20 think the quote was Council of Clowns. It was just  
21 unbelievable the demonstrations on the main street. It  
22 just -- it got so far -- this Inquiry, all of it is  
23 all part and parcel of -- of, in my opinion, of  
24 people, some individuals not getting their own way  
25 about the \$35 million project, or 44, whatever it is.

1 MS. KATE MCGRANN: Okay, and my  
2 question was: Was there any consideration to engaging  
3 in public consultation as Council moved from one (1)  
4 concept, the MURF, to another concept, stand-alone  
5 arena and cover the pool?

6 MR. RICHARD LLOYD: I think we were  
7 doing everything publically at the Council table, and  
8 I think that's what virtually what the intention was,  
9 to keep it public.

10 MS. KATE MCGRANN: Okay. So you  
11 understood that it was important to keep it public?

12 MR. RICHARD LLOYD: Yes, I think so.  
13 Yes.

14 MS. KATE MCGRANN: If we look at  
15 paragraph -- actually, you know what? It's just above  
16 paragraph 144 on the -- the page in front of you, this  
17 is the end of the minutes excerpt.

18 It says:

19 "Acting CAO, Ed Houghton, provided a  
20 brief summary and discussion on next  
21 steps. Staff will prepare options  
22 based on the discussion for  
23 consideration at a future Council  
24 meeting."

25 You've been talking about the

1 importance of this being public. So public who were  
2 watching this understand that staff are going to come  
3 back with options, Council is going to make a  
4 decision, staff will follow Council's decision. Is  
5 that fair?

6 MR. RICHARD LLOYD: And that would be  
7 all done publically, at the Council meeting.

8 MS. KATE MCGRANN: Can we look at  
9 paragraph 155 of the Foundation Document?

10 So the next day, on June 12th, 2012, we  
11 see you send an email directly to CAO Houghton,  
12 telling him:

13 "Please get a price for a fabric  
14 cover to completely go over the  
15 Centennial Pool and Building at  
16 Heritage Park, and please get a cost  
17 for a fabric building to go over the  
18 outdoor ice pad at Central Park."

19 MR. RICHARD LLOYD: I said would you  
20 get a price for a fabric cover to completely go over  
21 the Centennial Pool and please get costs for a fabric  
22 building to go over the outdoor ice pad.

23 MS. KATE MCGRANN: What aspect of  
24 these directions that you're providing to Mr. Houghton  
25 were public?

1 MR. RICHARD LLOYD: This was before we  
2 even knowing if it was even an idea at this point in  
3 time.

4 This -- administration-wise, before you  
5 even go down that road, you want to find out if -- if  
6 -- even if there is a road there.

7 MS. KATE MCGRANN: How is sending this  
8 email consistent with everything you just told me  
9 about the importance of doing things in public?

10 MR. RICHARD LLOYD: I'm not going to  
11 convince you. So there's no point in me going there.

12 I'm just telling you straight up, the  
13 Inquiry wants to know the truth, the truth is we were  
14 doing everything publically at Council meetings. This  
15 was done administration-wise and it would eventually  
16 come to a Council meeting.

17 I know you don't agree with that, and  
18 that's okay. But that's my conception of -- my  
19 perception of what a public meeting is. This was just  
20 the background information before we get to the  
21 public.

22 MS. KATE MCGRANN: Let's go back to  
23 paragraph 143 for a moment. Scroll down, way down, so  
24 we can see the bottom.

25 So this is what the public is told

1 about what Council and staff are going to do. Staff  
2 is going to prepare options, they're going to bring  
3 them back for consideration at a future Council  
4 meeting.

5 Why does this option get to be  
6 investigated starting the next day?

7 MR. RICHARD LLOYD: Because it's  
8 obvious from when you read that, cover the outdoor ice  
9 surface is part of one (1) of the options the day  
10 before, so it's all part of what was discussed.

11 If you scroll up, I'm not sure if  
12 there's something there as well on the pool.

13 MS. KATE MCGRANN: Why did you send  
14 your request to Mr. Houghton?

15 MR. RICHARD LLOYD: Mr. Houghton was  
16 the acting CAO of the Town of Collingwood.

17 MS. KATE MCGRANN: So why are you  
18 providing him with requests in respect of recreational  
19 facilities? Why not send it to the PRC director, for  
20 example?

21 MR. RICHARD LLOYD: Repeat that again,  
22 that last part?

23 MS. KATE MCGRANN: Why would you send  
24 the request about looking into recreation facilities  
25 to the CAO, why not send it to the director of parks

1 rec and culture, for example?

2 MR. RICHARD LLOYD: I felt that  
3 appropriately that the CAO would be the -- the contact  
4 person, or point of contact, only because -- and I  
5 think it's important that we understand as a point of  
6 contact that Mr. Houghton would have under his role as  
7 CAO the option to be able to bring in engineering, to  
8 bring in Dave McNalty from purchasing, bring in  
9 building and planning, maybe Ron Martin, and -- and  
10 Bill Plewes, bring all these people in to assist.

11 The director of parks and recreation  
12 don't have -- wouldn't have those luxuries to bring in  
13 all the other department heads together as the CAO  
14 does. And it's a 10 to \$15 million project, the CAO  
15 should be involved, in my opinion.

16 MS. KATE MCGRANN: At this point in  
17 time, Council hasn't even been presented with options  
18 for staff to go and consider, you're envisioning that  
19 the CAO is going to bring in building and planning and  
20 parks and --

21 MR. RICHARD LLOYD: It's obvious he  
22 did discuss it with people like Dave McNalty and --  
23 and all -- if you go through the Foundation Document,  
24 that there's discussions with -- with Dave McNalty,  
25 there's discussion with others too.

1 MS. KATE MCGRANN: You said before the  
2 lunch break that you didn't provide staff with  
3 instructions or directions, but you would respond to  
4 questions.

5 What staff questions were you  
6 responding to when you asked Mr. Houghton to look into  
7 prices for covering the pool and covering the arena?

8 MR. RICHARD LLOYD: The same as what -  
9 - there is other emails in here asking for staff to --  
10 to do certain things.

11 What I did here was request that Mr.  
12 Houghton looks at that. But if you go a little  
13 further, when the clerk identified that I shouldn't be  
14 directing staff, there's a brand new email that was  
15 sent to all of Council and if you look at all the  
16 response from Council, you'll see they're very  
17 supportive of it.

18 And I -- I anticipated they were  
19 anyway, but I wasn't trying to circumvent a system or  
20 anything like that.

21 MS. KATE MCGRANN: So your email in  
22 which you request the CAO to go look into a specific  
23 option is sent on June 12th.

24 If we look at paragraph 157 and 158 of  
25 the Foundation document, starting with 157, we're



1 going to see that the next day, on June 13th, Sprung  
2 representative Pat Mills gets in touch with Mr.  
3 Houghton and Mr. Houghton responds:

4 "I have been asked by a member of  
5 Council to get a rough estimate for  
6 the installation of the two fabric  
7 buildings. Can we discuss this?"

8 So you see that the very next day the  
9 CAO of the Town is following your instructions and  
10 having a conversation with Sprung about pricing?

11 MR. RICHARD LLOYD: Yes.

12 MS. KATE MCGRANN: Okay. At this  
13 point in time nobody else knows that you made this  
14 request yet?

15 MR. RICHARD LLOYD: No. No. Well, I  
16 don't know. You would have to go back and see what  
17 date the email was that I sent all to Council.

18 MS. KATE MCGRANN: We're getting to  
19 it, it's on June 14th.

20 MR. RICHARD LLOYD: Thank you.

21 MS. KATE MCGRANN: And then Mr.  
22 Houghton sends that email on to you? Do you see that  
23 on paragraph 158?

24 MR. RICHARD LLOYD: Okay, on the 13th  
25 of June, that's correct.

1 MS. KATE MCGRANN: Yes. If we look at  
2 paragraph 159, we see you the next day, on June 14th,  
3 sending an email to the CAO, Council, PRC director,  
4 Marta Proctor, and the EMC.

5 And in this you say:

6 "I would like to request, if at all  
7 possible, to have a price for a  
8 building that would enclose the  
9 complete Centennial Pool. A  
10 building structure that I would be  
11 interested in is the building  
12 produced by Sprung building  
13 products."

