



“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 8th, 2019

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APPEARANCES

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) Counsel
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George Marron) For Sandra Cooper
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	TABLE OF CONTENTS	
		PAGE NO.
1		
2		
3	List of Exhibits	4
4		
5	RICHARD EARL LLOYD, Sworn	
6	Continued Examination-in-Chief	
7	by Ms. Kate McGrann	5
8	Cross-examination by Mr. Frederick Chenoweth	90
9	Cross-examination by Mr. George Marron	139
10	Cross-examination by Mr. Paul Bonwick	162
11	Cross-examination by Mr. Ryan Breedon	223
12		
13		
14		
15		
16		
17		
18	Certificate of Transcript	256
19		
20		
21		
22		
23		
24		
25		

1	List of Exhibits		
2	Exhibit No.	Description	Page No.
3	1645	TOC0185584.0001	
4	1646	CJI0006307	
5	1647	CJI0011257	
6	1648	TOC0236839	
7	1649	TOC0154798	
8	1650	TOC0172262	
9	1651	TOC0185611	
10	1652	TOC0207141	
11	1653	TOC0170467	
12	1654	TOC0170540	
13	1655	CJI0007211	
14	1656	TOC0180767	
15	1657	TOC0210652.0001	
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18			
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20			
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23			
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1 --- Upon commencing at 9:42 a.m.

2

3 RICHARD LLOYD, Previously Sworn

4

5 MR. GEORGE MARRON: Your Honour, thank
6 you for the brief indulgence this morning. I had a --
7 a difficulty and knew that it was going to delay me,
8 and I got here perhaps a little sooner than I
9 anticipated at the time I contacted Mr. Mather. I
10 believe it was a 9:30 start and I was beyond that.

11 THE HONOURABLE FRANK MARROCCO: Well,
12 thank -- thanks for the -- for the explanation. We
13 were able to put the time to good use, so.

14 MR. GEORGE MARRON: Well, I appreciate
15 it was a 9:30 start and I appreciate the indulgence.
16 Thank you.

17 THE HONOURABLE FRANK MARROCCO: Okay.

18

19 CONTINUED EXAMINATION-IN-CHIEF BY MS. KATE MCGRANN:

20 MS. KATE MCGRANN: Good morning, Mr.
21 Lloyd.

22 MR. RICHARD LLOYD: Good morning.

23 MS. KATE MCGRANN: Yesterday we had
24 taken a look at the first draft of the staff report
25 that Ms. Leonard circulated and some comments that you

1 provided on that draft. Today we're going to jump
2 ahead to look at the final draft that Ms. Leonard
3 articulated on August 23rd.

4 If we could look at paragraph 396 of
5 the Foundation Document.

6

7 (BRIEF PAUSE)

8

9 MS. KATE MCGRANN: This paragraph
10 describes that Ms. Leonard sent the EMC and Mr.
11 McNalty a draft of the staff report at around noon on
12 August 23rd.

13 Do you recall if you saw a copy of this
14 draft of the staff report? I'm going to pull it up as
15 well, but...

16 MR. RICHARD LLOYD: I don't recall
17 that I -- I seen that.

18 MS. KATE MCGRANN: If we could pull up
19 the draft. It's at TOC203551.

20

21 (BRIEF PAUSE)

22

23 MS. KATE MCGRANN: And if we could go
24 to page 2. Scroll down. Table of estimated capital
25 cost requirements, have you seen that table before?

1 MR. RICHARD LLOYD: I've probably seen
2 the staff report. I don't remember it but I'm sure
3 that it was circulated to Council.

4 MS. KATE MCGRANN: So this is a draft.
5 This isn't the final copy of the staff report. When
6 we look at the final staff report, we see that this
7 table is not included in the copy that was circulated
8 to Council.

9 Do you remember if you had any
10 discussions about including or not including a table
11 with this kind of information in the final staff
12 report?

13 MR. RICHARD LLOYD: No, I didn't. I'm
14 sure I did not see this and I didn't make comments not
15 to include it or to include it.

16 MS. KATE MCGRANN: If we could go to
17 page 3. Scroll down to the heading "Site Works."
18 Stop there.

19 So here under the heading "Site Works,"
20 we see for parking, storm and sanitary, sewer, water,
21 and electrical, there's an estimate of \$400,000. The
22 estimate that's provided to Council in the final
23 version is \$200,000.

24 Do you recall if you had any
25 discussions about the site works estimate as part of

1 your role with Public Works or otherwise?

2 MR. RICHARD LLOYD: I had no input.

3 MS. KATE MCGRANN: Did anybody ask you
4 questions about what your view of the site works
5 estimate should be?

6 MR. RICHARD LLOYD: No.

7 MS. KATE MCGRANN: Similarly, if we go
8 to page 7. And scroll down. Scroll up again. Keep
9 going so we can see the table. That's great.

10 I apologize, the text is quite small
11 here, but under "Site and Park Development" there's a
12 cost of \$1,164,281 for both the pre-engineered steel
13 building and the insulated fabric membrane structure.

14 In the final report, the cost for those
15 site works are represented as \$500,000. Did you have
16 any discussions with anyone about the site --

17 MR. RICHARD LLOYD: I had no
18 discussions or input.

19 MS. KATE MCGRANN: In order for the
20 court reporter to accurately record our conversation,
21 you have to let me finish asking my question and I
22 will do my best to let you finish your answer before I
23 move on.

24 Did you have any discussions with
25 anyone about the site work costs for the arena?

1 MR. RICHARD LLOYD: I did not.

2 MS. KATE MCGRANN: Do you remember
3 having any discussions with anyone about whether the
4 Town can save money by taking on some of the site
5 works itself?

6 MR. RICHARD LLOYD: I don't remember
7 having that discussion at all.

8 MS. KATE MCGRANN: Could we go to page
9 4 of this report, please?

10

11 (BRIEF PAUSE)

12

13 MS. KATE MCGRANN: This is in respect
14 of the pool, the building that's going to cover the
15 pool, and if you look here under "Contingency,"
16 there's 5 percent for basic design and 5 percent for
17 options. The final staff report that goes to Council
18 doesn't include any contingency in relation to the
19 pool building.

20 Did you have any discussions with
21 anyone about whether a contingen -- contingency should
22 be included?

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

24 MS. KATE MCGRANN: Not at any point in
25 time?

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

2 MS. KATE MCGRANN: Were you surprised
3 when you saw the final staff report and there was no
4 contingency amount associated with the pool building?

5 MR. RICHARD LLOYD: No, I wasn't.

6 MS. KATE MCGRANN: Why not?

7 MR. RICHARD LLOYD: I just wasn't. I
8 didn't feel that -- on a -- if -- if it's a Sprung
9 structure being turnkey, that -- I had no concerns
10 that it had to have any contingencies at all.

11 MS. KATE MCGRANN: Did you have any
12 discussions with anyone from Sprung about whether a
13 contingency should be put in place for the Town --

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

15 MS. KATE MCGRANN: So is this a
16 conclusion that you arrived at on your own?

17 MR. RICHARD LLOYD: Only as you ask
18 me today.

19 MS. KATE MCGRANN: You didn't turn
20 your mind at the time to whether there should be a
21 contingency put in place for the Town's construction
22 project?

23 MR. RICHARD LLOYD: At the time I did
24 not.

25 MS. KATE MCGRANN: And if we could go

1 to page 8, please. And scroll down. Keep going.
2 Keep going. I'm looking for the table. I think it
3 might be on page 10. My mistake.

4

5

(BRIEF PAUSE)

6

7 MS. KATE MCGRANN: Page 7. Here we
8 see that there's a 10 percent contingency and a 5
9 percent amount for design fees, permits, and
10 miscellaneous for the pre-engineered steel building,
11 and for the insulated fabric membrane building,
12 there's a 5 percent contingency applied.

13 Did you have any discussions with
14 anyone about what kind of contingency the Town should
15 be taking into account for a pre-engineered steel
16 building, first of all?

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

18 MS. KATE MCGRANN: Did you have any
19 discussions with anyone about the kind of contingency
20 the Town should be considering for an insulated fabric
21 membrane structure?

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

23 MS. KATE MCGRANN: Do you remember --
24 do you remember seeing that the drafts of the staff
25 report included contingency fees for the Sprung

1 structures and the final report did not?

2 MR. RICHARD LLOYD: As I said
3 previously, I'd never seen this report. I only seen
4 the final staff report that came to Council.

5 MS. KATE MCGRANN: And the earlier
6 drafts that we discussed yesterday that you commented
7 on.

8 MR. RICHARD LLOYD: I'm sorry?

9 MS. KATE MCGRANN: And the earlier
10 drafts that we discussed yesterday that you provided
11 comments on.

12 MR. RICHARD LLOYD: Okay.

13 MS. KATE MCGRANN: Sitting here today,
14 do you think it was a good idea for the Town to not
15 include a contingency amount in the estimates that it
16 was considering for the Sprung buildings?

17 MR. RICHARD LLOYD: Sitting here
18 today, looking back, and finding that there was a soil
19 issue at the Centennial Pool that we were not aware
20 of, a contingency of 5 percent or 10 percent would
21 have been a -- a good thing to have.

22 At the time when this was decided to
23 move ahead, I don't think it was -- I didn't feel -- I
24 never really thought about it, to be honest with you,
25 but looking at it in hindsight, probably it was --

1 would have been a good idea to do it, and --

2 But again it was turnkey, everything
3 was included. That's why there wasn't as much
4 concern, for me anyway, to have a contingency.

5 MS. KATE MCGRANN: Sitting here today,
6 do you find it curious that on August 23rd the draft
7 of the staff report provided for contingencies for
8 both of those products but that information was not
9 provided to Council?

10 MR. RICHARD LLOYD: I can't answer
11 that. I -- I think it's unusual, but there must be
12 reasons for it.

13 MR. FREDERICK CHENOWETH: My
14 apologies, Your Honour.

15

16 CONTINUED BY MS. KATE MCGRANN:

17 MS. KATE MCGRANN: Could we go to --

18 THE HONOURABLE FRANK MARROCCO: Mr.
19 Chenoweth.

20

21 CONTINUED BY MS. KATE MCGRANN:

22 MS. KATE MCGRANN: -- page 10 of the
23 report, please?

24 So under the heading, "Effect of Town -
25 - on Town Finances," if we scroll down, here you can

1 see that there are current debenture repayments
2 amounts set out to provide information about what it
3 would cost to take out debentures and the amount's
4 there. That information is not in the final staff
5 report.

6 Did you have any discussions with
7 anyone about whether debenture rates should be
8 provided to Council in the final staff report?

9 MR. RICHARD LLOYD: I did not.

10 MS. KATE MCGRANN: Do you think that
11 information would have been useful to help Council in
12 assessing its decision about proceeding with the two
13 (2) construction projects?

14 MR. RICHARD LLOYD: I don't know why
15 it wasn't included, and I'm not so sure that the
16 Treasurer did not include it or -- or let us know what
17 the debenture rates were and so on, because I know it
18 was discussed many times.

19 Why it wasn't part of this staff
20 report, I have no idea -- or the final staff report.

21

22 (BRIEF PAUSE)

23

24 MS. KATE MCGRANN: WGD Architects was
25 retained by the Town to do a feasibility study on the

1 question of constructing a single pad arena that could
2 be phased to a double pad.

3 Were you aware that they were doing
4 that work in the summer of 2012?

5 MR. RICHARD LLOYD: Yes, I was.

6 MS. KATE MCGRANN: I think I asked you
7 this question yesterday, but just to be sure, were you
8 aware that they provided a report to the Town on
9 August 17th, 2012?

10 MR. RICHARD LLOYD: I don't know the
11 date, but I know they did re -- they did provide a --
12 a report that went to Council.

13 MS. KATE MCGRANN: Our records show
14 that the report wasn't provided to Council.

15 Do you remember reviewing that report?

16 MR. RICHARD LLOYD: No, I don't.

17 MS. KATE MCGRANN: Was there any
18 reason that you wouldn't have reviewed that report as
19 part of the work that you were doing to help staff get
20 ready for the Council meeting?

21 MR. RICHARD LLOYD: I just remember
22 WGD, and I thought they did in fact circulate it to
23 Council.

24 MS. KATE MCGRANN: We haven't seen any
25 record that that report was circulated to Council.

1 Why do you think that report was
2 circulated to Council?

3 MR. RICHARD LLOYD: Because I'm aware
4 of them. I think there's -- in the Foundation
5 Document, there is reference to it, just reading it.

6 MS. KATE MCGRANN: We've seen in the
7 documents and we've also heard evidence that after
8 receiving the WGD report a number of adjustments were
9 made to the estimates that WGD provided.

10 Were you aware that Town staff were
11 making adjustments to the -- the numbers that were
12 provided by the expert that the Town had retained?

13 MR. RICHARD LLOYD: Only what I've
14 seen in the Foundation Document.

15 MS. KATE MCGRANN: Do you remember
16 having any discussions about whether those adjustments
17 should be made or what adjustments should be made at
18 the time?

19 MR. RICHARD LLOYD: No, I don't.

20 MS. KATE MCGRANN: Is it possible that
21 you were involved in conversations about adjusting the
22 WGD numbers for the staff report?

23 MR. RICHARD LLOYD: No.

24 MS. KATE MCGRANN: Why do you say no?

25 MR. RICHARD LLOYD: I would have -- I

1 would have hoped that I remembered. I don't think I
2 was involved in any discussions at all.

3 MS. KATE MCGRANN: Could we look at
4 paragraph 452 of the Foundation Document, please?

5 This paragraph describes some email
6 correspondence on August 26th, 2012. And if you look,
7 about partway through, this paragraph describes that
8 Mr. Houghton forwards an email from Mayor Cooper to
9 you, and Mr. Houghton writes:

10 "Not sure what she means, but I
11 think we need to speak to Sandra
12 today to ensure she is onboard, in
13 spite of what Paul says. Let me
14 know when you're back."

15 Do you remember receiving this email
16 from Mr. Houghton?

17 MR. RICHARD LLOYD: I don't but I --
18 now that I read it, yes.

19 MS. KATE MCGRANN: Do you remember
20 receiving any information from Mr. Bonwick about what
21 Mayor Cooper was thinking about the Town's recreation
22 facilities in advance of the August 27th Council
23 meeting?

24 MR. RICHARD LLOYD: No idea.

25 MS. KATE MCGRANN: Do you remember

1 talking generally with Mr. Bonwick about what Mayor
2 Cooper's thoughts were on how to proceed with the
3 recreation facilities?

4 MR. RICHARD LLOYD: I'm sure I did
5 speak to Mr. Bonwick about it. I -- I don't remember,
6 but I'm sure I did.

7 MS. KATE MCGRANN: Backing up more
8 generally, did you discuss the Sprung buildings with
9 Mr. Bonwick through the summer of 2012?

10 MR. RICHARD LLOYD: I don't believe I
11 did at all, no.

12 MS. KATE MCGRANN: Yesterday you gave
13 evidence that you would talk about the Sprung
14 buildings to anybody who would listen to you.

15 Do you have any -- is there any reason
16 that you wouldn't have talked about them with Mr.
17 Bonwick?

18 MR. RICHARD LLOYD: There's no reason
19 why I wouldn't, but there's specifically when you pick
20 out an individual, I don't know that I spoke to him
21 any more than I spoke to anybody on the street that
22 would listen to me. I spoke to everybody.

23 MS. KATE MCGRANN: Can we look at
24 paragraph 463 of the Foundation Document?

25 This describes an email that you send

1 to Mr. Houghton, just before noon on August 26th, and
2 you write:

3 "Hey, keep up the good work. I
4 believe that tomorrow we will have
5 the results we hoped for. It's all
6 coming together because of you and
7 your leadership. This has been the
8 best few months of Council that I
9 have ever been involved with and
10 it's all because of you and your
11 team approach."

12 And if we could scroll down to
13 paragraph 464 -- oh, sorry, you finish with:

14 "Get this behind us, look out what
15 we can do next LOL."

16 And then at paragraph 464 you forward
17 that email to Mr. Bonwick and you write:

18 "Keep his spirits up."

19 Do you remember why you sent that email
20 to Mr. Bonwick on the 26th of August?

21 MR. RICHARD LLOYD: Yes, I do. With
22 all the stuff that was happening from the Friends of
23 Central Park and all the pressure that was being
24 brought in from the public, the -- the public displays
25 in front of the Town Hall, the -- the emails and

1 everything else, I know Ed was at a critical point in
2 -- in his career or his thinking that he was very
3 depressed and -- and down, I feel.

4 I was trying to give him a boost of
5 encouragement. I knew that Bonwick could do the same.
6 That's all it was all about.