14 And you go on to say:

15 "As well, I would recommend to get a  
16 price as well for one of their  
17 structures to cover the outdoor  
18 rink."

19 Now, at this point in time you've  
20 already made this request once directly to the CAO,  
21 and he's forwarded you emails that show that he's  
22 already working on this.

23 Why didn't you mention that in your  
24 email to all of Council and staff?

25 MR. RICHARD LLOYD: I think it's

1 schematics. I never -- there's no reason to even  
2 think about it. I just -- there was no information  
3 received prior to this other than he -- Mr. Mills was  
4 obviously looking into it and Mr. Houghton did get a  
5 hold of him.

6 MS. KATE MCGRANN: At this point in  
7 time, Council knows that you've made this request,  
8 some members of staff know. The members of the public  
9 who have been following this process by watching your  
10 Council meetings and things think that Council is  
11 waiting for options to come back and Council is going  
12 to make a decision.

13 They don't know that staff is already  
14 investigating one (1) of the options that was on that  
15 list.

16 MR. RICHARD LLOYD: Re-investigating.

17 MS. KATE MCGRANN: Did you have any  
18 concerns about the transparency or lack thereof of the  
19 request that you made at this time?

20 MR. RICHARD LLOYD: None at this point  
21 in time.

22 MS. KATE MCGRANN: Did you have  
23 concerns about the transparency later on?

24 MR. RICHARD LLOYD: None.

25 MS. KATE MCGRANN: If we look at

1 paragraph 166 of the Foundation Document...

2

3

(BRIEF PAUSE)

4

5

MS. KATE MCGRANN: This paragraphs  
6 describes that Marta Proctor forwarded your June 14th  
7 email to certain members of staff. And she says -- or  
8 she writes:

9

10

11

12

13

"I saw this one coming. Could you  
please confirm some approximate  
pricing -- pardon me -- and what  
specifically it would/could include  
for both?"

14

15

16

17

18

When Ms. Proctor appeared as a witness  
before the Inquiry she gave evidence that you told her  
that the arena and pool would be covered by a fabric  
building, and she couldn't remember when you said that  
to her.

19

20

21

Do you have any recollection of saying  
something like that to the Parks, Rec, and Culture  
director?

22

23

24

25

MR. RICHARD LLOYD: No, I don't.

(BRIEF PAUSE)

1 MS. KATE MCGRANN: At this point in  
2 time, you've asked staff to look into pricing for  
3 Sprung buildings for the arena and pool.

4 Did you have any concerns about  
5 potentially prejudicing their ability to participate  
6 in an RFP process like you did with meeting with  
7 Ameresco?

8 MR. RICHARD LLOYD: No.

9 MS. KATE MCGRANN: Why not?

10 MR. RICHARD LLOYD: Never thought  
11 about it at all. And I knew that Sprung was unique,  
12 from what I understood. And all I was asking him to  
13 do was investigate it just to get ballpark figures to  
14 see what -- if it would even be something feasible.

15 MS. KATE MCGRANN: Okay. Why do you  
16 mention at this point in time that you knew that  
17 Sprung was unique?

18 MR. RICHARD LLOYD: Repeat that again,  
19 I'm sorry.

20 MS. KATE MCGRANN: You mentioned that  
21 Sprung was unique as you were --

22 MR. RICHARD LLOYD: Yeah.

23 MS. KATE MCGRANN: -- answering my  
24 question about why you hadn't thought about  
25 prejudicing a potential RFP. Were you thinking at

1 this point in time that, because they were unique,  
2 maybe an RFP wouldn't be required?

3 MR. RICHARD LLOYD: I wasn't really  
4 even thinking about it. But now that you mention it  
5 and we think back, that possibly.

6 MS. KATE MCGRANN: Can we look at  
7 paragraph 180 of the Foundation Document?

8

9 (BRIEF PAUSE)

10

11 MS. KATE MCGRANN: So, this paragraph  
12 describes efforts that Mr. Houghton's assistant, Pam  
13 Hogg, made on June 19th to coordinate a telephone  
14 meeting with CAO Houghton, yourself, and  
15 representatives from Sprung.

16 Do you remember this?

17 MR. RICHARD LLOYD: No, but I can see  
18 that it's there.

19 MS. KATE MCGRANN: Do you remember  
20 more generally conversations with Sprung being  
21 arranged that you would be part of at the end of June?

22 MR. RICHARD LLOYD: Pardon me. Do  
23 that again.

24 MS. KATE MCGRANN: Do you remember  
25 generally arrangements being put in place for you to

1 be involved in conversations with representatives of  
2 Sprung at the end of June?

3 MR. RICHARD LLOYD: No. The only  
4 thing that I do remember is at a Council meeting I  
5 made a statement that I'd like to be involved in -- in  
6 the process, in working with staff on this project.

7

8 (BRIEF PAUSE)

9

10 MS. KATE MCGRANN: Do you remember  
11 describing what involvement you saw yourself having?

12 MR. RICHARD LLOYD: The same as I did  
13 as Chair of Finance. The same as I did as Chair of  
14 Public Works, working with the team to try and help  
15 them, assist them every way I could.

16 MS. KATE MCGRANN: Did Council appoint  
17 you a special role to work on this project?

18 MR. RICHARD LLOYD: No, I wasn't  
19 appointed, but it -- I know, as a -- I know that I did  
20 bring it to Council that I would like to work with  
21 staff. And I don't -- and, again, I'd have to go  
22 through to find the Council meeting.

23 And there was -- nobody expressed a  
24 concern. No staff person expressed a concern.

25 MS. KATE MCGRANN: Did you take it

1 from the fact that nobody stopped you, that everybody  
2 approved you working with staff?

3 MR. RICHARD LLOYD: I believe that --  
4 that they are totally aware that I was. And I took  
5 that as a nod to go ahead.

6 MS. KATE MCGRANN: You don't remember  
7 which staff meeting this was at?

8 MR. RICHARD LLOYD: It wasn't. It was  
9 a Council meeting.

10 MS. KATE MCGRANN: You don't remember  
11 which Council meeting this was at?

12 MR. RICHARD LLOYD: No, but it's got  
13 to be June, July.

14 MS. KATE MCGRANN: If we look at  
15 paragraph 181 of the Foundation Document... Here we  
16 see Mr. Houghton sending on an invitation for a June  
17 29th, 2012, meeting with Sprung Buildings. And the  
18 invitation goes to yourself, the mayor, and Mr.  
19 McNalty.

20 Do you remember receiving this  
21 invitation?

22 MR. RICHARD LLOYD: I don't, but I see  
23 that I did.

24 MS. KATE MCGRANN: Okay. And if we  
25 could scroll down to paragraph 182. Here we see you



1 responding, asking Mr. Houghton to delay the meeting  
2 for two (2) weeks.

3 Do you remember asking that that  
4 meeting be delayed?

5 MR. RICHARD LLOYD: I -- when I read  
6 the Foundation Document I see that, but I don't  
7 remember it.

8 MS. KATE MCGRANN: We can see that a  
9 meeting with Sprung ultimately does take place on July  
10 11th. Do you remember attending that meeting?

11 MR. RICHARD LLOYD: I don't.

12 MS. KATE MCGRANN: Do you remember  
13 attending any meetings with Sprung representatives  
14 after you saw them at the FCM?

15 MR. RICHARD LLOYD: There was -- there  
16 was one (1) meeting that I do remember, and I think it  
17 was in the mayor's office.

18 MS. KATE MCGRANN: Who else was there?  
19 Do you remember?

20 MR. RICHARD LLOYD: The mayor and I.  
21 And I -- I don't know if it was Tom Lloyd. I really  
22 don't know if it was Tom Lloyd or Pat Mills. If Pat  
23 Mills came in here today, I don't even think I'd  
24 recognize him.

25 MS. KATE MCGRANN: So, you remember a

1 meeting with the mayor, yourself, and one (1) of  
2 either Tom Lloyd or Pat Mills, from Sprung?

3 MR. RICHARD LLOYD: It was some  
4 representative from Sprung.

5 MS. KATE MCGRANN: Do you remember if  
6 anybody else was at the meeting?

7 MR. RICHARD LLOYD: Ed Houghton, the  
8 CAO, yeah.

9 MS. KATE MCGRANN: Do you remember if  
10 anybody else was at the meeting?

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

12 MS. KATE MCGRANN: Do you remember  
13 what the purpose of that meeting was?

14 MR. RICHARD LLOYD: I can only assume  
15 that it was introduct -- an introduction, but I don't  
16 -- I don't remember. I don't even remember the  
17 meeting. I just -- it's seven and a half (7 1/2)  
18 years go, or seven (7) years ago.

19 MS. KATE MCGRANN: Do you remember  
20 anything about the meeting at all other than what  
21 you've told us?

22 MR. RICHARD LLOYD: No.

23

24 (BRIEF PAUSE)

25

1 MS. KATE MCGRANN: Do you remember if  
2 you had concerns about that meeting, prejudicing a  
3 potential RFP in respect of either the arena or the  
4 pool buildings?

5 MR. RICHARD LLOYD: No.

6

7 (BRIEF PAUSE)

8

9 MS. KATE MCGRANN: Can we look at  
10 paragraph 19 of the Foundation Document? So, this  
11 paragraphs describes that, on July 3rd, 2012, Linda  
12 Simpson, who is a -- we've got here a Collingwood  
13 Clippers parent, she's a parent of a swimmer on the  
14 swim team, Collingwood Clippers, sent an email to the  
15 mayor and yourself.

16 And she lets you and the mayor know  
17 that the Clippers had independently researched the  
18 possibility of covering the pool in 2010. And she  
19 offers to provide some information that -- that she  
20 had leftover.

21 Do you remember receiving this contact  
22 from Ms. Simpson?

23 MR. RICHARD LLOYD: I don't, but I do  
24 remember this contact, but I don't remember -- I'm  
25 sure I received the information from her, too, and I

1 met with her, as well.

2 MS. KATE MCGRANN: Okay. Scroll down  
3 to paragraph 197. It appears that you arranged to  
4 meet with Ms. Simpson at your flower shop on July 6th.

5 Do you remember making arrangements for  
6 this meeting?

7 MR. RICHARD LLOYD: Yes.

8 MS. KATE MCGRANN: Okay. If we could  
9 scroll down to paragraph 198, we can see that Mayor  
10 Cooper suggests that Town staff be invited to this  
11 meeting. And you say:

12 "No, I'm just going over what  
13 information she has. And then we  
14 will involve staff. I don't want to  
15 waste her time."

16 Did you have any concerns that you were  
17 cutting staff out of the process or --

18 MR. RICHARD LLOYD: Oh, it wasn't  
19 intentional to cut staff out. It was more or less to  
20 -- to hear from a parent of a swimmer to find out what  
21 information they may or may not have. It could have  
22 been a dead-end or whatever; obviously, it wasn't. It  
23 was well researched.

24 But at this point in time, I was very  
25 leery that it was just a citizen bringing me this

1 stuff. It's like, okay, let me see what you have  
2 first.

3 MS. KATE MCGRANN: Mayor Cooper then  
4 suggests that Mr. Houghton attend the meeting with  
5 you. And you respond:

6 "He's busy, and she may only have  
7 what we have."

8 Why weren't you interested in having  
9 anyone attend this meeting and be part of this  
10 conversation with --

11 MR. RICHARD LLOYD: If I remember  
12 right, I think -- I'm not sure, but I think Kevin --  
13 Councillor Lloyd attended with me, if not that  
14 meeting, subsequent meetings, as well.

15 MS. KATE MCGRANN: Did you have  
16 subsequent meetings with representatives of the  
17 Clippers through the summer of 2012?

18 MR. RICHARD LLOYD: I did with Linda  
19 and -- Linda Simpson, and I think other members, as  
20 well. Ed sat down with me. I can't remember now who,  
21 but there was others.

22 MS. KATE MCGRANN: Do you remember how  
23 many times you met with them before Council decided to  
24 proceed with Sprung?

25 MR. RICHARD LLOYD: It'd be more than

1 two (2) and less than six (6). How's that?

2 MS. KATE MCGRANN: Is that your  
3 answer?

4 MR. RICHARD LLOYD: That's a  
5 guestimate. I don't know how many meetings, honestly.  
6 It was just over coffee, discussions.

7 MS. KATE MCGRANN: And you said that  
8 you think that Councillor Kevin Lloyd attended some of  
9 those subsequent meetings with you?

10 MR. RICHARD LLOYD: Positively did.

11 MS. KATE MCGRANN: How did he get  
12 invited to those meetings?

13 MR. RICHARD LLOYD: I asked him to  
14 come.

15 MS. KATE MCGRANN: Did you invite any  
16 members of staff to come to those meetings with you?

17 MR. RICHARD LLOYD: I -- you know,  
18 something I -- I'm sure that whatever information she  
19 gave me, I gave it to -- to staff. There's another  
20 lady that had been involved in the Clippers that were  
21 -- eventually made a hundred and fifty thousand dollar  
22 (\$150,000) donation to the -- the pool.

23 I know staff was meeting with her, as  
24 well, so I wasn't cutting staff out at all.

25 MS. KATE MCGRANN: Did you invite any

1 members of staff to attend any of those subsequent  
2 meetings with you?

3 MR. RICHARD LLOYD: The only one (1) I  
4 can think of would be Mr. Houghton, and I don't know  
5 if I invited him or not.

6 MS. KATE MCGRANN: Did you have any  
7 concerns at the time that while Council wasn't having  
8 an overall public consultation about the rec  
9 facilities, you were consulting with a specific  
10 interest group in Town?

11 MR. RICHARD LLOYD: I don't think I  
12 was consulting with anybody. I think I was sitting  
13 down with a member of the public that was a parent of  
14 a swimmer that was bringing the information that I  
15 wasn't aware of.

16 I thought the Sprung idea was my idea I  
17 thought I brought to the Town. I was excited about it  
18 out in -- in FCM. And all of the sudden I'm finding  
19 out, in 2010, the Clippers got a price already. I  
20 don't know if it involved staff even.

21 And then I read the Foundation  
22 Document, and Peter Dunbar and staff investigated the  
23 Sprung buildings. I thought this was a new idea and I  
24 was bringing it to the Town. I was little  
25 disappointed that it wasn't.

1 MS. KATE MCGRANN: Because you wanted  
2 to be the one (1) who had the idea?

3 MR. RICHARD LLOYD: I thought I was  
4 it. And I was so excited about it. I thought, wow,  
5 only to find out seven and a half (7 1/2) years ago I  
6 wasn't it.

7 MS. KATE MCGRANN: Turning to the  
8 meetings that you had with Clippers parents through  
9 the summer, did you have any concerns that you were  
10 giving attention to one (1) interest group in the Town  
11 and you weren't giving attention to any other interest  
12 groups?

13 MR. RICHARD LLOYD: I had been  
14 involved in minor hockey for a number of years. I had  
15 discussed ice time with mi -- members of minor hockey.  
16 I -- I had discussed it with many parents, about the  
17 swimming aspect.

18 Again, I was speaking to everybody I  
19 possibly could about Sprung, thinking that it was the  
20 answer. A lot of people felt that -- that the hundred  
21 and ten (110) to hundred and twenty (120) days of the  
22 pool operating in the summertime wasn't as feasible if  
23 we could get it running it three hundred and sixty  
24 (360) days a year, and that's exactly what we did.

25 So, I didn't go into this not speaking



1 to anybody. I went into it speaking to many people,  
2 not just to -- to a parent of one (1) of the Clipper  
3 members.

4 MS. KATE MCGRANN: You talked earlier  
5 about the importance of this process being public.  
6 And we've seen examples in the Foundation Document of  
7 members of the public coming and giving deputations to  
8 Council.

9 Was any consideration given to inviting  
10 the parents of the Clippers to come and give a  
11 deputation to Council so that all of Council and the  
12 public could see the discussions that were being had  
13 with that group?

14 MR. RICHARD LLOYD: The Clippers did  
15 come to Council. And the Clippers did make a  
16 presentation. And there's one (1) individual that --  
17 that wanted to be anonymous because they were donating  
18 a hundred and fifty thousand dollars (\$150,000), and  
19 only would meet with a couple of us, as well.

20 MS. KATE MCGRANN: So, we've seen that  
21 the Clippers come to Council after the decision is  
22 made to proceed with the Sprung buildings?

23 MR. RICHARD LLOYD: I don't know when,  
24 honestly.

25 MS. KATE MCGRANN: Do you remember any

1 consideration being given to asking them to come and  
2 present their information to all of Council publically  
3 before the decision was made to proceed with the  
4 Sprung buildings?