7 MS. KATE MCGRANN: Why did you think
8 Mr. Bonwick could give Mr. Houghton a boost in his
9 encouragement?

10 MR. RICHARD LLOYD: Because we're all
11 friends, we all know one another and I wasn't just
12 going to ask the Joe public out in the street to do
13 it, I figured that Paul could do it.

14 MS. KATE MCGRANN: Yes, if one (1)
15 friend needs help, you go to another friend to try to
16 get them to assist?

17 MR. RICHARD LLOYD: And bring him up.

18 MS. KATE MCGRANN: Had you been
19 discussing the Friends of Central Park and the other
20 issues that you just identified with Mr. Bonwick?

21 MR. RICHARD LLOYD: No, not that I
22 know of. No.

23 MS. KATE MCGRANN: Had you been
24 discussing your concerns about Mr. Houghton, his mood,
25 how all that pressure was affecting him with Mr.

1 Bonwick?

2 MR. RICHARD LLOYD: I don't remember
3 that I did.

4 MS. KATE MCGRANN: When did you learn
5 that Mr. Bonwick was associated with the company Green
6 Leaf Distribution Inc.?

7 MR. RICHARD LLOYD: I found out that -
8 - that Mr. Bonwick was involved, I believe, when I
9 read the OPP report.

10 MS. KATE MCGRANN: If we could look at
11 TOC168671, please?

12

13 (BRIEF PAUSE)

14

15 MS. KATE MCGRANN: If we could scroll
16 to the bottom of this email chain.

17 So this is an email dated June 6th,
18 2012, it's from Abby Stec at Green Leaf Distribution.
19 It's to you, the subject is "farmer's market", and she
20 goes on to write:

21 "I just wanted to send you a note to
22 confirm that Green Leaf Distribution
23 is working with Collus and to
24 provide the solar powered attic
25 event program to its customers this

1 summer."

2 And she asks you for some help becoming
3 a part of the farmer's market. Do you remember
4 receiving this request?

5 MR. RICHARD LLOYD: Yes.

6 MS. KATE MCGRANN: At this point in
7 time did you know that Mr. Bonwick was associated with
8 the solar attic vent program?

9 MR. RICHARD LLOYD: I believe that
10 Abby Stec owned the business.

11 MS. KATE MCGRANN: Did you understand
12 that Mr. Bonwick was involved in the solar powered
13 attic vent program in June of 2012?

14 MR. RICHARD LLOYD: I -- no. I don't
15 remember if he was or wasn't. I know that the only
16 involvement that I ever had with the solar vent
17 initiative was a display at -- for Andy Kidd, which
18 was in a subdivision where Council was invited for the
19 unveiling of -- of the solar vents on some of Andy
20 Kidd's houses.

21 And I know Mr. Bonwick was giving the
22 presentation on the solar vents, but other than that,
23 I didn't know that he owned part of it or had any
24 involvement in it.

25 MS. KATE MCGRANN: I believe that you

1 gave evidence in part 1 that you understood that Mr.
2 Bonwick had an interest in the solar attic vent
3 program, partially as a result of that appearance.

4 MR. RICHARD LLOYD: Okay.

5 MS. KATE MCGRANN: If we scroll up in
6 this email, I see that you respond to or you forward
7 it at info@collingwooddowntown.com and you ask for
8 some assistance, arranging for this group to
9 participate in the farmer's market.

10 And then if you scroll up further, you
11 forward that email correspondence to Mr. Bonwick.

12 Do you remember why you forwarded that
13 email correspondence to Mr. Bonwick?

14 MR. RICHARD LLOYD: He was a BIA
15 member at that point in time, looking for BIA support
16 and I knew that -- I think that Abby Stec was working
17 out of his offices at that point too.

18 MS. KATE MCGRANN: So you understood
19 that Mr. Bonwick was Abby Stec's landlord?

20 MR. RICHARD LLOYD: That's what I
21 believed.

22 MS. KATE MCGRANN: Why would you
23 forward this email chain to her landlord?

24 MR. RICHARD LLOYD: I just answered
25 that. BIA members, trying to get whatever support I

1 could for Abby, Abby was asking me.

2 MS. KATE MCGRANN: We don't see you
3 forward this to any other members of the BIA.

4 MR. RICHARD LLOYD: I forwarded it
5 directly to the BIA.

6 MS. KATE MCGRANN: Do you have a
7 specific recollection of forwarding this -- are you
8 referring to info@collingwooddowntown.com

9 MR. RICHARD LLOYD: Yes.

10 MS. KATE MCGRANN: So why do you then
11 forward it also on to Mr. Bonwick?

12 MR. RICHARD LLOYD: I can't answer
13 that. I don't know what you want me to say.

14 MS. KATE MCGRANN: At this point in
15 time, did you think that Mr. Bonwick had any interest
16 in Green Leaf Distribution?

17 MR. RICHARD LLOYD: No, I didn't.

18 MS. KATE MCGRANN: If we look at
19 paragraph 170 of the Foundation Document, please.

20 This paragraph describes that on June
21 15th, 2012, Ms. Stec emails you to request a meeting
22 to discuss a new initiative for Green Leaf and how it
23 may relate to the waste management program in Simcoe
24 County.

25 She follows up with you a couple of

1 days later. You -- you respond a couple -- that you
2 can meet the next day, and you say that you just spoke
3 with Paul.

4 Shortly after that, Mr. Bonwick sends a
5 meeting notification to you and Ms. Stec for a meeting
6 on June 20th at the Compenco office for a discussion
7 item, composting.

8 Do you remember this email exchange?

9 MR. RICHARD LLOYD: I don't.

10 MS. KATE MCGRANN: Do you remember
11 attending a meeting with Ms. Stec and Mr. Bonwick in
12 the Compenco offices in June 2012?

13 MR. RICHARD LLOYD: I did have a
14 meeting, I don't remember what date it was.

15 MS. KATE MCGRANN: What was the
16 meeting with Ms. Stec and Mr. Bonwick about?

17 MR. RICHARD LLOYD: The meeting, I
18 believe, I don't know the date, was about composting
19 at the county. They were coming out with their --
20 their food composting and they had -- Abby was
21 presenting me with -- with an initiative that they had
22 for deodorizing these containers and wondered if she
23 could get an audience with the county.

24 MS. KATE MCGRANN: And what was Mr.
25 Bonwick doing at this meeting, do you understand?

1 MR. RICHARD LLOYD: I -- I thought he
2 was just helping Abby.

3 MS. KATE MCGRANN: Did you believe
4 that he had an interest in what she was doing? Like,
5 a financial interest.

6 MR. RICHARD LLOYD: I didn't believe
7 he had a financial interest. I thought he had an
8 interest in it.

9 MS. KATE MCGRANN: What kind of an
10 interest?

11 MR. RICHARD LLOYD: To make sure she
12 could -- helping her as he helps lots of people be
13 successful and move ahead, opening as many doors for
14 her as possible.

15 MS. KATE MCGRANN: Any particular
16 reason why Mr. Bonwick would be trying to help Ms.
17 Stec open doors?

18 MR. RICHARD LLOYD: No reason why he
19 wouldn't.

20 MS. KATE MCGRANN: Did you ask him at
21 this time if he had any interest in the issue that the
22 three (3) of you were meeting about?

23 MR. RICHARD LLOYD: No.

24 MS. KATE MCGRANN: Why not?

25 MR. RICHARD LLOYD: I never thought

1 twice about it. Like, I -- why would I?

2 MS. KATE MCGRANN: Did you be -- did
3 you learn -- well, let me put it this way. When did
4 you learn that Green Leaf was involved in discussions
5 with Sprung and BLT about the Collingwood construction
6 projects?

7 MR. RICHARD LLOYD: I don't know spe -
8 - specifically the date when I did find out, but I did
9 know that Green Leaf was involved.

10 MS. KATE MCGRANN: Did you know that
11 before the Council -- Council made its decision to
12 proceed with the projects?

13 MR. RICHARD LLOYD: I have no idea.
14 As I said, yeah, I don't know when I knew for sure,
15 but I've said from day 1 I knew Green Leaf was
16 involved.

17 MS. KATE MCGRANN: When did you learn
18 that Mr. Bonwick was involved in discussions with
19 Sprung and BLT on the Collingwood projects?

20 MR. RICHARD LLOYD: The OPP document.

21

22 (BRIEF PAUSE)

23

24 MS. KATE MCGRANN: Ms. Stec appeared
25 and gave evidence. And part of what she said was that

1 you met with her and Mr. Bonwick at the Compenso
2 office to talk about Sprung at Mr. Bonwick's
3 suggestion.

4 Do you recall attending a meeting with
5 Mr. Bonwick and Ms. Stec to talk about Sprung in --

6 MR. RICHARD LLOYD: No.

7 MS. KATE MCGRANN: -- June or July of
8 2012?

9 MR. RICHARD LLOYD: No. I -- I met
10 with them with the deodorising. And if there was any
11 discussion about Sprung, it would have been just off
12 the cuff, it wouldn't be -- there wouldn't be a
13 meeting set up for that.

14 If there was, there would have been in
15 fact an email, just as you've just looked here,
16 inviting me and stuff like that. There was no such
17 thing.

18 MS. KATE MCGRANN: So, you don't
19 recall attending a separate meeting at the Compenso
20 offices with Mr. Bonwick and Ms. Stec to talk about
21 Sprung?

22 MR. RICHARD LLOYD: There was one (1)
23 that I -- that I can remember or think about.

24 MS. KATE MCGRANN: Mr. Lloyd, from
25 Sprung, gave evidence that you told him on a phone

1 call that it would be great to get Mr. Bonwick
2 involved in the recreation facility process.

3 Do you remember having a conversation
4 with Mr. Lloyd along those lines?

5 MR. RICHARD LLOYD: I don't. I did
6 see that in the evidence yesterday when Mayor Cooper
7 was giving her testimony.

8 MS. KATE MCGRANN: In his evidence,
9 Mr. Lloyd said that in that conversation you told him
10 that Mr. Bonwick was a very knowledgeable, intelligent
11 man who knows people and has great experience and that
12 he could help you score a touchdown on the project --
13 or that he could help them score a touchdown, I
14 apologize.

15 Does that help jog your memory about a
16 conversation you may have had with Tom Lloyd?

17 MR. RICHARD LLOYD: I can assure you
18 one (1) thing. Positively, I would not have said
19 anything about a touchdown. That's not something I
20 would say.

21 If I had spoke about Paul Bonwick with
22 Mr. Lloyd, I don't remember doing so, but if I had, I
23 certainly wouldn't have used that terminology (sic).
24 I'm sure that, at that point in time, as I'd stated
25 earlier to you, that I thought that -- that Sprung

1 were, in fact, the contractor that built the building
2 and everything. I wasn't aware of the BLT issue.

3 If I had any discussions with Mr. Lloyd
4 about Mr. Bonwick, I'm sure I would have had them
5 about Mr. Tatham, as well, Tatham & Associates, the
6 engineering company that was doing work on Central
7 Park, and anything else I could do to try to assist
8 him.

9 MS. KATE MCGRANN: Okay. So, let's
10 leave aside the touchdown comment because I understand
11 you to be saying that that would not have come out of
12 your mouth. Is that right?

13 MR. RICHARD LLOYD: Would not have.

14 MS. KATE MCGRANN: Okay. If Mr. Lloyd
15 asked you about Mr. Bonwick, does it make sense to you
16 that you would have said that he was knowledgeable,
17 intelligent, he knew a lot of people and he could be
18 helpful?

19 MR. RICHARD LLOYD: Sure, I could have
20 said that, yeah.

21

22 (BRIEF PAUSE)

23

24 MS. KATE MCGRANN: Do you recall
25 having discussions with anyone in which you suggested

1 that Mr. Bonwick could be helpful on the Collingwood
2 projects before Council made its decision on August
3 27th?

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

5

6 (BRIEF PAUSE)

7

8 MS. KATE MCGRANN: If we could turn up
9 the email at TOC185584.1.

10

11 (BRIEF PAUSE)

12

13 MS. KATE MCGRANN: Scroll down a
14 little bit just so we can see. All the way to the
15 bottom.

16 So, just to give you some context, this
17 is email correspondence that's sent on the evening of
18 July 16th. July 16th is the date of the Council
19 meeting in which Council directs staff to look into a
20 single-pad arena that can be phased and covering the
21 outdoor pool with a fabric building.

22 So, if we could scroll up a little bit,
23 what we see is Mr. Bonwick sending you an email with
24 the subject line, "Update." At the bottom then it
25 appears that he forwards you this same email again on

1 July 16th at 9:32 p.m.

2 The minutes indicate that the Council
3 meeting went until 9:54. So, he's emailing you while
4 you're in the Council meeting. He writes, "Update."
5 And the question in his email is, "How's it going."

6 And if we could scroll up to the next
7 email, you respond, "Right in the thick of it, I will
8 let you know." Scroll up further. Mr. Bonwick says,
9 "Ed says he's getting beat up, L-O-L."

10 Do you remember this email exchange?

11 MR. RICHARD LLOYD: I don't.

12 MS. KATE MCGRANN: Do you recall more
13 generally exchanging emails with Mr. Bonwick about the
14 Sprung project during the July 26th -- or 16th, I
15 apologize, Council meeting?

16 MR. RICHARD LLOYD: No.

17 MS. KATE MCGRANN: Looking at this
18 email now, do you have any sense what it might have
19 been about?

20 MR. RICHARD LLOYD: I don't remember.

21

22 (BRIEF PAUSE)

23

24 MS. KATE MCGRANN: Another thing that
25 Tom Lloyd, from Sprung -- another thing he said to the

1 Inquiry when he was here giving evidence was that he
2 knew that you knew that Mr. Bonwick was involved in
3 discussions about the Collingwood projects.

4 Does that make any sense to you?

5 MR. RICHARD LLOYD: None whatsoever.

6 MS. KATE MCGRANN: What's your
7 reaction to that evidence, Mr. Lloyd saying that he
8 knew that you knew?

9 MR. RICHARD LLOYD: I'm disappointed.

10 MS. KATE MCGRANN: Why are you
11 disappointed?

12 MR. RICHARD LLOYD: Because it's not
13 -- I didn't know.

14 MS. KATE MCGRANN: Can we look at
15 paragraph 386 of the Foundation Document?

16

17 (BRIEF PAUSE)

18

19 MS. KATE MCGRANN: So, this is an
20 email dated August 22nd, 2012. At about 9:30 at
21 night, you send an email to Mr. Bonwick in which you
22 write:

23 "I must say that I was rather
24 surprised to hear from your cousin,
25 Wasaga Mayor, Cal Patterson, that he

1 had a meeting last week with
2 Sprung."

3 Do you remember sending this email?

4 MR. RICHARD LLOYD: Yes, I do.

5 MS. KATE MCGRANN: Why did you send
6 this email to Mr. Bonwick?

7 MR. RICHARD LLOYD: Exactly what it
8 says. It was right before a county Council meeting.
9 Mr. Patterson, the warden -- Town -- Wasaga Beach
10 mayor had told me about Mr. Bonwick making a
11 presentation to them.

12 And all of the sudden, with all the
13 stuff that was going on from Friends of -- of Central
14 Park and everything else, I didn't need all of a
15 sudden more people coming in from left field against
16 what we're trying to do.

17 If you look in the document, as I'm
18 sure you have, the Foundation Document, it goes on
19 from Brian Saunderson:

20 "We must do everything we can to
21 keep the shovels from going in the
22 ground."

23 I just felt this was another possible
24 way. And I was surprised that he was involved.

25 MS. KATE MCGRANN: When you say that

1 Cal Patterson told you that Mr. Bonwick had been
2 making a presentation, what was Mr. Bonwick making a
3 presentation about?

4 MR. RICHARD LLOYD: Sprung.

5 MS. KATE MCGRANN: Did you understand
6 from Mr. Patterson what Mr. Bonwick's involvement with
7 Sprung was and why he was making that presentation?

8 MR. RICHARD LLOYD: There wasn't
9 enough time. It was just before county Council. He
10 spoke to me about it. And I must say that I didn't
11 ask him a lot of question. It was, like, he's what,
12 kind of attitude.

13 MS. KATE MCGRANN: And you go on to
14 say:

15 "I must say that I was disappointed
16 that you had not informed me about
17 this presentation."

18 Did you ask Mr. Bonwick any questions
19 about what he was doing making a presentation about
20 Sprung?

21 MR. RICHARD LLOYD: Oh, I did after.

22 MS. KATE MCGRANN: After what?

23 MR. RICHARD LLOYD: This email that
24 you see here. When I seen Paul next, I was -- I got
25 to him and said, well, what are you doing, you know.