5 MR. RICHARD LLOYD: I -- I have no  
6 idea. I know Councillor Hull was involved with the  
7 Clippers, as well, through discussions.

8 MS. KATE MCGRANN: Turning to  
9 paragraph 219 of the Foundation Document...

10

11 (BRIEF PAUSE)

12

13 MS. KATE MCGRANN: Now, we're -- so,  
14 we're jumping a bit forward in time. It's now July  
15 16th. And the Council meeting on the evening of July  
16 16th is the Council meeting of which staff bring back  
17 a list of options.

18 And Council ultimately directs staff to  
19 pursue a single-pad arena that can be phased and  
20 covering the outdoor pool with a fabric building. So,  
21 just to -- to put you in time and place, at four  
22 o'clock on July 16th, before the Council meeting, Dave  
23 MacNeil, from Sprung, sends you budgets for three (3)  
24 Sprung turnkey structures.

25 He copies the mayor, Mr. McNalty, and

1 CAO Houghton, as well as Sprung sales representatives,  
2 Pat Mills and Tom Lloyd.

3 So, you get a budget for a Sprung  
4 structure to cover the Centennial pool, a Sprung  
5 structure to cover the outdoor arena, and then a  
6 budget for a stand-alone arena?

7 MR. RICHARD LLOYD: Okay.

8 MS. KATE MCGRANN: We don't see any  
9 mention at the July 16th meeting about the fact that  
10 the Town has received budgets from Sprung.

11 Do you know why this information wasn't  
12 shared with Council at that meeting?

13 MR. RICHARD LLOYD: I don't know that  
14 it wasn't.

15 MS. KATE MCGRANN: Well, we have the  
16 video and a transcript, and we've reviewed it, and we  
17 can't see that it was.

18 MR. RICHARD LLOYD: I have no idea.

19

20 (BRIEF PAUSE)

21

22 MR. RICHARD LLOYD: And, you know, the  
23 other thing that is curious to me, and I read it in  
24 the Foundation Document, why it was sent to me and not  
25 just to Ed Houghton, and -- and copied me, I don't

1 know why I was the main person to receive it.

2

3 (BRIEF PAUSE)

4

5 MS. KATE MCGRANN: Do you re -- and I  
6 know that you've told us that you don't remember much,  
7 or really don't remember very much at all about the  
8 meeting that you attended with Sprung, the mayor, Mr.  
9 Houghton, and the mayor's office.

10 Do you remember talking with them about  
11 getting a budget to you at that meeting by any chance?

12 MR. RICHARD LLOYD: I think that was  
13 something that -- that Mr. Houghton was looking after,  
14 not me, and the previous emails was requesting them to  
15 do so.

16 Other than the meeting that you've  
17 described to us, do you remember any other discussions  
18 at all with anyone from Sprung before the July 16th  
19 Council meeting?

20 MR. RICHARD LLOYD: No.

21 MS. KATE MCGRANN: Your Honour, I'm  
22 looking at the clock. And I wonder if it's time for  
23 the afternoon break.

24 THE HONOURABLE FRANK MARROCCO: Sure.

25 Is this a good time? Ten (10) minutes.

1 --- Upon recessing at 3:02 p.m.

2 --- Upon resuming at 3:13 p.m.

3

4 CONTINUED BY MS. KATE MCGRANN:

5 MS. KATE MCGRANN: Before the break  
6 you had mentioned that at one (1) of the Council  
7 meetings you had -- you had said that you wanted to --  
8 to do work with staff on the -- the recreation  
9 facility buildings. Do you remember that?

10 MR. RICHARD LLOYD: That's correct.

11 MS. KATE MCGRANN: Could we look at  
12 paragraph 240 of the Foundation Document, please?

13

14 (BRIEF PAUSE)

15

16 MS. KATE MCGRANN: Paragraph 240  
17 describes some comments that you made at the July 16th  
18 Council meeting, and that's the Council meeting where  
19 Council voted to direct staff to pursue a fabric  
20 building for the pool and to construct a single pad  
21 arena.

22 If you could scroll to the bottom of  
23 this section.

24

25 (BRIEF PAUSE)

1 MS. KATE MCGRANN: See here in the  
2 last paragraph it says:

3 "As Chair of Finance, I really would  
4 like to work with staff and our CAO  
5 to come up with an alternative."

6 Is that what you were referring to?

7 MR. RICHARD LLOYD: Yes. Thank you.

8 MS. KATE MCGRANN: What were you  
9 envisioning that you would do as Chair of Finance to  
10 work with staff and the CAO to come up with an  
11 alternative?

12 MR. RICHARD LLOYD: Be there to help  
13 staff, I guess, work with staff to ensure that -- that  
14 there's harmony to help them through the process, to  
15 encourage them to -- what else to tell you.

16 MS. KATE MCGRANN: Okay. And you said  
17 no one put their hand up and said this is a bad idea,  
18 so you felt you had Council's blessing, I take it, to  
19 work with staff?

20 MR. RICHARD LLOYD: that's correct.

21 MS. KATE MCGRANN: Did staff come and  
22 ask you for any help?

23 MR. RICHARD LLOYD: No, but they were  
24 -- embraced that I was there, seemed to be very  
25 cooperative and very satisfied that I was there.

1 MS. KATE MCGRANN: What did you do to  
2 help?

3 MR. RICHARD LLOYD: I don't know. I  
4 was consulted many times on different -- they were  
5 involving me in many of their emails back and forth.  
6 They were -- just like I would if I was the Chair of  
7 Finance or Public Works, they were just involving me  
8 in the process, I guess, if nothing else.

9 MS. KATE MCGRANN: Who consulted you?

10 MR. RICHARD LLOYD: I -- I'd speak  
11 with Mr. Houghton about issues. I think I spoke maybe  
12 with Dave McNalty, Ron Martin, numerous times on  
13 different things. Ron Martin and I spoke many times  
14 about other projects like the fire hall as well.

15 MS. KATE MCGRANN: Ron Martin appeared  
16 and gave evidence, and his evidence is that he wasn't  
17 involved in this project until September of 2012.

18 MR. RICHARD LLOYD: That's possible.  
19 I -- I'd have to look at the dates but I just know  
20 that he consulted me about the firehall, and there's  
21 documentation -- you'd have to look at the date on it  
22 and what was happening with the -- the pool, and I  
23 think it's prior to that.

24 MS. KATE MCGRANN: Mr. Houghton  
25 consulted you. You said Mr. McNalty consulted you?

1 MR. RICHARD LLOYD: I don't -- you  
2 asked me and I'm just generally saying I don't know  
3 exactly who did. I just know that I was involved  
4 throughout it. Like, they were keeping me abreast of  
5 emails and so on. I can't tell you specifically who.  
6 I'm sure there's emails back and forth with different  
7 members.

8 MS. KATE MCGRANN: Do you have a  
9 specific recollection of speaking with anyone other  
10 than Ed about the work that staff was doing in  
11 preparing for the August 27th Council meeting?

12 MR. RICHARD LLOYD: I thought I'd  
13 spoke to Ron Martin.

14 MS. KATE MCGRANN: Other than Mr.  
15 Martin?

16 MR. RICHARD LLOYD: I might have spoke  
17 with Dennis Seymour.

18 MS. KATE MCGRANN: Okay. What -- what  
19 can you tell us about what you recall about speaking  
20 with Dennis Seymour about?

21 MR. RICHARD LLOYD: I just talked to  
22 him about what Sprung structures are and so on, and I  
23 might have had discussion with him at some point in  
24 time about what Sprung was, and he knew about the  
25 Sprung structures. He had explained to me that they



1 had been involved with Peter Dunbar time. When I look  
2 at these emails, I see that, he was aware of it. But  
3 I -- I can't tell you for sure who I talked but...

4 I was on this -- I felt a committee,  
5 that I was there, not unlike what I was for Public  
6 Works, there to -- to be a sounding board, they'd  
7 bounce ideas off me, bounce back and forth. I wasn't  
8 given direction that they must do this or that. It  
9 was just I was there to -- to assist any way I could,  
10 and I have no idea who I talked to. I'm just  
11 grasping.

12 MS. KATE MCGRANN: You said you were  
13 on a committee. What committee are you referring to?

14 MR. RICHARD LLOYD: I'm referring to  
15 this as a committee --

16 MS. KATE MCGRANN: Okay.

17 MR. RICHARD LLOYD: -- whenever  
18 working with staff.

19 MS. KATE MCGRANN: Who else was on the  
20 committee, in your mind?

21 MR. RICHARD LLOYD: Well, it really  
22 wasn't a committee, sorry.

23 The only way I can answer your question  
24 is, at this meeting I said I'd really like to work  
25 with staff and our CAO to come up with an alternative.

1 That's exactly what I said there.

2                   There's subsequent emails to me that  
3 involved, I think, the Treasurer, that involved the  
4 CAO. You'd have to go through the Foundation  
5 Document. Have to go page by page to find exactly  
6 which ones there was, but there are emails back and  
7 forth with the Treasurer. I know I sat down with the  
8 Treasurer on different times talking about funding,  
9 not only on this but on other projects.

10                   MS. KATE MCGRANN: With respect to  
11 this project, and I really do want to focus on this  
12 project --

13                   MR. RICHARD LLOYD: Oh yeah.

14                   MS. KATE MCGRANN: -- do you recall  
15 sitting down with the Treasurer to discuss funding  
16 before the August 27th, 2012, Council meeting?

17                   MR. RICHARD LLOYD: I don't know  
18 whether I discussed it with her.

19                   MS. KATE MCGRANN: Do you remember  
20 discussing procurement processes with her before the  
21 August 27th, 2012, Council meeting?

22                   MR. RICHARD LLOYD: The dates, as I've  
23 said to you before, whenever we were doing our  
24 interview -- but I don't remember the specific dates.  
25 I remember discussing different things. I don't know

1 if it was before that date or after that date or when  
2 it was.

3 MS. KATE MCGRANN: Do you remember  
4 discussing procurement processes with the Treasurer  
5 before Council voted to proceed with Sprung?

6 MR. RICHARD LLOYD: I don't remember  
7 if it was before or after.

8 MS. KATE MCGRANN: Do you remember  
9 having discussion with the Treasurer about procurement  
10 processes?

11 MR. RICHARD LLOYD: I remember  
12 discussing about sole sourcing, as we've discussed  
13 before.

14 MS. KATE MCGRANN: Okay. Do you  
15 remember discussions with the Treasurer about sole  
16 sourcing?

17 MR. RICHARD LLOYD: I did. I  
18 definitely did speak with the treasurer about sole  
19 sourcing.

20 MS. KATE MCGRANN: Before Council  
21 voted to purchase the Sprung structures?

22 MR. RICHARD LLOYD: I have no idea  
23 when.

24 MS. KATE MCGRANN: Do you remember  
25 what was discussed?

1 MR. RICHARD LLOYD: No. Just that we  
2 could sole source.

3 MS. KATE MCGRANN: Do you remember who  
4 initiated that discussion?

5 MR. RICHARD LLOYD: No. I don't even  
6 remember when it happened. I don't know.

7 MS. KATE MCGRANN: Do you remember how  
8 you came to be talking about sole sourcing?

9 MR. RICHARD LLOYD: No, I don't.

10 MS. KATE MCGRANN: Was anybody else  
11 part of the discussion?

12 MR. RICHARD LLOYD: I didn't get that  
13 last part.

14 MS. KATE MCGRANN: Was anybody else  
15 part of the discussion.

16 MR. RICHARD LLOYD: That's over seven  
17 (7) years ago, for God's sake. I have no idea who was  
18 there. I don't even know where I -- I brought it up.  
19 I don't know if she brought it up or where the  
20 discussion was, or as a result of -- it could have  
21 been as a result all this noise that was happening  
22 from the -- the Friends of Central Park. I have no  
23 idea.

24 MS. KATE MCGRANN: Let's look at  
25 paragraph 250 of the Foundation Document. Could we

1 scroll down.

2 This reproduces the minutes, and it  
3 shows the vote. It shows the vote that Council made  
4 at that meeting. You can see:

5 "Construct a single pad arena that  
6 could be phased into a double pad."

7 And then:

8 "Enclose the outdoor pool with a  
9 fabric building."

10 Do you know why the building for the  
11 pool, the only type of construction being considered  
12 is a fabric building at this point in time?

13 MR. RICHARD LLOYD: I think that we  
14 had been going down the road a long time trying to  
15 figure out the Sprung issues, and it looked like the  
16 most feasible thing to do. I -- other than to tell  
17 you what we've already discussed. That's what the  
18 motion was and it was passed.

19 MS. KATE MCGRANN: Had you looked at  
20 any other construction type to cover the pool?

21 MR. RICHARD LLOYD: Did I -- do that  
22 again, I'm sorry.

23 MS. KATE MCGRANN: Did you look at any  
24 other type of building to cover the pool?

25 MR. RICHARD LLOYD: I never discussed

1 covering the pool with any other company, no business,  
2 no building, no nothing.

3 MS. KATE MCGRANN: Why did you believe  
4 that a fabric building was the right kind of building  
5 to cover the pool?

6 MR. RICHARD LLOYD: We've covered  
7 that. When I was at the FCM conference, I was quite  
8 impressed with what I was hearing. I was impressed  
9 with the cost. It ratified that even further when I  
10 got back and found out from Linda Simpson that the  
11 Clippers and looked at it too as an option.

12 I was sold on it and I've been pumped  
13 about it ever since, and I still am. I still think  
14 it's the right alternative municipalities should be  
15 looking at towards the future.

16 MS. KATE MCGRANN: Did you take any  
17 steps other than speaking with Sprung and Linda  
18 Simpson to look at whether a fabric building was the  
19 right kind of building to cover the pool?

20 MR. RICHARD LLOYD: Yes. It was  
21 brought back to staff as -- I had made a direction to  
22 -- to Ed in error when the -- the Clerk made it very  
23 clear that I shouldn't be -- be directing staff and  
24 asking to price it and get all the information on it.  
25 That's what they did and I know that -- that Dave

1 McNalty looked at it too, investigated it, and -- that  
2 was what staff do.

3 MS. KATE MCGRANN: At this point in  
4 time, staff are only just receiving a public direction  
5 to look into options for the recreation facilities.  
6 The only kind of building they're asked to look at for  
7 the outdoor pool is a fabric building.

8 MR. RICHARD LLOYD: That's right.

9 MS. KATE MCGRANN: You've explained to  
10 me that the sources of your information about a fabric  
11 building up until this point in time are Sprung and  
12 Linda Simpson.

13 Did you do anything else to look into  
14 different types of buildings to cover the pool before  
15 this Council meeting?

16 MR. RICHARD LLOYD: That's not the  
17 role of Council to be doing that. That's staff to be  
18 looking at stuff, and I know that staff were looking  
19 at different issues. And, no, I did not personally  
20 look at any other options to cover the outdoor pool.

21 MS. KATE MCGRANN: Okay. You realize  
22 that Sprung is a private business?

23 MR. RICHARD LLOYD: Is it not a  
24 corporation?

25 MS. KATE MCGRANN: And they want to

1 sell their product to people. You understood that?

2 MR. RICHARD LLOYD: I don't  
3 understand. Is that a question?

4 MS. KATE MCGRANN: Yeah. Did you  
5 understand that Sprung was trying to sell you their  
6 product?

7 MR. RICHARD LLOYD: Of course.

8 MS. KATE MCGRANN: Why didn't you take  
9 any steps to look in anything that they said before  
10 you voted to cover the pool with a fabric building?

11 MR. RICHARD LLOYD: Because I felt  
12 that that was the correct direction we needed to go.  
13 The price was right. The product was good. If I had  
14 to do it all over again, I'd do it exactly the same  
15 thing. I think all the years --

16 I got to tell you, since 1985 I've been  
17 at Council, seeing this thing go around in circles.  
18 My son is now forty-three (43) years old. When he was  
19 playing novice hockey at the age of 6, we were  
20 travelling to other municipalities so he could  
21 practice. There wasn't enough ice time in  
22 Collingwood.

23 All the right reasons is why this was  
24 done. All you have to do is go attend the arena or  
25 attend the pool and you'll see that there -- the



1 activity that's going on there, it's positive.

2                   Why did I do this? The proof's in the  
3 pudding. Just go and attend the facilities. They're  
4 paid for. They were built properly. They're great.