1 MS. KATE MCGRANN: We see that you're
2 expressing concern about an upcoming -- could have --
3 causes a great deal of embarrassment. Are you talking
4 you're concerned -- you're concerned about the -- the
5 decision that's going to be before Collingwood Council
6 on the Sprung buildings?

7 Is that fair?

8 MR. RICHARD LLOYD: I was more
9 concerned about giving more ammunition to the -- the
10 Friends at the Central Park. That's more what my
11 concern was.

12 MS. KATE MCGRANN: When you saw Paul
13 next, did you ask him about what he was doing making a
14 presentation about Sprung buildings to Wasaga?

15 MR. RICHARD LLOYD: I basically said
16 exactly what you just said, like, what are you doing.

17 MS. KATE MCGRANN: What did he tell
18 you?

19 MR. RICHARD LLOYD: No big deal,
20 basically shuf -- sluffed it off as -- as nothing.
21 And I wasn't very pleased about it, but...

22 MS. KATE MCGRANN: Did you ask him if
23 he was working for Sprung?

24 MR. RICHARD LLOYD: No, I just assumed
25 from this he was presenting it to Wasaga Beach for

1 Sprung.

2 MS. KATE MCGRANN: Did you ask him if
3 he was doing any work for Sprung with respect to the
4 Town of Collingwood projects?

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

6 MS. KATE MCGRANN: Why not?

7 MR. RICHARD LLOYD: Why would I? I --
8 it wasn't even in the -- in the thoughts at all.

9 MS. KATE MCGRANN: This conversation
10 that you had with him, you say you had it after the
11 August 22nd email you sent here.

12 Do you remember if you had it with him
13 before the Council meeting at August 27th?

14 MR. RICHARD LLOYD: I don't remember.

15 MS. KATE MCGRANN: Do you remember if
16 you had that conversation with him the next time you
17 talked to him after you sent this email?

18 MR. RICHARD LLOYD: I'm sure I did.

19 MS. KATE MCGRANN: Could we pull up
20 CJI6307?

21

22 (BRIEF PAUSE)

23

24 MS. KATE MCGRANN: So this is a phone
25 bill for Compenso Communications. You'll see that

1 there's quite a bit of redacted information on this
2 document.

3 Just so that everybody understands
4 what's being done here, if we could go to page 10. If
5 you look at lines 523 and 524, they describe two (2)
6 telephone calls that appear to occur simultaneously.
7 We've redacted the numbers, but we've spoken
8 individually with counsel for Mr. Houghton, yourself,
9 and Mr. Bonwick and you've all confirmed that the
10 numbers that we've redacted were your phone numbers.

11 So in an effort to avoid giving out
12 your phone number information we proposed to deal with
13 this this way. And if anybody's got any questions
14 about that, they can let us know.

15 MR. RICHARD LLOYD: That's fair.

16 MS. KATE MCGRANN: We're looking at a
17 phone call on August 22nd, 2012. You can see that
18 there's two (2) calls here. They start at just before
19 nine o'clock, they last for twenty (20) minutes.

20 It appears that this is a conference
21 call involving yourself, Mr. Houghton and Mr. Bonwick.
22 Do you remember being on a call like that on August
23 22nd?

24 MR. RICHARD LLOYD: No, not at all.

25 MS. KATE MCGRANN: Do you remember

1 having any discussions with Mr. Bonwick and Mr.
2 Houghton about Sprung or the work that Mr. Bonwick was
3 doing for Sprung on August 22nd?

4 MR. RICHARD LLOYD: No.

5 MS. KATE MCGRANN: Did you have any
6 conversations with the two (2) of them about that
7 otherwise, just generally?

8 MR. RICHARD LLOYD: No.

9 MS. KATE MCGRANN: If we could go to
10 page 11 of this document, and scroll down, keep going.
11 This is another record, similar to the one (1) we
12 looked at above. This is for a call starting at just
13 after eleven o'clock in the morning on August 26th.

14 Just to help orient you in time, that's
15 a Sunday, it's the day before the Council meeting
16 where Council decides to proceed with Sprung.

17 Once again, we've got what appears to
18 be a conference call between yourself, Mr. Bonwick,
19 and Mr. Houghton.

20 Do you remember being on a -- and it
21 lasted just about half an hour -- do you remember
22 being on a half-hour conference call with those two
23 (2) gentlemen the day before the Council meeting?

24 MR. RICHARD LLOYD: I don't. It's
25 over seven (7) years ago. I can't remember.

1 MS. KATE MCGRANN: Could we go to
2 paragraph 468 of the Foundation Document, please?

3

4 (BRIEF PAUSE)

5

6 MS. KATE MCGRANN: Sorry. 460, I
7 can't read my own writing.

8

9 This paragraph describes an email
10 exchange that you have with Councillor Dale West on
11 August 26th, the day before the Council decision to
12 proceed with Sprung.

13 In this email exchange you explain that
14 you didn't see fundraising as a viable option for the
15 Town. You expressed your opinion that private
16 partnerships are a real red herring, and you go on to
17 explain why.

18 And then you say, and I want to look at
19 the block quote there:

20 "Fundraising feasibility or more
21 consultants or private partnership
22 RFQ or RFP is merely stall tactics.
23 And if this project isn't approved
24 to proceed on Monday, then just kiss
25 it goodbye because I will do
everything I can to derail it in the

1 future, as I will not have this as
2 an election issue."

3 Why did you write this?

4 MR. RICHARD LLOYD: What's that
5 question, I'm sorry?

6 MS. KATE MCGRANN: Why did you write
7 this?

8 MR. RICHARD LLOYD: I think I was -- I
9 didn't have time to read it all, you just scrolled
10 through it quickly, but --

11 MS. KATE MCGRANN: No, that's okay,
12 please. I want you to have the information you need
13 to answer --

14 MR. RICHARD LLOYD: Can you scroll
15 back up to the beginning of it so I can --

16 Scroll up a bit so I can -- or down.
17 Okay.

18 MS. KATE MCGRANN: So my first
19 question was: Why did you write this, this paragraph
20 that -- or the section that I read aloud to you?

21 MR. RICHARD LLOYD: Councillor West
22 and I were discussing it back and forth.

23 MS. KATE MCGRANN: When you say that:
24 "If the project isn't approved to
25 proceed on Monday, then just kiss it

1 goodbye because I will do everything
2 I can to derail it in the future."

3 My question for you is: What was the
4 reason why Council's decision couldn't be put off for
5 a couple of weeks or even a couple of months before
6 finally deciding to proceed with the Sprung
7 structures? Why did it need to happen on Monday?

8 MR. RICHARD LLOYD: I felt that it had
9 to happen. Again, I micro-manage, I push to get stuff
10 done. This thing has been spinning around, games were
11 being played for years and years and years. We had
12 money from the Federal Government, the Provincial
13 Government we sent back at one (1) point in time
14 because we didn't have funds to match it.

15 It was just a circus. It was time to
16 get on with it. And if you go back on previous emails
17 from other councillors, they had the same feeling.

18 There was so much noise going on from
19 the Friends of Central Park and Brian Saunderson and
20 the rest of them that, you know, if this wasn't going
21 to go through now, then let's just forget it, because
22 that's what they were trying to do. Keep the shovels
23 out of the ground. I see that now. And -- and if we
24 didn't get on with it now, before it got too late in
25 the -- in this term, nothing would happen.

1 MS. KATE MCGRANN: Is there any reason
2 that it wouldn't be sufficient for this Council to put
3 contracts in place for the construction of the
4 facilities and let the construction proceed beyond the
5 end of the Council term?

6 MR. RICHARD LLOYD: And, I don't
7 believe that -- that would've happened, if that had
8 happened. It would have become an election issue,
9 nothing would have been built. It's happened time in,
10 time out. I, again, serving around the Council table
11 for twenty-five (25) years, I've seen it.

12 All of a sudden in the last twelve (12)
13 months of -- of Council term, any issues like that
14 becomes a hot topic, like it had already, and it would
15 just be shelved. And the \$35 million or the \$44
16 million project would become the wish list again and
17 nothing would be done for another twenty (20) years.

18 So was I aggressively pushing for it?
19 Yes, I was.

20 MS. KATE MCGRANN: You say that other
21 members of Council were also interested in getting
22 this done. This is the only email we've seen where a
23 member of Council threatens to derail the entire
24 project if a decision is not made on the 27th.

25 I understand what you've told me, but I

1 still don't understand why the delay of a week or two
2 (2), or a month, would have prohibited this Council
3 from getting the ball rolling on constructing
4 recreation facilities.

5 Is there anything you can tell me
6 beyond what you've already told me? I don't need you
7 to repeat yourself, I was listening.

8 MR. RICHARD LLOYD: I think the
9 reasons I told you are -- are logical and sensible.
10 You need to run for Council and you'll see what it's
11 like. The public perception that's out there and one
12 -- one (1) moment half the community supports you,
13 then the next moment they don't and the other side
14 does. It's -- it's not easy.

15 MS. KATE MCGRANN: Can we go to
16 paragraph 469 of the Foundation Document, please?

17 This paragraph describes that Mayor
18 Cooper requested a meeting with Mr. Houghton and
19 yourself and Councillor Kevin Lloyd at eight o'clock
20 in the morning on August 27th to discuss recreation
21 staff report. Each of you confirmed your attendance.
22 Do you remember attending this meeting?

23 MR. RICHARD LLOYD: I don't. But I
24 see here that obviously I must have.

25 MS. KATE MCGRANN: Shifting the focus

1 a little bit, when Tom Lloyd from Sprung appeared, one
2 (1) of the things he talked about was the possibility
3 of buying the building envelopes directly from Sprung
4 itself. And he gave evidence that the Town could have
5 avoided paying a mark up on the building envelopes by
6 buying directly from Sprung.

7 He said that Mr. Houghton decided not
8 to purchase the building envelopes directly from
9 Sprung.

10 First of all, were you aware that the
11 Town had the option to buy directly from Sprung?

12 MR. RICHARD LLOYD: No, I didn't.

13 MS. KATE MCGRANN: Mr. Barrow from
14 BLT, Dave Barrow, has also appeared and given evidence
15 and one (1) of the things that he said was that the
16 Town didn't try to negotiate any of the prices that
17 BLT provided to the Town. There was no negotiation.

18 Does that come as a surprise to you?

19 MR. RICHARD LLOYD: Not really, no.

20 MS. KATE MCGRANN: Why not?

21 MR. RICHARD LLOYD: Why? I think the
22 price is the price is the price. I think that we're
23 getting good value. I wasn't involved in that aspect
24 of it, but I -- when I look back over the project, I
25 think we had great value for what we spent.

1 They more than -- then accommodated
2 what was expected. They gave us all kinds of extras
3 in the end as well and I think they did a great job.

4 MS. KATE MCGRANN: Did you have any
5 discussions with anyone at Sprung about whether the
6 price was the price was the price before --

7 MR. RICHARD LLOYD: No.

8 MS. KATE MCGRANN: You've got to --

9 MR. RICHARD LLOYD: Sorry.

10 MS. KATE MCGRANN: It's okay, we all
11 do it, but just a reminder. You've got to try to let
12 me finish the question.

13 Did you have any discussions with Town
14 staff about whether or not they would attempt to
15 negotiate anything to do with the cost of constructing
16 those two (2) buildings?

17 MR. RICHARD LLOYD: I just assumed it
18 already was already negotiated. We got the price and
19 we were going forward.

20 MS. KATE MCGRANN: So you assumed that
21 the Town staff had engaged in a negotiation process
22 with the people who would be building the buildings?

23 MR. RICHARD LLOYD: I believe so.

24 MS. KATE MCGRANN: What was the basis
25 for that belief?

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

3 MS. KATE MCGRANN: What was the basis
4 for your belief that negotiations had taken place?

5 MR. RICHARD LLOYD: We have the
6 contract, everything was starting to work and so on.
7 I just felt everything was in place.

8 MS. KATE MCGRANN: At the time that
9 Council voted to proceed to construct the Sprung
10 buildings, were you aware that BLT was a construction
11 company that would be doing the design build work by
12 that point in time?

13 MR. RICHARD LLOYD: I don't know when
14 I'd become aware of when BLT was involved. I
15 definitely did find out and was aware down the road.
16 I don't know at what -- if it was prior to that or
17 after that or when.

18 MS. KATE MCGRANN: Do you recall
19 turning your mind at any point to taking the design
20 build aspect of the construction projects out to
21 tender?

22 MR. RICHARD LLOYD: I didn't think it
23 was an option, because at the very beginning, as I
24 said, I thought Sprung was the builder and I would be
25 -- and when BLT come into it, I just felt it was part

1 of Sprung.

2 MS. KATE MCGRANN: Why did you think
3 that BLT was part of Sprung? Did somebody tell you
4 that?

5 MR. RICHARD LLOYD: I assumed it.

6 MS. KATE MCGRANN: So was it the case
7 that you didn't believe that the Town had the option
8 to take the design build aspect of the construction
9 projects out to tender?

10 MR. RICHARD LLOYD: I wasn't aware.

11 MS. KATE MCGRANN: Do you think that
12 that's information that should have been provided to
13 Council?

14 MR. RICHARD LLOYD: Not necessarily.
15 I -- thinking of it today, had Sprung that -- that had
16 a conceptual building that -- that -- they had a
17 company that was used to installing their buildings
18 and erecting them, that business being BLT.

19 It would make sense to me that, if
20 you're buying a Sprung building, you would have BLT
21 erect it. When I look at it today, I think that's --
22 that just makes all the sense in the world.

23 All of the sudden, you go out to tender
24 and you hire somebody that has never had the
25 experience of putting one (1) up, you know, all of the

1 sudden, we're stuck with a building and a contractor
2 that doesn't have the experience to put it up.

3 BLT has the experience. They had the
4 expertise and they did a great job. And the proof,
5 again, is in the end results. They all worked and
6 they were perfect.

7

8 (BRIEF PAUSE)

9

10 MS. KATE MCGRANN: I understand your
11 evidence as to why you would have picked BLT
12 potentially given the choice. Don't you think that
13 choice should have been put to Council?

14 MR. RICHARD LLOYD: I think you're
15 splitting hairs. No, I don't.

16

17 (BRIEF PAUSE)

18

19 MS. KATE MCGRANN: Can we look at
20 paragraph 529 of the Foundation Document?

21

22 (BRIEF PAUSE)

23

24 MS. KATE MCGRANN: We know from the
25 minutes of the August 27th Council meeting that that

1 Council meeting ended at 10:24 p.m. You send an email
2 to Mr. Bonwick at 9:38 p.m., so you're emailing him
3 from the Council meeting, in all capitals, I'm not
4 going to yell it, "You there."

5 And Mr. Bonwick responds, "I'm just
6 finishing with John and Gord." Do you remember
7 sending this email from the August 27th Council
8 meeting?

9 MR. RICHARD LLOYD: I don't remember.

10

11 (BRIEF PAUSE)

12

13 MS. KATE MCGRANN: Can we go to
14 paragraph 25 of summary document 2-5, please?

15

16 (BRIEF PAUSE)

17

18 MS. KATE MCGRANN: This paragraph
19 describes an email that Mr. Berman sends to all
20 councillors on August 29th, 2012. And scroll down to
21 paragraph 29...

22

23 (BRIEF PAUSE)

24

25 MS. KATE MCGRANN: I see above it, Ms.

1 Cooper responds to Mr. Berman's email address. And
2 this paragraph describes -- and she forwards her
3 response to Mr. Houghton who forwards that whole email
4 chain on to you with a message, "O-M-G."

5 You respond, "Okay, who wrote it, Paul
6 was outside." Mr. Houghton writes back:

7 "Read the line about picking up the
8 phone; she says it wrong."

9 You write back to Mr. Houghton:

10 "Yeah, but he must have been
11 dictating it so she would get that
12 she had it wrong. It's got Paul all
13 over it."

14 With some laughter. And you forward
15 Ms. Cooper's response directly to Mr. Bonwick writing,
16 "L-O-L, nice job, L-O-L." It appears from this email
17 correspondence that you believe that Mr. Bonwick is
18 writing the Mayor's response for her.

19 First of all, have I got that right?

20 MR. RICHARD LLOYD: It is common
21 knowledge, in my opinion, that -- that Mr. Bonwick was
22 one (1) of the mayor's advisors, so I'm not surprised.

23 MS. KATE MCGRANN: Did you think that
24 Mr. Bonwick was advising the mayor throughout the
25 summer of 2012 about the recreation facility

1 decisions?

2 MR. RICHARD LLOYD: I don't -- I don't
3 know about that, but I just know that he would help
4 Sandra anytime he could, especially with -- with
5 responses to taxpayers or issues like that.

6 MS. KATE MCGRANN: Are you aware of
7 any reason why Mr. Bonwick wouldn't be advising Ms.
8 Cooper on the recreation facility decisions as a
9 concern, spending quite a bit of Town money?