5                   MS. KATE MCGRANN: If we look at  
6 paragraph 244 of the Foundation Document, this is an  
7 email that you send to CAO Houghton while the Council  
8 meeting is taking place, and you say:

9                   "The motion I have here is for the  
10 staff report to be done no later  
11 than August 27th. I would like it  
12 for July 30th, but that might be too  
13 aggressive."

14                   Mr. Houghton replied shortly afterward,  
15 stating:

16                   "Make it no later than August 27th."

17                   Do you remember why you reached out to  
18 Mr. Houghton to ask about the return date for the  
19 staff report?

20                   MR. RICHARD LLOYD: I want this -- I  
21 and man -- many members of Council wanted this to  
22 proceed as quickly as we possibly could. On that  
23 date, or that meeting, I turned to Ed and -- and asked  
24 him about, you know, is it possible for -- for August  
25 27th. I would like it for July 30th. He replied

1 shortly afterward stating that -- made no later than  
2 August 27th.

3 I remember looking at him in the  
4 Council Chambers and he said no, no, no, after the --  
5 the August 27th meeting, not before. Well, I had  
6 already put this through and pushed it. I was  
7 aggressively pushing to get this thing done. I know  
8 Council wanted to get it done as well.

9 MS. KATE MCGRANN: Do you think it was  
10 apparent to the people around you that you were  
11 aggressively pushing to get this done?

12 MR. RICHARD LLOYD: I think Council  
13 were totally in favour of trying to pushing -- this as  
14 fast as we could get it built.

15 MS. KATE MCGRANN: Do you think that  
16 Council could tell that you were aggressively pushing  
17 to get this done?

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

19 MS. KATE MCGRANN: Could we look at  
20 paragraph 249?

21

22 (BRIEF PAUSE)

23

24 MS. KATE MCGRANN: My only question  
25 for you here is about the last sentence -- and this is

1 another excerpt from the transcript of the July 16th  
2 meeting. You say:

3 "There is all kind of examples  
4 throughout North America."

5 And you're referring to the outdoor  
6 pool. What examples did you know of of outdoor pools  
7 that had been covered with fabric buildings at this  
8 point in time?

9 MR. RICHARD LLOYD: Sprung had --  
10 there was discussions from Sprung about them covering  
11 pools, and that there were many examples. I don't  
12 what the examples were, no different than the arenas,  
13 other than the ones that were in Calgary, and they had  
14 also stated some in the States.

15 MS. KATE MCGRANN: Did you call up any  
16 of the communities in which those pools were to ask  
17 them how the Sprung buildings were doing?

18 MR. RICHARD LLOYD: I didn't.

19 MS. KATE MCGRANN: Why not?

20 MR. RICHARD LLOYD: Why would I?

21 MS. KATE MCGRANN: To find out if they  
22 were doing well or not.

23 MR. RICHARD LLOYD: I didn't do any  
24 investigation further than that.

25 MS. KATE MCGRANN: Can we look at

1 paragraph 256?

2

3

(BRIEF PAUSE)

4

5

MS. KATE MCGRANN: Scroll down.

6 You'll have to bear with me for a second while I try

7 to --

8

MR. RICHARD LLOYD: Yeah, no problem.

9

10

(BRIEF PAUSE)

11

12

MS. KATE MCGRANN: We're going in the

13 wrong direction -- 255.

14

15

(BRIEF PAUSE)

16

17

MS. KATE MCGRANN: This paragraphs

18 describes an email exchange that you had with Terry

19 Geddes on July 17th. Again I want to look at the last

20 sentence in the excerpt here where you say -- you're

21 talking about having Doc Paul be the Chair. And you

22 say:

23

"I think we will be building these

24

facilities with membrane material

25

that has a life of at least sixty

1 (60) years."

2 What did you mean when you said  
3 membrane material had a life of at least sixty (60)  
4 years?

5 MR. RICHARD LLOYD: I think that it  
6 was fifty (50) or sixty (60) years is what Sprung  
7 suggested the life expectancy of these buildings are.

8 MS. KATE MCGRANN: I understand that  
9 the buildings consist of a -- an aluminum skeleton and  
10 a membrane.

11 MR. RICHARD LLOYD: That's right.

12 MS. KATE MCGRANN: Was it your  
13 understanding that the membrane would last sixty (60)  
14 years without needing to be replaced?

15 MR. RICHARD LLOYD: The structure and  
16 the inside and membrane insulation wouldn't, all they  
17 would have to do is -- is replace the outer membrane,  
18 the same as they would with a tar and gravel roof  
19 where they have to redo it every twenty (20) to thirty  
20 (30) years, not unlike an asphalt roof where they have  
21 to redo it.

22 So the understanding I had was that  
23 they take off the outer membrane and put a new one on  
24 it.

25 MS. KATE MCGRANN: And was that your

1 understanding all the way through to the August 27th  
2 Council meeting?

3 MR. RICHARD LLOYD: Right today I  
4 think the same.

5 MS. KATE MCGRANN: Can we look at  
6 summary document 2-4, paragraph 22.

7

8 (BRIEF PAUSE)

9

10 MS. KATE MCGRANN: In this paragraph  
11 it's describing an email from Mr. Houghton to Mr.  
12 McNalty in which he writes:

13 "The last point I should make is  
14 that I will be the contact person  
15 with Sprung, the Deputy Mayor made  
16 that perfectly clear with me on the  
17 weekend."

18 Mr. McNalty responds: "Okay, got it."

19 Do you recall telling Mr. Houghton that  
20 he was to be the contact person with Sprung?

21 MR. RICHARD LLOYD: I told Mr.  
22 Houghton that he should be the point of contact for  
23 Sprung.

24 MS. KATE MCGRANN: Why did you tell  
25 him that?

1 MR. RICHARD LLOYD: Because I felt  
2 that the CAO should be the point of contact for Sprung  
3 for the recreation facility and it didn't mean that  
4 other people couldn't be in touch with Sprung, and  
5 everything would go through the CA's -- CAO's office.

6 MS. KATE MCGRANN: So I understand  
7 that you're telling Mr. Houghton that he should be the  
8 point of contact with Sprung, that at this point in  
9 time you know that Mr. Houghton is the CAO of the  
10 Town, and he's also the CEO of Collus Power, right?

11 And he's -- he's got a role with Public  
12 Works as well? He's got three (3) jobs at this point,  
13 three (3) full-time jobs.

14 Why did you want him to be the point of  
15 contact with Sprung?

16 MR. RICHARD LLOYD: I said earlier  
17 that I felt that it was imperative that the CAO's  
18 office was a point of -- point of contact for this  
19 project, being that -- that he could easily or that  
20 office could easily facilitate to other departments  
21 lower than him to assist.

22 MS. KATE MCGRANN: Do you remember  
23 anything about the discussion that led to you telling  
24 Mr. Houghton that he should be the point of contact  
25 for Sprung?

1 MR. RICHARD LLOYD: I don't think  
2 there was any. It was just -- I just felt that it was  
3 important that not everybody and their brother were --  
4 were working back and forth with Sprung, that  
5 everything should go through one office.

6 MS. KATE MCGRANN: Did you have any  
7 concerns at the time that this kind of instruction  
8 that you're providing could interfere with staff's  
9 ability to do the work that Council had asked it to  
10 do?

11 MR. RICHARD LLOYD: Not at all. I'm  
12 in business -- been for near fifty (50) years, and  
13 I'll tell you, I expect a -- a dollar's work for a  
14 dollar's pay. They did a great job. All of the  
15 staff, the more challenges we put, the more harmony  
16 that the Town employees had.

17 In those four (4) years, and I know we  
18 want to focus on this, but it's imperative that you  
19 also understand that we built a brand-new firehall, we  
20 refurbished Eddie Bush arena, we built the -- the  
21 aquatic centre, we built -- we built the arena. We --  
22 we fixed a choke point on -- in front of the Mt. View  
23 Hotel on -- on 1st Street when there was, in fact, no  
24 funding available, but we got funding through the  
25 province. We rebuilt Rodney Street and -- and Simcoe



1 Street, and the list goes on and on. We've redone the  
2 curling club and refixed it, it had been a problem for  
3 years.

4 The same staff, as well, did their --  
5 their other job. We have an incredible staff in this  
6 community. The more challenges they're given, the  
7 more opportunity they have and the -- the harder they  
8 work. They met the challenge and they did it well.

9 MS. KATE MCGRANN: Does the fact that  
10 two (2) employees have given evidence at this Inquiry  
11 saying that they were concerned about their jobs  
12 changed your view of the work the staff did or the  
13 harmony that may have been here when you were on  
14 Council?

15 MR. RICHARD LLOYD: Never heard that,  
16 ever, until this -- it's interesting, seven and a half  
17 (7 1/2), eight (8) years later, that comes up.

18 During it, there was not an issue.

19 MS. KATE MCGRANN: Now, I understand  
20 that you don't have any concerns that your  
21 instructions interfered with staff doing the job  
22 Council had asked.

23 Can you see how someone looking at it  
24 at the outside and seeing you provide directions like  
25 this might have concerns that you're trying to control

1 the direction that staff goes in or the work that they  
2 did?

3 MR. RICHARD LLOYD: You didn't see  
4 what I asked him, you've seen what he's responding.

5 I did tell him that he should be the  
6 point of contact. If he didn't think so, Mr. Houghton  
7 is a very bright individual, he would have said, no, I  
8 don't think so and it would have been different.

9 Not unlike our treasurer. If I suggest  
10 something to the treasurer and she doesn't think so,  
11 she'd definitely will tell me, straight up. Mr.  
12 Houghton would have done the same thing.

13 It's obvious to me that he was very  
14 much in -- in support of it as well.

15 MS. KATE MCGRANN: I understand that  
16 you were excited about the Sprung product, you've told  
17 us that. I understand that you were mildly  
18 disappointed that it wasn't your idea first, but  
19 you're the champion of the idea at this point in time,  
20 is that fair?

21 MR. RICHARD LLOYD: Yes, I guess you  
22 can put it that way.

23 MS. KATE MCGRANN: You've let Council  
24 know that you want to be involved in the work that  
25 staff is doing, looking at an alternative.

1                   Can we look at paragraph 279 of the  
2 Foundation Document? This paragraph references a  
3 meeting that certain members of staff had with Sprung  
4 on July 27th, 2012. Were you aware that staff were  
5 meeting with Sprung after the July 16th meeting?

6                   MR. RICHARD LLOYD: Was I aware?  
7 Pardon me?

8                   MS. KATE MCGRANN: Were you aware that  
9 Town staff were meeting with Sprung after the July  
10 16th meeting?

11                  MR. RICHARD LLOYD: I don't remember,  
12 I don't -- I don't know.

13                  MS. KATE MCGRANN: You wanted to stay  
14 involved, you wanted to help them. Were you talking  
15 to them about what they were doing and getting reports  
16 on their progress?

17                  MR. RICHARD LLOYD: Well, they would  
18 involve me where they felt was necessary, I -- I  
19 didn't -- I had a private life I was running too,  
20 trying to work my businesses and you know, I -- I  
21 didn't have the luxury of five (5) days a week being  
22 involved in municipal stuff. I'd try to keep myself  
23 involved as much as I possibly could.

24                  MS. KATE MCGRANN: All right, we also  
25 see evidence that there was an August 3rd meeting

1 between Town staff and Sprung.

2                   Were you aware that that meeting took  
3 place?

4                   MR. RICHARD LLOYD:    I don't remember  
5 that I was aware of it.  I don't think staff were  
6 trying to cut me out of it, or anything like that.  I  
7 -- I think they were just doing their job.

8                   MS. KATE MCGRANN:    Stepping back from  
9 the dates, were you generally aware that staff were  
10 meeting with Sprung through the summer of 2012 in  
11 advance of the August 27th Council meeting?

12                   MR. RICHARD LLOYD:    I would assume  
13 they were, only because of my initial email and  
14 suggestion that that we wanted to investigate the --  
15 the Sprung structures and the one (1) I sent to  
16 Council and had the support of the majority of Council  
17 to -- to do that.  And I think they were -- they were  
18 doing their job.

19                   MS. KATE MCGRANN:    We've already  
20 looked at this before, but we see -- very alive to the  
21 possibility and the risk of prejudicing a potential  
22 RFP when members or Town representatives met with  
23 Ameresco.

24                   At any point during the summer did you  
25 turn your mind to whether the work that staff was

1 doing with Sprung could prejudice a potential RFP  
2 process?

3 MR. RICHARD LLOYD: We discussed that  
4 earlier, and I've -- honestly believe what you had  
5 said that -- to me that this was such a unique product  
6 that I didn't feel that -- that it would be an RFQ  
7 going out if we went with Sprung.

8 MS. KATE MCGRANN: Mr. Lloyd from  
9 Sprung has appeared and given evidence to the Inquiry  
10 and in his evidence he said that he spoke to you on  
11 the phone a few times.

12 Do you remember speaking with Mr. Lloyd  
13 during the summer of 2012?

14 MR. RICHARD LLOYD: Do I remember  
15 talking to Mr. Tom Lloyd?

16 MS. KATE MCGRANN: Yes.

17 MR. RICHARD LLOYD: No. I'm not  
18 saying I didn't, but I don't remember.

19 MS. KATE MCGRANN: If you look at  
20 paragraph 333 of the Foundation Document.

21 MR. RICHARD LLOYD: Pardon me?

22 MS. KATE MCGRANN: We're pulling up  
23 paragraph 333 of the Foundation Document.

24 This paragraph describes that on August  
25 18th, 2012 Ms. Leonard sends what she describes as a

1 first attempt at the staff report to the EMC, Ms.  
2 Proctor and Mr. McNalty. And if we look at paragraph  
3 338 of the Foundation Document we see that Mr.  
4 Houghton forwards you a draft of the staff report.

5 Do you recall if you had any  
6 discussions with Mr. Houghton about reviewing a copy  
7 of the first draft of the staff report?

8 MR. RICHARD LLOYD: No, but it wasn't  
9 unusual for staff to send me -- even the clerk would  
10 send me information like that too.

11 MS. KATE MCGRANN: Do you remember at  
12 all how it came to be that you were receiving drafts  
13 of the staff report? Did you ask for them?

14 MR. RICHARD LLOYD: I think if you go  
15 back to that -- that comment at the Council meeting  
16 where I wanted to work with staff on it.

17 MS. KATE MCGRANN: Do you remember  
18 reviewing this first draft of the staff report?

19 MR. RICHARD LLOYD: I don't remember  
20 specifically reviewing it, but it's obvious I did. If  
21 you quiz me on what the staff report said word for  
22 word, I certainly couldn't answer it.

23 MS. KATE MCGRANN: Don't worry, I'm  
24 not going to do that.

25 MR. RICHARD LLOYD: Oh, good.

1 MS. KATE MCGRANN: We see that you  
2 provide feedback on this staff report in a series of  
3 emails that we'll go to the second.

4 Do you remember providing feedback in  
5 any other way on the drafts of the staff report that  
6 you reviewed?

7 MR. RICHARD LLOYD: No.

8 MS. KATE MCGRANN: Is it possible that  
9 you provided feedback over the phone?

10 MR. RICHARD LLOYD: I don't know of  
11 any other staff reports that I gave feedback on. I've  
12 no idea.

13 MS. KATE MCGRANN: Okay. Is it  
14 possible that you provided feedback over the phone?

15 MR. RICHARD LLOYD: Yeah, it's  
16 possible I didn't.

17 MS. KATE MCGRANN: You know that you  
18 didn't?

19 MR. RICHARD LLOYD: No, I said it's  
20 possible I did not too. I don't know.

21 MS. KATE MCGRANN: Oh, I see what you  
22 mean. At this point in time, there's a draft of the  
23 staff report. Staff has also received a report from  
24 WGD Architects.

25 Do you remember what their role was in

1 staff's work leading to the August 27th Council  
2 meeting?

3 MR. RICHARD LLOYD: They were the  
4 engineer consultants that were hired for Central Park  
5 for the MURF that they stood to gain hundreds of  
6 thousands of dollars if that project had gone ahead.