10 MR. RICHARD LLOYD: I have no reason
11 to think why he would. I have no idea.

12

13 (BRIEF PAUSE)

14

15 MS. KATE MCGRANN: We saw in part 1
16 Mr. Bonwick -- or your evidence was that Mr. Bonwick
17 disclosed to you that he was working with PowerStream
18 on the potential sale. And you thought that
19 disclosure was good. It was good that he disclosed
20 that to you?

21 MR. RICHARD LLOYD: I -- I couldn't
22 make that, I'm sorry.

23 MS. KATE MCGRANN: In part 1, you gave
24 evidence that Mr. Bonwick disclosed to you that he was
25 working for PowerStream on the RFP?

1 MR. RICHARD LLOYD: Right.

2 MS. KATE MCGRANN: Do you recall that?

3 MR. RICHARD LLOYD: That's right.

4 MS. KATE MCGRANN: Now I'm asking you,
5 do you think it was good that he disclosed that
6 information to you at the time?

7 MR. RICHARD LLOYD: Yeah. Yeah, I
8 think it was.

9 MS. KATE MCGRANN: Why?

10 MR. RICHARD LLOYD: It was good to
11 know. It didn't make any difference in the end result
12 or anything else. It was just -- and not unlike this.
13 It wouldn't have made any difference at all to me.

14 MS. KATE MCGRANN: At this point in
15 time, you understand that Mr. Bonwick is working with
16 Sprung at least with respect to Wasaga.

17 Would it have been good for you to know
18 that he was also working with Sprung and BLT on the
19 Collingwood projects?

20 MR. RICHARD LLOYD: I didn't know
21 until I read the OPP documents and so on, but it's
22 obvious he was. And, again, I go back -- it wouldn't
23 have made any difference to me if he had been or
24 hadn't been.

25 It wouldn't -- it was a surprise to me

1 when I found out he had been.

2 MS. KATE MCGRANN: I mean, you want
3 the -- the Sprung projects to succeed. That's what
4 you want the Town to build, right?

5 MR. RICHARD LLOYD: Absolutely. From
6 day one when I first seen it in Saskatchewan, I
7 thought it was the answer.

8 MS. KATE MCGRANN: And you thought
9 that Mr. Bonwick was -- was good at his consulting job
10 and he was helpful to his clients?

11 MR. RICHARD LLOYD: No question.

12 MS. KATE MCGRANN: Wouldn't you have
13 been happy to find out that he was working with
14 Sprung? Wouldn't it have been good to know that he
15 was on your side?

16 MR. RICHARD LLOYD: I don't think I'd
17 be over joyous or anything else. I just think it
18 would have been a very positive thing. And I think
19 the whole process was a positive for the community
20 other than the noise that we got from -- from the
21 people that didn't get their 35 or \$44 million
22 project.

23 MS. KATE MCGRANN: I'm going to ask
24 that paragraph 549 be pulled up on the screen. And in
25 the meantime, were you aware of the payment schedule

1 that the Town signed onto as part of the contract it
2 signed with BLT?

3 MR. RICHARD LLOYD: Yes. It wa --
4 there -- in the Foundation Document it shows where it
5 was sent to me.

6 MS. KATE MCGRANN: When was the first
7 time you became aware that that payment schedule was
8 being proposed to the Town?

9 MR. RICHARD LLOYD: In the Foundation
10 Document when it was forwarded to me.

11 MS. KATE MCGRANN: I'm not sure that I
12 follow your answer, so let me ask it this way. Were
13 you aware before the Town signed the contract that the
14 payment schedule required payments of 25 percent
15 upfront, 25 percent upon ground preparation, et
16 cetera?

17 MR. RICHARD LLOYD: I don't remember
18 that I did.

19 MS. KATE MCGRANN: Do you remember
20 having any discussions with anyone about what payment
21 schedule was being proposed?

22 MR. RICHARD LLOYD: No.

23 MS. KATE MCGRANN: Do you remember
24 having any discussions with anyone about what the
25 payment schedule should be?

1 MR. RICHARD LLOYD: None.

2 MS. KATE MCGRANN: Do you remember
3 having any discussions with anyone about what
4 protections the Town should be seeking to put in place
5 in respect of the construction contract?

6 MR. RICHARD LLOYD: No.

7 MS. KATE MCGRANN: I understand that
8 there was no performance bond put in place. Did you
9 know that at the time?

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

11 MS. KATE MCGRANN: What is your
12 reaction to learning today that there was no
13 performance bond put in place in respect of the -- the
14 construction contracts?

15 MR. RICHARD LLOYD: The proof's in the
16 pudding. They're built. They perform very well. And
17 the Town probably saved close to fifty thousand
18 dollars (\$50,000) with the cost of a performance bond.

19 We were very fortunate we had a great
20 contractor, being BLTD -- BLT, and they lived up to
21 their expectations and beyond.

22 MS. KATE MCGRANN: Now, you'll agree
23 with me that you didn't know at the time the contract
24 was signed that the buildings would go up in the
25 manner that they did, right?

1 MR. RICHARD LLOYD: I assumed they
2 would.

3 MS. KATE MCGRANN: But there was a
4 risk that they wouldn't?

5 MR. RICHARD LLOYD: There's always a
6 risk, yes, even with -- with bonding. I have dealt
7 with bonding companies, and there's still even a risk
8 with bonding companies.

9 MS. KATE MCGRANN: You weren't aware,
10 or you're not sure that you were aware, that BLT would
11 be the construction company at the time the contract
12 was signed?

13 MR. RICHARD LLOYD: I had already
14 answered that.

15 MS. KATE MCGRANN: Would you confirm
16 for me?

17 MR. RICHARD LLOYD: I answered earlier
18 that I wasn't aware when I found out BLT was involved,
19 whether it was before the contract or at what point in
20 time, but I did know BLT was involved at one point.

21

22 (BRIEF PAUSE)

23

24 MS. KATE MCGRANN: So, if you look at
25 paragraph 549 which is on the screen, this describes

1 that at 10:30 on August 30th Mr. Houghton sent Ms.
2 Leonard and you an email with the subject line,
3 "Sprung/BLT draw," writing:

4 "I just got the agreement, and the
5 25 percent upfront draw amounts to
6 three million ninety-nine thousand
7 seven hundred and twenty-five
8 dollars and twenty-four
9 (\$3,099,725.24) cents. The cheque
10 will be made out to BLT Construction
11 Services Limited."

12 Do you remember receiving this email?

13 MR. RICHARD LLOYD: I don't. But I
14 read it, and obviously I did.

15 MS. KATE MCGRANN: Seeing this email
16 now, does that ring a -- does help you recall whether
17 you were aware of BLT Construction Services at this
18 point in time?

19 MR. RICHARD LLOYD: This was on August
20 the 30th, this email. And I know that I did suggest
21 that we make sure that John Mascarin, the legal end
22 from Aird & Berlis, look at the -- the agreement to
23 make sure everything was in place.

24 And I do believe we got a response from
25 Mascarin that -- about the contract.

1 MS. KATE MCGRANN: Do you remember
2 knowing at this point in time that the Town was going
3 to be entering a contract with a company other than
4 Sprung?

5 MR. RICHARD LLOYD: Oh, yeah,
6 obviously, at this point.

7 MS. KATE MCGRANN: Does this help you
8 remember when you first learned that the Town would be
9 entering into a contract with BLT, not Sprung?

10 MR. RICHARD LLOYD: Yes.

11 MS. KATE MCGRANN: Do you remember
12 when you learned? Does it help?

13 MR. RICHARD LLOYD: I don't.

14 MS. KATE MCGRANN: Do you remember if
15 you took any steps to look into BLT before the
16 contract was signed?

17 MR. RICHARD LLOYD: I did not.

18 MS. KATE MCGRANN: Do you know if the
19 rest of Council was advised that the contract was
20 going to with BLT and not Sprung?

21 MR. RICHARD LLOYD: No idea.

22 MS. KATE MCGRANN: Do you think that's
23 information that would have been useful for Council to
24 know before it made its decision?

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

1 Council knew or didn't know. And that's what I said
2 to you previously. I don't know when I found out that
3 BLT was involved.

4 I don't know if it would have made any
5 difference. You'd have to ask each Councillor to see
6 if it would have made a difference; it -- it certainly
7 didn't to me.

8 When I found out, it made sense. I
9 thought it was part of Sprung. And, again, the
10 buildings were built and as per contract, and BLT
11 lived up to the expectations of the contract and
12 beyond.

13 MS. KATE MCGRANN: The last thing that
14 Mr. Houghton writes in his email is, "Rick Lloyd will
15 be looking for you around noon."

16 Do you remember why you were looking
17 to meet up with Ms. Leonard around noon on the day
18 that the contracts were signed?

19 MR. RICHARD LLOYD: Repeat the
20 question.

21 MS. KATE MCGRANN: Do you remember why
22 you were looking for Ms. Leonard around noon on the
23 day that the contracts were signed? Were you looking
24 to review the contract with her or anything like that?

25 MR. RICHARD LLOYD: I have no idea if

1 it was sent to me maybe because I was finance chair
2 because Marjory Leonard was, as well.

3 MS. KATE MCGRANN: Marjory Leonard was
4 what, as well?

5 MR. RICHARD LLOYD: I think she was
6 copied with -- with the same thing.

7 MS. KATE MCGRANN: And you don't
8 remember why you were going to be meeting her at noon
9 on this day?

10 MR. RICHARD LLOYD: No.

11 MS. KATE MCGRANN: I'm going to pull
12 up TOC207516.

13 THE HONOURABLE FRANK MARROCCO: Just
14 before you do that, who -- who signs the cheques? Who
15 -- who signs the cheques?

16 MR. RICHARD LLOYD: Marjory Leonard,
17 the treasurer, and the mayor. If I can -- through to
18 you to Your Honour, the only time the deputy mayor
19 signs a cheque is in the absence of the mayor, yeah,
20 if that helps.

21

22 CONTINUED BY MS. KATE MCGRANN:

23 MS. KATE MCGRANN: This is the
24 contract between BLT and the Town. I wanted to ask
25 you a couple questions about the payment schedule, so

1 we'll just pull it up. It's on page 36 of this
2 document.

3

4

(BRIEF PAUSE)

5

6 MS. KATE MCGRANN: So, here's the
7 payment schedule. I apologize if I've asked you this
8 already. Do you remember if you saw this before the
9 contract was signed?

10 MR. RICHARD LLOYD: I don't remember
11 that I've seen it before.

12 MS. KATE MCGRANN: And I understand
13 that you now know that the buildings were built. But
14 if you could try to put yourself back in the position
15 you were in before construction had started.

16 There's no performance bond. Does this
17 payment schedule give you any concern about the Town's
18 ability to protect its interests in the contract it's
19 entering into?

20 MR. RICHARD LLOYD: I know Ron Martin
21 gave testimony a few weeks ago with how he felt that
22 construction should happen. Design build is a little
23 different.

24 On a design build project, quite often,
25 I'll even ask for up to 50 percent deposit before they

1 even make the -- the steel structures. I've been
2 involved somewhat with companies that -- that build
3 steel buildings.

4 And before they'll even go out to have
5 the steel manufactured, they want a large deposit from
6 the -- the company that they're building it for, and
7 quite often, it's anywhere from 25 to 50 percent.

8 Does this surprise me? No. Was the
9 Town protected? I think it was. And the proof's in
10 the pudding that they've been built, but you've asked
11 me, did this surprise me. Only because I've been
12 involved seeing contracts before. For design build,
13 this isn't unusual.

14

(BRIEF PAUSE)

15

16
17 MS. KATE MCGRANN: Are you surprised
18 to hear that no one from the Town attempted to
19 negotiate a different payment schedule?

20 MR. RICHARD LLOYD: I don't know that
21 they did or didn't.

22 MS. KATE MCGRANN: Mr. Barrow's
23 evidence is that there was no attempt to negotiate a
24 different payment schedule.

25 MR. RICHARD LLOYD: Okay.

1 MS. KATE MCGRANN: Does it surprise
2 you to hear that no one from the Town tried to
3 negotiate a different payment schedule?

4 MR. RICHARD LLOYD: I'm not surprised.
5 I'm...

6 MS. KATE MCGRANN: Are you
7 disappointed to hear that the Town didn't attempt to
8 negotiate a payment schedule that would better protect
9 the Town's interests?

10 MR. RICHARD LLOYD: Again, I -- I
11 think this is how design build is done. I'm not
12 suggesting it should be done any different. I'm not
13 suggesting it should be a different payment draw or
14 percentage or anything else. This is typical, in my
15 opinion, of -- you'll see design build. It'd be nice
16 to have an expert tell you that, let them know,
17 because from my -- my experience, this is not unusual.

18 MS. KATE MCGRANN: Don't you think
19 someone from the Town should have asked?

20 MR. RICHARD LLOYD: Asked what, I'm
21 sorry?

22 MS. KATE MCGRANN: If this payment
23 schedule could be any different. Don't you think they
24 should have at least asked?

25 MR. RICHARD LLOYD: Look it, I was a

1 Deputy Mayor. Staff were presenting this, this
2 contract, and I'm telling you that I don't see
3 anything unusual with a design build contract coming
4 through like this.

5 Should staff have asked? I have no
6 idea if staff did ask or didn't ask.

7 Like, to me, this is normal protocol
8 that I've seen from design build buildings.

9 MS. KATE MCGRANN: Let's go to
10 paragraph 620 of the Foundation Document.

11

12 (BRIEF PAUSE)

13

14 MS. KATE MCGRANN: On September 6th,
15 2012, Councillor Dale West sends you an email asking:

16 "Is there a connection with Paul
17 Bonwick in this that I haven't heard
18 about?"

19 You forward Mr. West's email to Mr.
20 Bonwick with the comment:

21 "FYI."

22 Mr. Bonwick writes back to you. And if
23 we look down at paragraph 621, you respond to
24 Councillor West and say simply:

25 "No, not that I know."

1 You then write to him again later in
2 the evening, writing:

3 "More bullshit."

4 Now, at this point in time you know
5 that Mr. Bonwick's made a presentation with Sprung in
6 Wasaga. Why didn't you share that information with
7 Councillor West?

8 MR. RICHARD LLOYD: Why did I -- I'm
9 sorry?

10 MS. KATE MCGRANN: Why did you not
11 share that information with Councillor West?

12 MR. RICHARD LLOYD: Never thought of
13 it. I didn't think he was involved in Collingwood at
14 all, and this was a response, I felt, with all the
15 nonsense that was going on from the people that didn't
16 get their \$35 million project, nothing more than that.

17 I sent that through to Bonwick so he
18 could see what was going on. He responded. His
19 response to me was the same that, you know, this is
20 just nonsense when he come back and say, oh yeah, I'm
21 running for the Liberal Party too.

22 MS. KATE MCGRANN: Did you ask Mr.
23 Bonwick, are you working with Sprung or BLT on the
24 Collingwood projects at this point in time?

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

1 MS. KATE MCGRANN: Why not?

2 MR. RICHARD LLOYD: I assumed he
3 wasn't. I was sure that he wasn't working on the
4 Collingwood project at all. That's why I sent that
5 email. His response even made me feel comfortable
6 that he wasn't.

7 MS. KATE MCGRANN: Why were you sure
8 that he wasn't working on the Collingwood projects?

9 MR. RICHARD LLOYD: Repeat that, I'm
10 sorry.

11 MS. KATE MCGRANN: Why were you sure
12 that he wasn't working on the Collingwood projects?

13 MR. RICHARD LLOYD: I didn't see any
14 presence of him. Going back to what you said earlier,
15 when it came to the Collus share sale, it was open and
16 transparent he was involved. I just assumed he wasn't
17 involved in this because I would have thought that had
18 he been involved, it would have been the same thing,
19 we would have known. But again, I also read in the
20 document where he signed a nondisclosure agreement
21 with BLT as well.

22 MS. KATE MCGRANN: Can we go to
23 paragraph 614 of the Foundation Document?

24

25 (BRIEF PAUSE)

1 MS. KATE MCGRANN: On September 14th,
2 Mr. Berman writes to you. He's thanking you for
3 meeting with him the previous day.

4 And then if we could scroll down. I
5 want to look at Question 3 that he asks here.

6 "Will you tell me of any connection
7 between Council, staff, and Sprung,
8 including anyone who lobbied for
9 Sprung? This way you can get rid of
10 all the conspiracy theorists that
11 think that people are profiting from
12 this -- yourself, Sandra, Paul
13 Bonwick."