7 MS. KATE MCGRANN: Why do you say  
8 that?

9 MR. RICHARD LLOYD: Because it's fact.

10 MS. KATE MCGRANN: How did they stand  
11 to gain hundreds of thousands of dollars if that  
12 project moved ahead?

13 MR. RICHARD LLOYD: Well, they  
14 would've been the engineers and they would've been  
15 successful no doubt if -- if the multi-use facility  
16 had gone ahead and they would've worked on it. It was  
17 in their best interest, in my opinion, that the multi-  
18 use facility went ahead because they were -- stand to  
19 get nothing if we went with Sprung, but if they went  
20 with the multi-use, they were -- they were the  
21 engineers.

22 MS. KATE MCGRANN: Were you aware that  
23 WGD put together a report for staff to assist them in  
24 preparing to put together the staff report?

25 MR. RICHARD LLOYD: I think there's



1 something that came to Council. I think we received  
2 it.

3 MS. KATE MCGRANN: Do you remember  
4 reviewing a copy of the WGD report at any point before  
5 the August 27th Council meeting?

6 MR. RICHARD LLOYD: I don't. I'm not  
7 saying I didn't receive it but I don't remember  
8 receiving one.

9 MS. KATE MCGRANN: Let's take a look  
10 at the draft -- the first draft that gets sent around  
11 which you receive a copy of. It's at TOC201378. If  
12 we could scroll down.

13

14 (BRIEF PAUSE)

15

16 MS. KATE MCGRANN: You see that there  
17 are no recommendations in this document yet. It's  
18 fair -- relatively preliminary. If we could go to  
19 paragraph 339 of the Foundation Document.

20

21 (BRIEF PAUSE)

22

23 MS. KATE MCGRANN: These paragraphs  
24 describe the comments that you provided on the August  
25 19th draft. First of all, you say that you did not

1 like the phrase, "if Council chooses to proceed" and  
2 you wrote:

3 "Take that out as it leaves the  
4 impression that maybe we shouldn't  
5 proceed. Still reading it, though,  
6 LOL."

7 Do you remember providing that  
8 feedback?

9 MR. RICHARD LLOYD: I don't but it's  
10 obvious I did.

11 MS. KATE MCGRANN: Why did you think  
12 it was appropriate to provide feedback like this to  
13 staff on the staff report?

14 MR. RICHARD LLOYD: Because I was  
15 asked.

16 MS. KATE MCGRANN: Who asked you to  
17 provide feedback on this staff report?

18 MR. RICHARD LLOYD: I'd have to go  
19 back and see who sent it to me. I think it was Mr.  
20 Houghton sent to me and I just gave comment.

21 MS. KATE MCGRANN: Can we go to  
22 paragraph 341. Part of the way down the third  
23 paragraph you say,

24 "I find there's a little negative  
25 spin on some of her report [and

1                   you're talking about Ms. Leonard.] I  
2                   don't think it is intentionally done  
3                   that way, but it needs the Ed  
4                   Houghton positive spin in a redraft.  
5                   She writes like an accountant."

6                   And then you say,

7                   "As well we must be careful not to  
8                   give too much information."

9                   What were you talking about there?

10                  MR. RICHARD LLOYD:     Just the -- I've  
11                  said that -- that Marjory was writing like an  
12                  accountant, which if she's sitting here she'd probably  
13                  smile and say I do.

14                  I just don't think we need to give --  
15                  what happens with staff reports quite often if they're  
16                  the size of dictionaries, Council don't read through  
17                  them. And it's proven time in and time out at the  
18                  Council table that -- that questions will be asked at  
19                  the table that Councillors never even read the staff  
20                  report. You could tell.

21                  So the idea is if you give them too  
22                  much information they don't read it and they don't  
23                  absorb anything. So cut to the point, make it to the  
24                  point, get all the facts in that you need to and leave  
25                  it. That's my opinion.

1 MS. KATE MCGRANN: Do you recall  
2 providing any other more specific direction about what  
3 information should go into the staff report, what  
4 should come out, what level of detail should be  
5 included?

6 MR. RICHARD LLOYD: No.

7

8 (BRIEF PAUSE)

9

10 MS. KATE MCGRANN: Did you have any  
11 concern that your involvement in reviewing and  
12 commenting on drafts of this staff report would  
13 influence the recommendations that staff made to  
14 Council?

15 MR. RICHARD LLOYD: No, I wasn't  
16 trying to change the intent of the -- the staff  
17 report. I could tell you this, I believe this staff  
18 report was from Marjory Leonard, the Treasurer, I  
19 think, if I remember right. You can maybe help me  
20 with that.

21 And if it is, you -- I can assure you  
22 that Marjory Leonard would not have made any changes  
23 to the staff report if she didn't think it was  
24 appropriate.

25 MS. KATE MCGRANN: What the documents

1 show is that the staff report is attributed to the  
2 Executive Management Committee and the progress of the  
3 draft is Marjory Leonard with input from Dave McNalty  
4 who writes a series of drafts. On the 23rd Marjory  
5 Leonard sends around a draft. Mr. McNalty re-does  
6 that draft and then that draft is handed off to Mr.  
7 Houghton who authors the final draft so --

8 MR. RICHARD LLOYD: Okay.

9 MS. KATE MCGRANN: -- if that's of any  
10 assistance, that's what we can see from the documents.

11 MR. RICHARD LLOYD: Thank you.

12 MS. KATE MCGRANN: When Ms. Almas gave  
13 evidence to the Inquiry, one (1) of the things she  
14 said is that she believed that the staff report would  
15 have been different if you hadn't gotten involved.

16 What's your response to that evidence?

17 MR. RICHARD LLOYD: She's entitled to  
18 her opinion.

19 MS. KATE MCGRANN: Hearing that, does  
20 it give you any concern that your involvement did  
21 influence the staff report?

22 MR. RICHARD LLOYD: I don't think it  
23 did at all. Not at all and I don't think it influenced  
24 Council's decision one iota.

25 THE HONOURABLE FRANK MARROCCO: I

1 should remind you that we've got to leave by 4:00, so,  
2 just pick a point where it's appropriate to stop and  
3 stop.

4

5 CONTINUED BY MS. KATE MCGRANN:

6 MS. KATE MCGRANN: One (1) last  
7 question on that topic. While you were receiving  
8 drafts and providing feedback on the staff report, did  
9 you have any concern that your involvement could lead  
10 to the perception that you were trying to influence  
11 the staff report and the recommendations?

12 MR. RICHARD LLOYD: God, no, and I  
13 still to this day don't think that.

14 MS. KATE MCGRANN: If we look at  
15 paragraph 378 of the Foundation Document.

16

17 (BRIEF PAUSE)

18

19 MS. KATE MCGRANN: This paragraph  
20 describes a fact that a -- a company called the Great  
21 Lakes Dome Company reached out to Town staff looking  
22 to make a presentation about its monolithic domes for  
23 Collingwood's recreation needs.

24 A member of staff circulated this to  
25 Penny Skelton asking if she should circulate a full --

1 a full copy to the committee, keep it as promotional  
2 materials. We see Ms. Skelton respond that she  
3 forwarded their contact information and website on to  
4 the Mayor and the deputy mayor as they were covering -  
5 - discussing the possibility of covering the  
6 Centennial Pool.

7 Do you remember receiving indications  
8 of interest from other manufacturers of fabric  
9 buildings, domes, et cetera about covering the pool or  
10 working with the Town on an arena?

11 MR. RICHARD LLOYD: I personally did  
12 not.

13 MS. KATE MCGRANN: I'm about to move  
14 on to a rather lengthy session so this may be an  
15 appropriate time to break.

16 THE HONOURABLE FRANK MARROCCO: Is 9:00  
17 -- does nine o'clock work for every -- everyone  
18 tomorrow?

19 MR. ERIC NEUBAUER: Your Honour, is --  
20 if -- 9:30, is that possible?

21 THE HONOURABLE FRANK MARROCCO: Sure,  
22 9:30. I'm assuming there's a good reason for that,  
23 it's not just that you don't want to get up.

24 MR. ERIC NEUBAUER: That's correct.

25 THE HONOURABLE FRANK MARROCCO: You

1 should avoid discussing your evidence with anybody  
2 over the evening. It can lead to unpleasant  
3 suggestions in here tomorrow morning.

4 MR. RICHARD LLOYD: Thank you. I'll  
5 see you at 9:30, Your Honour.

6

7

8 (WITNESS RETIRES)

9

10 --- Upon adjourning at 3:50 p.m.

11

12 Certified Correct,

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14

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16 \_\_\_\_\_

17 Wendy Woodworth, Ms.

18

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