14 This is the second time someone's asked
15 you if Mr. Bonwick is involved in the Collingwood
16 projects.

17 At this point in time, did you put the
18 question to him about whether he had been involved or
19 not?

20 MR. RICHARD LLOYD: No. Again I was
21 sure that he was not involved. Again, had he been
22 involved, it wouldn't have made any difference anyway,
23 in my opinion. I didn't think he was involved, and I
24 thought this was just more nonsense from Mr. Berman
25 and the other people that -- that were very much

1 pushing the YMCA and Central Park Project.

2 MS. KATE MCGRANN: Can we look at
3 paragraph 703 of the Foundation Document?

4

5 (BRIEF PAUSE)

6

7 MS. KATE MCGRANN: This is an email --
8 this describes an email that you send to Mr. Houghton
9 on September 8th advising that you've been speaking
10 with Lisa Rennie. She's from the Clippers, I believe.
11 Is that right?

12 MR. RICHARD LLOYD: Pardon me?

13 MS. KATE MCGRANN: This email --

14 MR. RICHARD LLOYD: I was reading the
15 email. I apologize.

16 MS. KATE MCGRANN: Oh, I'm -- I was
17 saying in your email to Mr. Houghton that's described
18 in this paragraph, you say that you'd been speaking
19 with Lisa Rennie. It's my understanding she's
20 associated with the Clippers. Is that right?

21 MR. RICHARD LLOYD: That's correct.

22 MS. KATE MCGRANN: You tell Mr.
23 Houghton that Ms. Rennie had obtained a quote from
24 Sprung three (3) years earlier and you write that it
25 would be great to have Paul speak to her as well.

1 Do you remember who you're referring to
2 there?

3 MR. RICHARD LLOYD: Paul Bonwick.

4 MS. KATE MCGRANN: Why did you think
5 it would be great to have Paul Bonwick speak with Lisa
6 Rennie at this point in time?

7 MR. RICHARD LLOYD: Because Lisa
8 Rennie was the donor of \$150,000, and I thought it
9 would be important for her to -- to have continuity
10 with Mr. Bonwick to put -- put everything through in
11 perspective.

12 MS. KATE MCGRANN: A couple of things.
13 Based on what we've seen, I don't believe the hundred
14 and fifty thousand dollar donation has come up yet at
15 this point in time.

16 MR. RICHARD LLOYD: My discussions
17 with Lisa Rennie prior to that was that they were
18 looking at trying to, through her father, assist us
19 with the -- the indoor pool.

20 MS. KATE MCGRANN: Did you share that
21 information with Council?

22 MR. RICHARD LLOYD: I don't think I
23 did. I don't know if I did.

24 MS. KATE MCGRANN: And help me
25 understand again why you thought it would be good for

1 Ms. Rennie to be in touch with Mr. Bonwick.

2 MR. RICHARD LLOYD: She wanted to keep
3 total autonomy. She didn't want it to be released who
4 she was or the donation being made at that point in
5 time. It was very confidential. She didn't want any
6 publicity on it at that point in time.

7 MS. KATE MCGRANN: So if she wanted to
8 keep it very, very secret, why does it make sense to
9 introduce a new person who's going to know that she's
10 the donor? Why are you bringing more people in if she
11 wants to keep it secret?

12 MR. RICHARD LLOYD: I felt that that
13 person could help her, that I wouldn't have to be
14 involved, push it away from me and let somebody else
15 assist her.

16 MS. KATE MCGRANN: Assist her in doing
17 what?

18 MR. RICHARD LLOYD: In keeping her
19 autonomy separate, that she would have to be involved
20 and -- and it would be a spokesperson for the
21 community on her behalf.

22 MS. KATE MCGRANN: Your Honor, I'm
23 looking at the time. I'm about to move on to another
24 section.

25 THE HONOURABLE FRANK MARROCCO: We'll

1 take ten (10) minutes.

2 MR. RICHARD LLOYD: Thank you.

3

4 --- Upon recessing at 10:53 a.m.

5 --- Upon resuming at 11:08 a.m.

6

7 CONTINUED BY MS. KATE MCGRANN:

8 MS. KATE MCGRANN: Mr. Lloyd, do you
9 remember giving an interview to I think Ian Adams --
10 anyway, do you remember giving an interview at the end
11 of your 2010 to 2014 term in which you said that with
12 respect to the Sprung structures you would have went
13 out and looked for RFPs and that you wished that Town
14 had taken that extra step?

15 MR. RICHARD LLOYD: I don't remember.

16 MS. KATE MCGRANN: Okay. We sent a
17 copy of this article to the participants and their
18 counsel via email over the break. I'm going to ask
19 that it be shown on the screen.

20

21 (BRIEF PAUSE)

22

23 MS. KATE MCGRANN: This is an article
24 dated November 28th, 2014. And if you look about
25 half-way down the page, it says that you said:

1 "The decision to purchase the Sprung
2 structures for recreational
3 facilities is something you would
4 have done differently. I would have
5 went out and looked for RFPs, you
6 said, I felt I made the right
7 decision, but I still would have
8 taken that extra step."

9 Now that you read the article, do you
10 remember giving that interview?

11 MR. RICHARD LLOYD: Sure, I do.

12 MS. KATE MCGRANN: Why did you wish,
13 at the time, that Town had gone out and looked for
14 RFPs?

15 MR. RICHARD LLOYD: At -- at that
16 point in time the OPP investigation had been going on,
17 all of this nonsense was going on, I thought well, had
18 we went out for RFPs then maybe some of that would
19 have went away. That's the only reason.

20 MS. KATE MCGRANN: Okay. Any other
21 reason that you would have taken that extra step?

22 MR. RICHARD LLOYD: No, there isn't.
23 I still think we did nothing wrong the way it was
24 done, but for public perception it might have been
25 better had we gone for RFPs.

1 MS. KATE MCGRANN: Okay. Is it fair
2 to say that if you had known that the public
3 perception would be affected by not going out for an
4 RFP, you would have chosen to do it at the time?

5 MR. RICHARD LLOYD: If had to do it
6 all over again today --

7 MS. KATE MCGRANN: Yes.

8 MR. RICHARD LLOYD: -- after seeing
9 all this stuff going on, yes, I would have went far, I
10 would have done anything at all. I wouldn't have
11 built -- I wouldn't have built anything if it was left
12 to what I'd gone through for the last eight (8) years,
13 I would have just said, you know, this isn't worth it.
14 It's crazy.

15 MS. KATE MCGRANN: If we could go to
16 paragraph 922 of the Foundation Document. Do you
17 remember someone breaking into the pool building and
18 driving a scissor lift into the pool while it was
19 still under construction?

20 MR. RICHARD LLOYD: I do.

21 MS. KATE MCGRANN: Do you remember
22 there was a resulting discussion about why their
23 Sprung shield was not installed in the pool building?

24 MR. RICHARD LLOYD: I do.

25 MS. KATE MCGRANN: In the context of

1 an email exchange about who made the decision not to
2 install the Sprung shield, this email was sent by Dave
3 MacNeil of Sprung to Dave Barrow of BLT. You're not
4 copied on this email, but I want to show it to you.

5 Mr. MacNeil says that the people at the
6 first Town meeting where we talked about design were
7 Ms. Leonard, Mr. Houghton, Mr. Irwin, yourself, and
8 Dave McNalty.

9 Do you remember being involved in any
10 discussions about the Sprung shield?

11 MR. RICHARD LLOYD: There was
12 discussion about the Sprung shield. I can't remember
13 what the cost was. It was -- I'm going to just throw
14 a number out, around 200,000 or something like that.
15 It was a -- a large number. I remember that was being
16 discussed.

17 MS. KATE MCGRANN: Do you remember
18 being involved in a decision not to include the Sprung
19 shield?

20 MR. RICHARD LLOYD: I don't know that
21 I wasn't included. I don't remember.

22 MS. KATE MCGRANN: It doesn't appear
23 to us that the option of including the Sprung shield
24 in either the arena or the pool was put to Council.

25 Is that a decision that you think

1 Council should have been given the option to make?

2 MR. RICHARD LLOYD: Yes.

3 MS. KATE MCGRANN: If we could go to
4 paragraph 915 of the Foundation Document. This is an
5 excerpt from a different email conversation about the
6 break-in. You're responding to Councillor Ian
7 Chadwick. If you look at the first full sentence in
8 this paragraph, you say:

9 "Anyone can break into a building
10 regardless, and in the case of the
11 break-in at Centennial, I personally
12 believe it was conveniently planned
13 to try and embarrass this Council
14 and the Town as a whole."

15 Who did you think planned the break-in?

16 MR. RICHARD LLOYD: I was totally
17 wrong with it, because the culprits were caught and it
18 had nothing -- they weren't even from Collingwood.

19 At the time, with all the nonsense that
20 was going on in the community, I just felt it was
21 somebody related to the Friends of the Central Park or
22 because of the controversy, somebody just decided to
23 do it.

24 MS. KATE MCGRANN: If we could pull up
25 CJI7127.

1 (BRIEF PAUSE)

2

3 MS. KATE MCGRANN: Can you scroll
4 down? My mistake. 7172.

5

6 (BRIEF PAUSE)

7

8 MS. KATE MCGRANN: This is an email
9 dated November 7th from Mr. Barrow to you. He says:
10 "Hi Rick, we have forwarded the
11 excavation package but have had no
12 response. If your brother is
13 quoting, can you check to see if he
14 will be submitting a price."

15 And scroll up. You respond:

16 "Will do, and thank you."

17 Mr. Barrow was asked about this email
18 and he said that before this email exchange was sent,
19 you asked him whether your brother could quote on the
20 excavation job, which was related to one of the arena
21 or pool.

22 Do you remember asking Mr. Barrow if
23 your brother could quote on the excavation job?

24 MR. RICHARD LLOYD: No, but I did tell
25 him about my brother being in the excavation business.

1 MS. KATE MCGRANN: What can you tell
2 us about that conversation?

3 MR. RICHARD LLOYD: I just told him
4 that I had a brother that's in the excavation business
5 and he might be interested in -- in doing some work
6 for them. As it turned out, he wasn't. He was too
7 busy and didn't quote anything.

8 MS. KATE MCGRANN: Did you think there
9 was anything inappropriate about introducing your
10 brother to one (1) of the Town contractors?

11 MR. RICHARD LLOYD: No.

12 MS. KATE MCGRANN: A couple questions
13 about the public consultation for the Collus funds.

14 We see that the public is consulted in
15 a meeting in December, a couple months after Council
16 has voted to proceed, and ultimately the decision is
17 made to allocate the funds, early summer of the
18 following year.

19 Do you know why Council waited that
20 period of time before consulting the Town about the
21 use of the funds?

22 MR. RICHARD LLOYD: The community?

23 MS. KATE MCGRANN: M-hm.

24 MR. RICHARD LLOYD: I don't think it
25 was anything deliberate or anything else. I think it

1 was -- I'm anticipating it was as how the contract
2 from -- from PowerStream was working through and the
3 funds were coming through to the Town.

4 MS. KATE MCGRANN: Can we look at
5 paragraph 564 of the Foundation Document, please?

6

7 (BRIEF PAUSE)

8

9 MS. KATE MCGRANN: 568 of the
10 Foundation Document, please.

11 This describes an email exchange you
12 have with Ian Adams on August 29th, 2012. It starts
13 out as an email exchange about a citizens request for
14 road repairs. Mr. Adams wrote to you:

15 "Maybe he wants the Collus money
16 spent on repairs to Dawson."

17 And you reply:

18 "Broke. We blew (subject to public
19 meeting) \$8 million on Monday
20 night."

21 Mr. Adams wrote back:

22 "Subject to public meetings, like
23 the Sprung building decision, the
24 dye has already been cast on that
25 one."

1 And you respond:

2 "Yeah, but it's down at debenture,
3 the 8 million or use Collus."

4 Do you remember this email exchange?

5 MR. RICHARD LLOYD: I don't. But I
6 see that obviously happened.

7 MS. KATE MCGRANN: Okay. Do you
8 remember had you made up your mind about what you
9 wanted to use the Collus funds for at this point in
10 time?

11 MR. RICHARD LLOYD: No. And when you
12 look at this, it's obvious I hadn't at that point.

13 MS. KATE MCGRANN: If you look at
14 paragraph 896 of the Foundation Document. This
15 paragraph describes a portion of the minutes from the
16 June 10th, 2013 Council meeting in which Council votes
17 that the use of the Council funds.

18 My question for you is this: We see
19 that Council votes to waive the notice requirements of
20 the procedural bylaw to consider the motion with
21 respect to the use of the Council funds.

22 Do you remember why Council decided to
23 waive the notice period to vote on the use of the
24 funds at that meeting?

25 MR. RICHARD LLOYD: Just to move

1 forward, I don't know, other than that.

2 MS. KATE MCGRANN: Does it seem
3 consistent with the idea that you want the public to
4 be aware of and involved in the decision that Council
5 is going to make about the funds, to waive the
6 requirement that you give notice about the decision
7 that Council is going to make?

8 MR. RICHARD LLOYD: The motion was
9 moved by Councillor Cunningham and Councillor
10 Chadwick. I wasn't --

11 MS. KATE MCGRANN: Does it seem
12 consistent with you the idea that you want to keep the
13 public informed and involved, to waive the notice
14 requirements when Council is ultimately going to vote?

15 MR. RICHARD LLOYD: I don't know how
16 to answer the question. All I can tell you is that
17 there before us, it is a motion to allocate the funds
18 from the Collus share sale to the Central Park and
19 Centennial pool redevelopment.

20 MS. KATE MCGRANN: Right. And my
21 question is: Why wouldn't Council want the public to
22 have notice of the fact that that decision is going to
23 be before Council?

24 MR. RICHARD LLOYD: I can't answer
25 that.

1 MS. KATE MCGRANN: Can we turn up
2 TOC236839, please?

3

4 (BRIEF PAUSE)

5

6 MS. KATE MCGRANN: If we could scroll
7 down to the bottom. This is an October 30th email
8 from Susan to yourself, and the subject is, "Monument
9 restoration."

10 You can see we redacted the email
11 addresses, but can you tell us who Susan is? Who's
12 Susan?

13 MR. RICHARD LLOYD: My wife.

14 MS. KATE MCGRANN: Okay. She writes,
15 I'm just going to read part of it out loud, but:

16 "We have over six thousand dollars
17 (\$6,000) owing over ninety (90)
18 days. Any ideas?"

19 And we scroll up. You say:

20 "Yes. I will talk to Paul, and I
21 hope to get some soon."

22 And if we go up further, another thing
23 that you write is:

24 "We do have some funds coming that
25 will get us on track again."

1 Who is the Paul you're referring to in
2 this email?

3 MR. RICHARD LLOYD: You and I spoke to
4 this yesterday. Paul Shaw, from Shaw McLellan, the
5 law firm that holds a mortgage on my house and my
6 building downtown. And I had approached him about
7 increasing the mortgage.

8 And what he does is he looks after
9 estates. And he was waiting for one (1) of the
10 estates to come in, and I was getting extra funding
11 through that way.

12 MS. KATE MCGRANN: When you say that
13 he holds the mortgage on the house and the store, is
14 he -- is he the person personally who's loaning you
15 the money?

16 MR. RICHARD LLOYD: No, it was going
17 through Shaw McLellan. They're the agents that --
18 that look after estates, as well. And it would be one
19 (1) of the estates that, in fact, the money would be
20 coming, but it would be going through the law office.

21 MS. KATE MCGRANN: So, he's acting as
22 an intermediary so that you can borrow money from
23 third parties, basically?

24 MR. RICHARD LLOYD: They manage the
25 money.

1 MS. KATE MCGRANN: Was it your
2 understanding that he was acting as an intermediary
3 between loans that you were taking from third parties?

4 MR. RICHARD LLOYD: What I've done in
5 the past is, when I've needed mortgage money, I've
6 gone to Paul Shaw. Paul Shaw has arranged mortgage
7 money from the -- the different areas that he manages,
8 which is estates.

9 And through those estates, I've been
10 able to acquire mortgage money, and it's all been
11 arranged through Paul Shaw.

12 MS. KATE MCGRANN: Okay. Can we look
13 at paragraph 559 of the Foundation Document, please?

14

15 (BRIEF PAUSE)

16

17 MS. KATE MCGRANN: This paragraph
18 reflects that BLT paid Green Leaf just over seven
19 hundred and fifty thousand dollars (\$750,000) on
20 August 31st, 2012.

21 When did you first learn that Green
22 Leaf had been paid that amount in connection with the
23 Collingwood construction projects?

24 MR. RICHARD LLOYD: The OPP document.

25 MS. KATE MCGRANN: Okay. And leaving

1 the amount aside, when did you first learn that Green
2 Leaf had been paid at all in connection with the
3 Collingwood construction projects?

4 MR. RICHARD LLOYD: I said from day 1
5 that I knew that Green Leaf was involved. I thought
6 they were involved in the LEED's process of the
7 building, so I would have expected they would be
8 getting paid.

9 MS. KATE MCGRANN: With respect to the
10 LEED's process, what did you understand -- let me put
11 it this way. Was it your understanding that the arena
12 and the pool were going to be built to LEED silver
13 certification levels?

14 MR. RICHARD LLOYD: I understood that
15 the structures, the Sprung structures, were LEED
16 certifiable. I'm not sure the process. I know we
17 went through the -- the process at the library; it was
18 quite rigorous. Other than that, I -- I've never been
19 involved beyond that.

20 MS. KATE MCGRANN: Was it your
21 understanding that Council had decided to build the
22 arena and pool to LEED silver certification levels?

23 MR. RICHARD LLOYD: I -- I believe
24 that. But I think it was actually the -- the
25 structure, the -- the Sprung structure that was LEED

1 equivalent.

2 MS. KATE MCGRANN: Do you remember
3 where you -- what the basis for that belief was?

4 MR. RICHARD LLOYD: I'd have to read
5 the document --

6 THE HONOURABLE FRANK MARROCCO: Which
7 belief? Which belief?

8 MS. KATE MCGRANN: Sorry.

9 MR. RICHARD LLOYD: Sorry.

10

11 CONTINUED BY MS. KATE MCGRANN:

12 MS. KATE MCGRANN: Do you understand
13 why you thought that the Sprung structures were LEED
14 equivalent?

15 MR. RICHARD LLOYD: I think through --
16 when I reviewed the documents, again, there's a lot of
17 discussion about LEEDs and -- and what is LEED
18 certified. And I think there's emails from -- from
19 Sprung, I think Tom Lloyd, about it being LEED's
20 silver certifiable and -- so, I don't know when -- if
21 you're looking for an actual date, I don't know when.

22 MS. KATE MCGRANN: Leaving aside what
23 you've read in the Foundation Document, do you
24 remember at the time why you thought those buildings
25 were LEED silver certifiable?

1 MR. RICHARD LLOYD: I believe they
2 were, yes.

3 MS. KATE MCGRANN: Why did you believe
4 that? Do you remember where you got that information
5 from?

6 MR. RICHARD LLOYD: Because of
7 discussions, I think, with -- with Sprung. I think it
8 -- from day 1, it was that they were LEED certifiable.
9 Going through with the -- the library being LEED's
10 certified. I think it was gold LEEDs.

11 I really don't know a lot about the
12 LEED certification.

13 MS. KATE MCGRANN: When you learned
14 that Green Leaf had been paid over seven hundred and
15 fifty thousand dollars (\$750,000) in connection with
16 the Collingwood rec facility construction projects,
17 what was your reaction?

18 MR. RICHARD LLOYD: Wow.

19 MS. KATE MCGRANN: Why was your
20 reaction, wow?

21 MR. RICHARD LLOYD: Well, first of
22 all, I didn't know what all they did for seven hundred
23 and fifty thousand dollars (\$750,000), but...

24 MS. KATE MCGRANN: Have you asked Mr.
25 Bonwick any questions about --

1 MR. RICHARD LLOYD: I have not --

2 MS. KATE MCGRANN: -- what the --

3 MR. RICHARD LLOYD: I'm sorry.

4 MS. KATE MCGRANN: Have you asked Mr.

5 Bonwick any questions about what the company did to

6 earn over seven hundred and fifty thousand dollars

7 (\$750,000)?

8 MR. RICHARD LLOYD: No, I didn't.

9 MS. KATE MCGRANN: Why not?

10 MR. RICHARD LLOYD: I've tried not to

11 discuss stuff with Paul Bonwick on any of this.

12 MS. KATE MCGRANN: Have you been

13 successful?

14 MR. RICHARD LLOYD: Yes, I have been.

15 Thank you.

16 MS. KATE MCGRANN: Those are my

17 questions.

18 THE HONOURABLE FRANK MARROCCO: Okay.

19

20 (BRIEF PAUSE)

21

22 THE HONOURABLE FRANK MARROCCO: Apart

23 from the word 'wow', can -- I -- I just want to follow

24 up. Can you des -- how -- what -- what -- apart from

25 the word 'wow', what were -- what was your -- what was

1 -- what did -- what was your thought when you realized
2 that?

3 MR. RICHARD LLOYD: I know how hard I
4 have to work to make money. I, again, see what a lot
5 of consultants get paid, and it's always a wow factor
6 to me.

7 I've seen -- we have shelves in this
8 building of consultant's reports that have been
9 gathering dust for years that they've gotten hundreds
10 of thousands for.

11 And I've always -- I'm so anti-
12 consultants and studies and stuff. Over the years,
13 I've just seen that it's just been ridiculous. You'll
14 have the latest study that has been commissioned by
15 the Town shows waterfront development up to a hundred
16 million dollars.

17 I don't know exactly how much that
18 consultant's report was done, but I don't know where
19 the Town will ever get a hundred million dollars to do
20 the waterfront.

21 And by the time they had that kind of
22 money, the consultant's report would be so outdated,
23 it'd have to be redone. The wow factor is that's a
24 lot of money.

25 THE HONOURABLE FRANK MARROCCO: Okay.

1 MR. RICHARD LLOYD: I...

2 THE HONOURABLE FRANK MARROCCO: That's
3 fine.

4 MR. RICHARD LLOYD: Okay. Thank you.

5 THE HONOURABLE FRANK MARROCCO: I just
6 needed -- I just needed to hear something more than,
7 "Wow." That -- that was -- that's all.

8 MR. RICHARD LLOYD: Thank you.

9 THE HONOURABLE FRANK MARROCCO: Thank
10 you. Mr. Chenoweth...?

11 MR. FREDERICK CHENOWETH: Yes. Thank
12 you, Your Honour. I'll even turned on my microphone.

13 THE HONOURABLE FRANK MARROCCO: I
14 didn't turn mine off. I'm trying to work on the
15 problem that way.

16 MR. FREDERICK CHENOWETH: There you
17 go, a useful approach.

18

19 CROSS-EXAMINATION BY MR. FREDERICK CHENOWETH:

20 MR. FREDERICK CHENOWETH: Mr. Lloyd,
21 thank you for coming and giving your evidence. My
22 name is Chenoweth, Fred Chenoweth. I act on behalf of
23 Mr. Houghton. We've had occasion to meet in -- in
24 this room before.

25 You told us something of the

1 circumstances pursuant to which Mr. Houghton became
2 the CAO of the Town. And I think you confirmed that
3 you regarded his being the CAO as a bit of a dividend
4 from -- from Collus and/or PowerStream at that time,
5 correct?

6 MR. RICHARD LLOYD: That's correct.

7 MR. FREDERICK CHENOWETH: And that was
8 a dividend that probably arose as a result of the
9 joint service agreements between the Town and Collus
10 and/or Collus PowerStream?

11 MR. RICHARD LLOYD: Absolutely, yes.

12 MR. FREDERICK CHENOWETH: Thank you.
13 And as -- as things developed, Mr. Houghton, who had
14 originally understood he was going to be there for --
15 I'm not sure whether it's two (2) or three (3) months,
16 but in any event, clearly a very short time.

17 That didn't happen. He stayed for
18 longer?

19 MR. RICHARD LLOYD: That's correct.

20 MR. FREDERICK CHENOWETH: And that's
21 really a result of the fact that the Town did really
22 nothing for quite some time to try and get him
23 replaced?

24 MR. RICHARD LLOYD: That's correct.

25 MR. FREDERICK CHENOWETH: All right.

1 And he expressed concern about that
2 from time to time with the Town, and indicated that he
3 wanted to -- his job as CAO to be over?

4 MR. RICHARD LLOYD: Yes, he did.

5 MR. FREDERICK CHENOWETH: All right.
6 And I don't know that we need to go to it, but I've
7 really found only one (1) minuted reference, one (1)
8 minuted reference in a Council meeting to that, and
9 that's in document, just for the record, TOC0512117.

10 And given your acknowledgement, I'm not
11 sure we need to go to it, but clearly at that in
12 camera meeting in any event, which I believe occurred
13 in or about January 2013, Mr. Houghton expressed his
14 concern about still being CAO and wanting to move on.

15 So you remember that he would have done
16 that from time to time in Council meetings?

17 MR. RICHARD LLOYD: Yes.

18 MR. FREDERICK CHENOWETH: All right.

19 Thank you. Assist me if you can, I've been only able
20 to disclose one (1) minuted reference to Mr.
21 Houghton's request in that respect. Could you assist
22 me with your memory?

23 Do you remember Mr. Houghton putting
24 the proposition that he would like to move on from CAO
25 to the Town on -- on more than one occasion?

1 MR. RICHARD LLOYD: That's correct.

2 MR. FREDERICK CHENOWETH: Thank you.

3 Now, this is another bit of a memory test, I suppose,
4 seven (7) years back. But I think you said in your
5 evidence in-chief that you don't remember being told
6 by anyone that the time between the July 16th and
7 August 27th for staff to -- to do Council's bidding
8 and come up with a report was -- was too short a time.
9 I think you say you didn't believe that was the case.

10 I'm suggesting to you that -- and I
11 guess I'm asking whether you remember this -- do you
12 remember that there was some discussions between
13 yourself and Mr. Houghton and the Mayor and Mr.
14 Houghton in which Mr. Houghton expressed to you his
15 concern with respect to that time period?

16 Would you remember that?

17 MR. RICHARD LLOYD: I think it was
18 every Thursday, myself and the Mayor and the clerk and
19 the CAO would get together to review the agenda,
20 Council agenda.

21 And Ed had indicated that -- that the
22 timeframe was tight and, I don't know the exact words,
23 I do remember saying that it was just a goal, if we
24 didn't meet the goal, that -- that was fine. But I
25 felt that -- that it could be achieved, and it was

1 achieved. But yes, he did indicate that.

2 MR. FREDERICK CHENOWETH: Thank you.

3 And you've indicated that you and Council wanted this
4 -- I'll call it the Sprung project, the Sprung project
5 to proceed, and you said I was aggressively pushing to
6 get this done.

7 And again, I had a sense from what I've
8 seen here that this appeared to be a general view of
9 Council, that they wanted to get this done. Is that
10 fair?

11 MR. RICHARD LLOYD: That's correct. I
12 was probably more so than any of the Council. I felt
13 that I was championing the Sprung thought or the idea
14 coming to Town. Little did I know.

15 But I definitely wanted to get on with
16 it. We were getting near the mid of our term of
17 Council and I just wanted it done during our term of
18 Council, not unlike the fire hall and the other stuff
19 we -- we did. We did so much in those four (4) years.

20 MR. FREDERICK CHENOWETH: Very good.
21 Is it -- is it fair to say that the staff, given the
22 expression that it may be a short period of time and
23 to get a report of this nature done and given the --
24 what you've described yourself as a -- as your
25 aggressive approach, it was obviously the -- the

1 wishes of Council to get it done, would it be fair to
2 say that staff felt that they were under some
3 pressure?

4 MR. RICHARD LLOYD: Well, definitely.
5 No question about it.

6 MR. FREDERICK CHENOWETH: And they
7 felt they were under some pressure to try and respond
8 to the specific request of -- of Council made at July
9 16th, that they come back with a report in -- really,
10 I guess it was by August 27th, to get that report
11 done. That would have put pressure on them?

12 MR. RICHARD LLOYD: It definitely put
13 pressure on them, and if I look back over the -- now
14 that we're where we are from doing that, Council was
15 asking a lot of staff, I was asking a lot of staff.
16 Staff did perform, it was amazing what they came up
17 with.

18 When I look at Mr. Martin, he was the
19 guy looking after all the construction of all these
20 buildings we were doing, and renovations and so on,
21 and I look at -- at the other staff, it was just
22 phenomenal.

23 And Mr. Houghton, overseeing it all, it
24 -- no doubt there was a lot of stress and pressure put
25 on him as well.

1 MR. FREDERICK CHENOWETH: Very good.

2 Thank you.

3 And I think it -- it led to some
4 interchanges with Mr. Houghton by way of email, and I
5 think counsel referred you to paragraphs -- I believe
6 it's 549 and 550 of the Foundation Document. Could we
7 pull those up?

8 Well, that's not -- that's not it. But
9 you'll recall, maybe we can do this from memory
10 without a reference to the documents. You recall that
11 Inquiry counsel took you to some -- some emails that I
12 think they were on or about August 26th, in which you
13 were encouraging Mr. Houghton and saying keep your
14 chin up.

15 It was clear, I take it by August 26th,
16 that Mr. Houghton and staff were flagging under the
17 pressure that was being applied to them by -- by
18 Council and by you?

19 MR. RICHARD LLOYD: I think mostly by
20 the community where -- where we had the Friends of
21 Central Park rally in front of the Town Hall, the
22 emails that they were asking staff to respond to and -
23 - and Council.

24 The FOIs that were put in, no doubt
25 taxed the -- the clerk's department, unbelievable. It

1 was -- it was a mess at that point in time and, quite
2 frankly, it never stopped and I feel sorry most for --
3 for staff. Council choose to -- to get elected and
4 they come and go, but staff are here to stay and they
5 had to put up with all that and I -- I feel for staff
6 very much.

7 MR. FREDERICK CHENOWETH: Thank you.
8 You had a bit of an interesting character portrayal
9 that you accomplished through your evidence in-chief
10 with respect to Marjory Leonard. If she doesn't
11 agree, she'll tell you straight up.

12 And there was another comment you made
13 through the course of -- of your evidence in-chief
14 that suggested that Marjory Leonard isn't a -- a lady
15 to be directed or pushed around or pushed into doing
16 something that she didn't want to do.

17 How long had you known Marjory Leonard?

18 MR. RICHARD LLOYD: Marjory Leonard is
19 a family friend my whole life. And her father and my
20 father were close friends as well.

21 MR. FREDERICK CHENOWETH: All right.
22 The -- the portrait of Marjory Leonard that you
23 painted during your evidence in-chief of -- of a lady
24 that would tell you straight up if -- if she didn't
25 agree with you, that's -- that's accurate?

1 MR. RICHARD LLOYD: On certain terms,
2 and I won't repeat what she might -- the language she
3 might use. You would know definitely where she stands
4 on -- on issues and stuff. Love her to death, but she
5 says it exactly the way it is.

6 MR. FREDERICK CHENOWETH: All right.
7 Fair to say that one would not be about to lobby,
8 encourage, or push Ms. Leonard to say something -- to
9 say something or or state something that she didn't
10 think was appropriate. Is that fair?

11 MR. RICHARD LLOYD: A hundred percent
12 correct.

13 MR. FREDERICK CHENOWETH: Thank you.
14 And that's been something you've known throughout the
15 time that you've been in contact with Marjory Leonard?

16 MR. RICHARD LLOYD: That's right.

17 MR. FREDERICK CHENOWETH: All right.
18 Could we look at TOC0189964?

19

20 (BRIEF PAUSE)

21

22 MR. FREDERICK CHENOWETH: And you can
23 really see both of those emails. First of all, you
24 gave evidence with respect to your direction to Mr.
25 Houghton. And I -- I take it that you indicated that

1 you had wished to have Mr. Houghton as the contact
2 person with Sprung?

3 MR. RICHARD LLOYD: The point of
4 contact.

5 MR. FREDERICK CHENOWETH: Thank you.
6 I take it your understanding of what you had told Mr.
7 Houghton in that respect was not that other parties
8 should not be in contact with Sprung, but that Mr.
9 Houghton should be the point of contact with respect
10 to Sprung?

11 MR. RICHARD LLOYD: That's absolutely
12 correct. I felt that it was necessary that one (1)
13 office -- everything channelled through the one (1)
14 office, being the CAO's office.

15 MR. FREDERICK CHENOWETH: Thank you.
16 And had you learned that -- that a number of people,
17 such as Seymour and -- and other people, were being in
18 touch with Sprung and were -- was that a bit of a
19 concern for you --

20 MR. RICHARD LLOYD: I don't believe --

21 MR. FREDERICK CHENOWETH: -- or
22 something --

23 MR. RICHARD LLOYD: -- I knew at that
24 point in time, but...

25 MR. FREDERICK CHENOWETH: Right.

1 Right. In any event, you felt a central point of
2 contact was a useful thing throughout this exercise?

3 MR. RICHARD LLOYD: I thought it was
4 very important and I think it proved to be the right
5 decision.

6 MR. FREDERICK CHENOWETH: All right.
7 I note that the first email here is:

8 "The last point I should make is
9 that I will be the contact person
10 with Sprung."

11 I take it that doesn't suggest that no
12 one else can contact Sprung, but that the contacts
13 should be made through Mr. Houghton.

14 Is that what suggests in your mind?

15 MR. RICHARD LLOYD: I believe that's
16 correct.

17 MR. FREDERICK CHENOWETH: Thank you.
18 And then the next sentence:

19 "The deputy mayor made that
20 perfectly clear to me on the
21 weekend."

22 So, that would have been sometime prior
23 to Wednesday July 25th. Does that statement by Mr.
24 Houghton appear to be consistent with what you told
25 Mr. Houghton re: Sprung contacts?

1 MR. RICHARD LLOYD: Yes, it is.

2 MR. FREDERICK CHENOWETH: All right.

3 MR. RICHARD LLOYD: If I could just
4 elaborate on that a little further. We didn't need
5 Council members, including myself, being the contact
6 person with Sprung or other staff or people from the
7 community.

8 That's why it was important that -- in
9 my opinion, that -- that Mr. Houghton in his office be
10 the point of contact.

11 MR. FREDERICK CHENOWETH: Thank you.
12 And Dave responds, "Got it." Dave then went on to say
13 -- and I don't know that I have the email here I can
14 refer you to. I guess I'm pressing for My Friend's
15 assistance in this respect. I'm talking about the
16 email that Dave McNalty sent to the -- to -- to WGD.

17 We've had it up before. And maybe we -
18 - you weren't party to the email, so we should
19 probably get it up if we can. In any event, it may be
20 that I can simply state what it says.

21 There appears to be an email from --
22 from Dave McNalty to WGD in which he says, "Don't
23 contact Sprung." I -- I take it that wasn't in
24 keeping with the intention of the instructions that
25 you gave Mr. Houghton on that weekend shortly before

1 July 25th. Is that fair?

2 MR. RICHARD LLOYD: That's correct.

3 I'm sorry.

4 MR. FREDERICK CHENOWETH: So, that
5 Dave McNalty may have misinterpreted the direction
6 that he got from Mr. Houghton. Is that possible?

7 MR. RICHARD LLOYD: That's possible.

8 MR. FREDERICK CHENOWETH: Good. In
9 fact, it appears to be likely if WGD didn't contact
10 Sprung as a result of it, correct?

11 MR. RICHARD LLOYD: That's correct.

12 MR. FREDERICK CHENOWETH: Thank you.

13

14 (BRIEF PAUSE)

15

16 MR. FREDERICK CHENOWETH: Now, it
17 looks like on August 19th -- and it's -- if we refer
18 to paragraph 338 and 339, I think that we can see
19 this.

20

21 (BRIEF PAUSE)

22

23 MR. FREDERICK CHENOWETH: And can we
24 get 339 in -- in the piece, as well? It looks like we
25 can't get them both in. But in any event, have a read

1 of 338 and 339.

2

3

(BRIEF PAUSE)

4

5

MR. RICHARD LLOYD: Okay.

6

MR. FREDERICK CHENOWETH: Scroll down
7 to 339, please. Thank you.

8

9

(BRIEF PAUSE)

10

11

MR. FREDERICK CHENOWETH: It -- it's
12 obvious that Mr. Houghton, on August 19th, sent you
13 what was really one (1) of the first staff reports, I
14 think the first having been drafted August 18th.

15

You had made some comments which were -
16 - were referred to in your evidence in-chief at the
17 July 16th Council meeting, that -- and no one objected
18 to the comments. And you felt it -- you told us to be
19 your authority to do so.

20

You had made a comment that you wished
21 to work with staff to -- I take it, to ensure this
22 report came out in a timely way, correct?

23

MR. RICHARD LLOYD: That's correct.

24

MR. FREDERICK CHENOWETH: All right.

25

I take it that it would have been in keeping with your

1 expressed wishes on July 16th in front of Council, to
2 which there was no objection, that a copy of this
3 report might at some juncture be forwarded along to
4 you. Is that fair?

5 MR. RICHARD LLOYD: That's fair.

6 MR. FREDERICK CHENOWETH: All right.

7 I take it that would have been -- that would have been
8 the reason that Mr. Houghton did it at that time?

9 MR. RICHARD LLOYD: Yes.

10 MR. FREDERICK CHENOWETH: All right.

11 And I take it, in addition to that, it -- it would
12 have been obvious through the -- the course of the
13 activities up to August 19th, as you've advised us,
14 that you were aggressively pushing this project and
15 wished to be involved with it, and had stated you were
16 going to be involved with it at Council.

17 So, I -- I take it that staff would
18 have known by August 19th that -- that you were kind
19 of the champion of this thing and -- and they were
20 keeping you in the loop.

21 Is that fair to say?

22 MR. RICHARD LLOYD: That's absolutely
23 right, yes.

24 MR. FREDERICK CHENOWETH: Very good.

25 Thank you. So, that you saw nothing unique in Mr.

1 Houghton forwarding this document to you on or about
2 August 19th, correct?

3 MR. RICHARD LLOYD: No. And if I can
4 add to that, if you go back over the -- the years at
5 Council, even in this document, many times, staff have
6 sent department chairs of -- of their committees staff
7 reports before it went to Council.

8 Quite often, I'd get the treasurer's
9 report before it went to Council for review and
10 comments, the same as I would get from the Public
11 Works department.

12 I was involved in many committees over
13 the years at Council, and it was the norm. Because,
14 quite often, when an issue would come to the Council
15 table, the department head would know that there was a
16 person at the Council table that actually knew what
17 was going on in their committee and could support
18 them. I think it was more of a case of that.

19 The intention wasn't to change the --
20 the staff report or to -- to change the -- the
21 intention of the staff report, it was mainly to help
22 staff achieve whatever they were doing in their staff
23 report, so this wasn't unusual.

24 There's all kinds of evidence over the
25 years of the same kind of thing happening. I've even

1 had the clerk send me staff reports in advance.

2 MR. FREDERICK CHENOWETH: Very good.

3 And I take it you felt this -- certainly in 2012, in

4 any event, you felt that this approach of the

5 department head being involved in the -- and the

6 Councillor who was in charge of that department, at

7 Council, having some understanding of the information

8 flow was useful for communications and to get projects

9 done in the Town?

10 MR. RICHARD LLOYD: Very much so. And

11 like I said, Marjory Leonard would not have changed

12 any staff report if she didn't feel it was

13 appropriate.

14 MR. FREDERICK CHENOWETH: All right.

15 Thank you. Could we look again at paragraph 338 and

16 339. I hope I have the -- the correct reference, but

17 you may recall the document in any event. Go down to

18 339. I'm looking for the -- for the phrase, and you

19 may recall when Inquiry counsel put it to you -- you

20 said:

21 "We don't want to give too much

22 information."

23 Do you remember that reference in -- in

24 an email that was shown to you?

25 MR. RICHARD LLOYD: Yes.

1 MR. FREDERICK CHENOWETH: Thank you.
2 That's -- it's -- it's a curious little statement, and
3 I'm trying to get to the bottom of what you meant by
4 it.

5 I -- I take it that there, on an
6 ongoing basis, was from time to time an issue as to
7 how thick a staff report should be, and -- and how
8 much should be given to Council to allow them to make
9 their decisions in an efficient way. Is that correct?

10 MR. RICHARD LLOYD: That's correct.

11 MR. FREDERICK CHENOWETH: All right.
12 Was there a bit of a debate from time to time as to
13 whether or not you'd give Council too much information
14 that they couldn't read or couldn't digest in time for
15 the Council meeting versus giving them succinct and --
16 and direct conclusions in staff reports?

17 MR. RICHARD LLOYD: I agree. I think
18 that having a direct and conclusive staff report was
19 much more amicable to Council. I've seen, as I said
20 earlier, that staff reports have come to Council and
21 it was evident that Council never even read them
22 because some of the questions they would be asking
23 were already in the staff report.

24 MR. FREDERICK CHENOWETH: Yes. So
25 that was a bit of a -- of a -- a writing style choice

1 that to some extent would have been in the discretion
2 of the -- the writers of the staff report. Is that
3 fair?

4 MR. RICHARD LLOYD: That's fair.

5 MR. FREDERICK CHENOWETH: All right.

6 Now, Inquiry counsel took you through the fact that
7 there were some charts in Marjory Leonard's draft
8 staff report of August 23rd. There were some detailed
9 charts in there with respect to some of the numbers
10 involved in this matter.

11 The inclusion or lack of inclusion of
12 that chart versus simply giving staff -- I'm sorry,
13 simply giving Council some clear numbers with respect
14 to the bottom line cost of these matters, would you
15 have any anticipation that -- that including or not
16 including that chart, simply putting in the -- the
17 numbers -- that -- possibly the kind of thing that
18 might fall into that writer's style choice that we
19 just spoke of?

20 MR. RICHARD LLOYD: I think so, and
21 when you put it that way, it makes more sense than
22 what I'd been dealing with earlier. It was somewhat
23 confusing the way it was coming, but I thought it was
24 important that Council gets the information they need,
25 and there'll be more stuff down the road that we'd be

1 getting, and we did, but my answer -- my short answer,
2 I guess, is yes.

3 MR. FREDERICK CHENOWETH: Thank you.
4 Now, Inquiry counsel took you through the fact that
5 debenture numbers were not included in the final
6 report, and debenture numbers were in the draft
7 prepared by Marjory Leonard on the 23rd. You said
8 something that I just want to flush out a little bit.
9 I think you said that those numbers, the debenture
10 numbers, had already been discussed.

11 Do -- do I understand that the
12 debenture numbers had been in -- had been discussed at
13 the library June 11th meeting?

14 MR. RICHARD LLOYD: I honestly can't
15 tell you when, but I know that -- that debenturing was
16 an issue that we had looked at in a very favourable
17 manner, Council did.

18 MR. FREDERICK CHENOWETH: All right.
19 So that as the Town focused its decision or approached
20 decision to be made on August 27th, did you -- did you
21 have a sense that Council already understood what the
22 potential cost might be should this matter be
23 debentured?

24 MR. RICHARD LLOYD: Yes.

25 MR. FREDERICK CHENOWETH: You gave an

1 answer that I found curious, to Inquiry counsel. You
2 had said to her that you didn't recall being involved
3 in any discussions in which it was suggested that the
4 Town might save some money by doing some of -- some of
5 the site work with their own -- by their own staff.

6 I -- I found that curious, just having
7 come to know you in the time that you've been giving
8 evidence before this -- before this Inquiry, and --
9 and knowing of, I take it, your particular interest in
10 -- in things like you were -- you were involved in --
11 in excavating and things of that nature.

12 I might have thought that -- that site
13 preparation things would be right up your bailiwick,
14 and I might have thought as a result of that that you
15 might have been at some juncture -- have expressed an
16 opinion that we could save some money if we did some
17 of the site work in-house.

18 Am -- am I wrong in that -- in that
19 conclusion?

20 MR. RICHARD LLOYD: No. What --
21 you're not wrong. I wasn't involved in the initial
22 discussions of whether we should or should not do our
23 own site work. However, I do recall that we did have
24 discussions about the Town doing their own site works
25 and Public Works putting in the -- the sanitarium and

1 water -- putting in the -- the -- the water lines and
2 so on. That I do recall, doing the actual servicing,
3 because I know that it come up at Public Works, that
4 we were asked, or Brian Macdonald was asked, about
5 doing the servicing.

6 MR. FREDERICK CHENOWETH: That was a
7 topic that came up at Public Works?

8 MR. RICHARD LLOYD: It was a topic
9 that was discussed with Brian Macdonald. I know Brian
10 discussed it with me --

11 MR. FREDERICK CHENOWETH: All right.

12 MR. RICHARD LLOYD: -- about running
13 the -- the services into it. The site work, I can't
14 remember discussing the -- the actual grading around
15 the building and all that. I can't remember what
16 exactly the contract called for -- was -- if it just
17 at the foundation or they did some grading around
18 there.

19 I know there was a big issue as well
20 with the Nottawasaga Valley Conservation Authority
21 throughout all this. We found out that this was
22 within a floodplain, and there's a lot of remedial
23 work that had to be done.

24 MR. FREDERICK CHENOWETH: I'm sorry,
25 what was within a floodplain?

1 MR. RICHARD LLOYD: The arena, I'm
2 sorry.

3 MR. FREDERICK CHENOWETH: Thank you.

4 MR. RICHARD LLOYD: And Central Park -
5 - it was within a floodplain, so there's a remedial
6 work that had to be done as a result of that,
7 engineering and so on, so I was involved in
8 discussions on that, I know.

9 MR. FREDERICK CHENOWETH: Do you think
10 that might have been cheaper to do by Town staff than
11 a subcontractor?

12 MR. RICHARD LLOYD: No question, yeah.

13 MR. FREDERICK CHENOWETH: Thank you.
14 So that whoever was involved in making the decision,
15 the idea of using Town staff to do a portion of the
16 site work, was that a good idea in your mind?

17 MR. RICHARD LLOYD: Great idea. I'm
18 sure it saved thousands of dollars as a result of it.

19 MR. FREDERICK CHENOWETH: Thank you.
20 Moving on to another area and we're going to talk
21 about paragraph -- Foundation paragraph 922 if it
22 could be pulled up, please. Thank you.

23

24

(BRIEF PAUSE)

25

1 MR. FREDERICK CHENOWETH: This was the
2 controversy that arose around the time of the -- of
3 the break-in, and Barrow was telling us that -- and
4 again, this was put to you in your evidence in-chief -
5 - Barrow was telling us that there was a discussion
6 about the -- about the shield, at the first Town
7 meeting we talked about design.

8 And he says that -- that Marjory
9 Leonard was there, that Ed Houghton was there, that
10 Irwin was there, and that yourself, Rick Lloyd was
11 there, and Dave McNalty was there.

12 And I think you indicated to My Friend
13 that you were recalled, that there was a discussion in
14 one (1) of the earlier BLT Sprung meetings about
15 whether or not the Sprung shield or Sprung guard
16 should be purchased.

17 And with respect to that meeting, you
18 led me to believe from your answers that -- that the
19 question of the cost of that Sprung shield or Sprung
20 guard was one (1) of the factors that weighed in the
21 decision that was made at that meeting.

22 MR. RICHARD LLOYD: That's correct.
23 And thinking further, there was discussion, I believe
24 from BLT or Sprung, that if this building was in
25 downtown Detroit, where there is high vandalism, you'd

1 want the Sprung shield.

2 It was interesting, we did have a
3 break-in at the facility where they went through the
4 onus -- onerous task of cutting through the fabric
5 membranes and going in, where within 20 feet there was
6 a window they could have just broke it and went in.

7 MR. FREDERICK CHENOWETH: Right.

8 MR. RICHARD LLOYD: That's what was
9 bizarre about the whole thing, that, you know, it
10 almost appeared that someone wanted to prove that the
11 Sprung structure was not -- was very -- you could
12 easily get into it when, in fact, when you looked 20
13 feet down the road, there was a window and they could
14 have easily broke it and just went in.

15 And the van -- type of vandalism that
16 happened was ridiculous too. There -- they put -- the
17 pool was near completion and they put a big, large
18 forklift into the bottom of it, you know, just drove
19 it right in off the side and did a lot of damage that
20 way.

21 So the whole thing was just bizarre,
22 the way it happened. Fortunately, the OPP did an
23 incredible job and caught the people and they weren't
24 even from Collingwood.

25 MR. FREDERICK CHENOWETH: All right.

1 So that you mentioned the comment by
2 someone of Sprung BLT at the meeting that he might
3 consider this if you -- this project was in downtown
4 Detroit?

5 MR. RICHARD LLOYD: That's correct.

6 MR. FREDERICK CHENOWETH: I take it
7 would it be fair to say that there was a general
8 feeling at this meeting that the Heritage Park in
9 Collingwood was not downtown Detroit?

10 MR. RICHARD LLOYD: I think there is a
11 level of comfort, yes.

12 MR. FREDERICK CHENOWETH: Good. And I
13 take it there was a weighing between that reality and
14 the cost of the Sprung guard?

15 MR. RICHARD LLOYD: That's right.

16 MR. FREDERICK CHENOWETH: Very good.
17 You mentioned it to My Friend in your direct
18 examination that maybe this should have been a
19 decision of -- of Council.

20 I take it that you didn't raise the --
21 that reality or that thought at the meeting that was
22 had with Sprung BLT in which the Sprung guard was
23 discussed, you didn't raise them, do you think we'd
24 better hold this off til Council or anything of that
25 nature?

1 MR. RICHARD LLOYD: I take full
2 responsibility, as the Deputy Mayor no doubt I should
3 have brought it back to Council, at least informed
4 them. I never even thought about it, to be honest
5 with you, it was --

6 MR. FREDERICK CHENOWETH: Good.

7 MR. RICHARD LLOYD: -- business as
8 usual, looked like a good idea and what I remember of
9 it, but hindsight now is a great thing. I probably
10 should have brought it to Council and informed them.

11 MR. FREDERICK CHENOWETH: Very good.

12

13 (BRIEF PAUSE)

14

15 MR. FREDERICK CHENOWETH: Would you
16 know if this was the -- there was a meeting of July
17 11th with Sprung BLT, and I think it was -- it was set
18 up in the Town Hall, and the Mayor was there.

19 Was this discussion about -- about
20 these -- about the Sprung guard? Was that had at the
21 July 11th meeting, or are we talking -- where the
22 Mayor was present, or are we talking about some other
23 meeting, or do you know?

24 MR. RICHARD LLOYD: I know -- I think
25 the Mayor was present for it. I'm quite sure she was.

1 It just -- I can't remember the dates or the times or
2 when it happened, but --

3 MR. FREDERICK CHENOWETH: And if this
4 was a concern, i.e., whether or not the Sprung guard
5 issue should have been before Council, I take it that
6 was a matter that if it was a concern should have been
7 raised by the Mayor at that time, as well as the
8 Deputy Mayor, as you've acknowledged?

9 MR. RICHARD LLOYD: Yes, and I -- I
10 take the responsibility for it, but you're correct.

11 MR. FREDERICK CHENOWETH: All right,
12 thank you.

13 You indicated in your evidence in-
14 chief, and I'm -- I'm going to press your memory a
15 little bit on this -- that you had no memory of -- of
16 a conference call with Sprung in which you and Ed
17 Houghton were involved, on June 21st, 2012.

18 I don't -- you just don't remember that
19 -- that call?

20 MR. RICHARD LLOYD: I -- if I knew
21 some details, maybe I could remember the details.
22 Just -- I'm involved in so many things that --

23 MR. FREDERICK CHENOWETH: Right.
24 Well, it's a call so we don't have much in the way of
25 detail.

1 The Foundation Document would seem to
2 suggest that at Marta's -- Marta Proctor's direction
3 Mr. Seymour had already had a meeting with -- with
4 Sprung, he had reached out to Sprung on or about June
5 19th.

6 If you don't recall it, then you don't.
7 But is it possible that it would have been on or about
8 June 21st that you would have learned about -- about
9 Seymour's involvement with Sprung?

10 MR. RICHARD LLOYD: I knew that
11 Seymour was involved with Sprung dealing with -- I
12 don't know when it was, but definitely Dennis Seymour
13 was discussing it with -- discussing with Sprung.

14 MR. FREDERICK CHENOWETH: All right,
15 thank you.

16 And learning that Dennis Seymour was
17 involved, was that one (1) of the ingredients that
18 would have gone into your suggesting that there should
19 be one (1) point of contact with Sprung, i.e., Mr.
20 Houghton?

21 MR. RICHARD LLOYD: U-m --

22 MR. FREDERICK CHENOWETH: Or do you
23 remember?

24 MR. RICHARD LLOYD: I don't remember,
25 to be honest with you.

1 MR. FREDERICK CHENOWETH: Very good.
2 That's a satisfactory answer.

3 MR. RICHARD LLOYD: But if I can
4 finish that question. I -- again, I felt that it was
5 important that there's one (1) point of contact for it
6 all, so it wasn't helter skelter going through a bunch
7 of different departments.

8 And that the -- the CAO's office had a
9 lot more opportunity to deal with other departments
10 below it to -- to deal with the infrastructure and
11 everything else it was having to deal with.

12 MR. FREDERICK CHENOWETH: Thank you.
13 I'm interested in an email that was sent on May 8th,
14 2012 by Kevin Lloyd. That appears to be document
15 number -- if we could pull it up, please, TOC0154798.
16 Could that be pulled up, please?

17 This is -- this is before the June 11th
18 meeting at the library and before your June 12th email
19 to Mr. Houghton to get some prices and then your June
20 14th email to -- to Council in which you copied
21 Council on the fact that you were directing Mr.
22 Houghton to get some prices.

23 Let's scroll up so we can get that.
24 Have a read of that, as I'm doing.

25

1 (BRIEF PAUSE)

2

3 MR. FREDERICK CHENOWETH: It's about
4 the -- one (1) of the first documents that I see that
5 evidence murmurs around Council and councillors with
6 respect to this -- this large project.

7 And I guess Kevin Lloyd in this email
8 is expressing some concerns about spending \$44,000 on
9 hiring consultants before the committee responsible
10 has had time to review its value, et cetera. But more
11 importantly, he goes on to say in the third of the
12 paragraphs that we can see on the screen:

13 "I also believe that there should be
14 a backup scenario developed that
15 constructs the complex in stages,
16 amortized constructions and costs
17 over a number of years, perhaps ten
18 (10). We might start with an
19 upgrading of the pool, and two ice
20 pads, one new and cover the
21 existing."

22 And he suggests that maybe we should be
23 upgrading Eddie Bush so that some more functional
24 facility and maybe might even get us a junior team in.

25 Was Councillor Kevin Lloyd one of the

1 first to -- to begin the rumbles that became -- became
2 an earthquake at Council to get this project moving?

3 MR. RICHARD LLOYD: I think he
4 upstaged me on this, yes.

5 MR. FREDERICK CHENOWETH: All right,
6 thank you.

7 And in that respect, he did so as far
8 back as May 8th.

9 MR. RICHARD LLOYD: Before I even knew
10 about Sprung, and there's always been discussion about
11 covering the pool, and there'd been a lot of
12 discussion over the years about covering the outdoor
13 rink.

14 MR. FREDERICK CHENOWETH: All right.

15 And it was this kind of -- of comment
16 sent by Kevin to his fellow councillors on that day
17 that I take it that probably eventually led to -- to
18 the -- the strategic planning meeting of July 11th,
19 that the Mayor called, correct?

20 MR. RICHARD LLOYD: That's correct.

21 MR. FREDERICK CHENOWETH: All right,
22 thank you.

23 And it was this kind of rumblings that
24 led the Mayor to decide we'd better get together to
25 discuss this before we get too deep into this \$35

1 million quagmire?

2 MR. RICHARD LLOYD: I think the
3 spending of the \$44,000 shone a light on everything at
4 that point.

5 MR. FREDERICK CHENOWETH: Thank you.
6 And I note that -- that Kevin Lloyd in the third
7 paragraph we're seeing on this screen, third
8 significant paragraph, is suggesting that maybe we
9 should be phasing the -- the committee report that
10 you'd received. Maybe their suggestion should be
11 phased over as much as ten (10) years.

12 I'm -- I'm interested in that. And
13 we'll pursue it a little bit in some of the comments
14 made at some of the Council meetings. But was there a
15 feeling that this initial project that you pursued
16 with Sprung to put a -- a cover over the pool and to
17 build and cover one (1) new arena, I take it that
18 wasn't for the purpose of negating or precluding the
19 plan that had come out on March 1st from -- March 5th
20 from the Steering Committee?

21 MR. RICHARD LLOYD: Absolutely right.
22 And that's where the whole thing went south. It
23 wasn't to preclude it, it wasn't to stop it, it was --
24 and there was supposed to even be the intention was to
25 try and put funds away for a multi-use start some

1 planning process down the road to continue that road.

2 What we have today is not what the end
3 result should be. These structures, the Sprung
4 structures, can be repurposed, as I've said before,
5 being that -- that they won't be a waste of money, you
6 can use them for something else, but you could still
7 go ahead with a multi-use facility, it didn't mean
8 that it ended that.

9 MR. FREDERICK CHENOWETH: Is it fair
10 to say in -- in your judgment and in your observation,
11 in any event, that the councillors of the day, in
12 August of 2012, would have seen this as somewhat of a
13 first phase that meshed with the steering committee
14 report?

15 MR. RICHARD LLOYD: I believe that,
16 yes.

17 MR. FREDERICK CHENOWETH: All right.
18 I take it that's -- that's an important trust with
19 respect to the decision that was made on August 27th?

20 MR. RICHARD LLOYD: Yes.

21 MR. FREDERICK CHENOWETH: Thank you.
22 Now, you sent out your -- your correspondence of June
23 12th and June 14th to Mr. Houghton, and eventually to
24 the Council. And you mentioned that you got useful
25 replies from that, from -- you got support on that

1 assertion, i.e, getting some prices.

2 You got support from a number of
3 councillors. Is that fair?

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

5 MR. FREDERICK CHENOWETH: And just --
6 just for the record, I take it that Councillor Kevin
7 Lloyd, who wrote the May 8th correspondence, replied.
8 And I -- I don't know whether you'd remember this.
9 And I don't know that we have to go to the document,
10 take the commission's time to go to the document, but
11 his reply simply was, "Yes," with two (2) exclamation
12 marks.

13 Do you remember that?

14 MR. RICHARD LLOYD: Yes, I do.

15 MR. FREDERICK CHENOWETH: All right.

16 And it appears that -- that Councillor Kevin Lloyd was
17 on side with this approach. Is that fair?

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

19 MR. FREDERICK CHENOWETH: All right.

20 Mayor Cooper, let's look at her email, TOC0172262.
21 Could we pull that up if we could, please?

22

23 (BRIEF PAUSE)

24

25 MR. FREDERICK CHENOWETH: Let's just

1 read that email if we could, please. And can we just
2 move up so that we can get the date of this email? Is
3 that possible?

4

5 (BRIEF PAUSE)

6

7 MR. FREDERICK CHENOWETH: Oh, there we
8 go. It's on the 14th of June, thank you, at 6:58,
9 sorry. In any event, can -- you've read the comments
10 of -- of the mayor with respect to your June 14th
11 email?

12 MR. RICHARD LLOYD: That's right.

13

14 (BRIEF PAUSE)

15

16 MR. FREDERICK CHENOWETH: And she's
17 obviously expressing some enthusiasm:

18 "It would be wonderful to have
19 expanded activities to year-round at
20 Heritage Park."

21 And she clearly was supporting the --
22 the letter you had sent out on June 14th?

23 MR. RICHARD LLOYD: I believe that,
24 yes.

25 MR. FREDERICK CHENOWETH: All right.

1 So that this wasn't some sort of conspiracy that you
2 had going with Mr. Houghton. This was a -- this was
3 an email that you chose to send out.

4 And both sending the email and the
5 concept expressed in the email appeared to have been
6 supported by the mayor at that time?

7 MR. RICHARD LLOYD: That's correct.
8 And there's numerous other councillors supported, as
9 well --

10 MR. FREDERICK CHENOWETH: All right.

11 MR. RICHARD LLOYD: -- our comments.

12 MR. FREDERICK CHENOWETH: And I -- I
13 take it that Councillor Cunningham supported it. Is
14 that -- is that correct?

15 MR. RICHARD LLOYD: That's correct.

16 MR. FREDERICK CHENOWETH: I -- I don't
17 know that I'm going to take the time of the Commission
18 to go through that, but that's document TOC0172287.

19 And it was clear that Councillor Cunningham wrote you
20 and expressed his warm support for your approach?

21 MR. RICHARD LLOYD: That's correct.

22 MR. FREDERICK CHENOWETH: Right. No
23 one seemed to mention in any of these supporting
24 documents that the thrust of any of those documents
25 wasn't that, oh, gee, you shouldn't be directing staff

1 or anything of that nature. It seemed to be support
2 for the idea of reaching out and starting to get some
3 numbers put together on these matters?

4 MR. RICHARD LLOYD: That's correct.

5 MR. FREDERICK CHENOWETH: Thank you.

6

7 (BRIEF PAUSE)

8

9 MR. FREDERICK CHENOWETH: This is kind
10 of an interesting email, July 16 email exchange
11 between yourself and Councillor West. Let's pull that
12 up, TOC0185611.

13

14 (BRIEF PAUSE)

15

16 MR. FREDERICK CHENOWETH: I see that
17 West says on July 16th -- and I take this as 10:30
18 p.m., so I'm assuming that it's after the Council
19 meeting on July 16th?

20 MR. RICHARD LLOYD: That's right.

21 MR. FREDERICK CHENOWETH: All right.

22 And we -- we've seen what West says there. Could we
23 just scroll down a bit to -- to see what led to his
24 response, that, "We're closer than we've ever been"?

25 That's good. Go down a little further.

1 (BRIEF PAUSE)

2

3 MR. FREDERICK CHENOWETH: So, you're
4 discussing the -- the progress that was made on July
5 16th and the direction that was given to Council at
6 that time -- to pursue certain options?

7 MR. RICHARD LLOYD: That's right.

8 MR. FREDERICK CHENOWETH: Thank you.
9 And Dale West suggests, again, if we go back up to his
10 penultimate email, that, "We are closer than we've
11 ever been."

12 So, I take it West was enthusiastic
13 about the progress that was -- that was made at that
14 time?

15 MR. RICHARD LLOYD: Dale West was very
16 excited to get something happening. He was past
17 president -- past, past president, I think, more than
18 once of minor hockey.

19 And realizing that -- that there's a
20 deficiency of ice time in Collingwood, he had, from
21 his election platform right through to being elected,
22 wanted to make sure that we got a rink built, and a
23 pool.

24 MR. FREDERICK CHENOWETH: All right.

25 And the, "We're closer than we've been at any time," I

1 take it that's -- as you've just indicated, was
2 directed towards the -- the rink and the pool and
3 getting those facilities as they should be, correct?

4 MR. RICHARD LLOYD: That's correct.

5 MR. FREDERICK CHENOWETH: Thank you.

6 So, the enthusiasm that was expressed, we got the idea
7 way back in May from -- from Kevin Lloyd, we've got
8 the enthusiasm expressed with your -- in response to
9 your emails of June 12th and June 14th, we've got the
10 direction that was set by Council at July 16th, and
11 we've got ongoing enthusiasm expressed by one (1) of
12 your councillors, Dale West.

13 So, there appears to be a bit of a ball
14 that's commencing to roll here?

15 MR. RICHARD LLOYD: Very much roll.

16 Steam engine.

17 MR. FREDERICK CHENOWETH: Very good.

18 Thank you. And we've been through this, so I'll try
19 and get through this promptly, but there's no doubt
20 that -- that that expression of -- of enthusiasm was
21 in evidence on July 16th as set out in the transcript
22 of what councillors said at that meeting.

23 And if we could turn to document number
24 CJI0011234.

25

1 (BRIEF PAUSE)

2

3 MR. FREDERICK CHENOWETH: And without
4 -- and if we look at page 22 of that document, I
5 believe it's the fourth paragraph down -- and I'm
6 looking for the remarks of Rick Lloyd, the fourth
7 paragraph down.

8

9 (BRIEF PAUSE)

10

11 MR. FREDERICK CHENOWETH: And you
12 indicated in that paragraph, you know, as chairman of
13 the budget committee, just have a read of that:

14 "I don't disagree that we need it,
15 and we needed it ten (10) years ago,
16 in fact, but \$35 million plus is a
17 lot of money whether it's phased or
18 not."

19 You were expressing concern about --
20 about doing the whole project in -- in 2012 and the
21 prospect of phasing the project?

22 MR. RICHARD LLOYD: That's right.

23 MR. FREDERICK CHENOWETH: And you were
24 expressing your view that -- that we needed -- that we
25 need these improvements, and we needed them ten (10)

1 years ago.

2 And going down a little further with
3 the paragraph that starts, "However..."

4

5 (BRIEF PAUSE)

6

7 MR. FREDERICK CHENOWETH: And you're
8 indicating that, in that paragraph, starting with:

9 "However, I realize that the people
10 want and, in fact deserve a new ice
11 pad and a -- and a proper pool. I'm
12 prepared to support the additional
13 operational costs of those
14 facilities."

15 That was your expressed view on that
16 occasion?

17 MR. RICHARD LLOYD: That's right.

18 MR. FREDERICK CHENOWETH: All right.

19 And going down a little further with res -- to a pro -
20 - to a paragraph that begins with, "And as well..."
21 Thank you. At the end of that paragraph:

22 "I would like to see us move forward
23 as quickly as possible with the
24 funding, again, looking at the needs
25 of today."

1 So, no question that you were
2 expressing that you wanted this matter -- it was your
3 view that it should move forward as quickly as
4 possibly?

5 MR. RICHARD LLOYD: Aggressively.

6 MR. FREDERICK CHENOWETH: Thank you.

7 And is it fair to say that -- that the views you
8 expressed at that Council meeting were echoed by a
9 number of other councillors at the meeting?

10 MR. RICHARD LLOYD: Yes, it was.

11 MR. FREDERICK CHENOWETH: All right.

12 And if we could move quickly to Councillor Chadwick's
13 remarks at page 24.

14

15 (BRIEF PAUSE)

16

17 MR. FREDERICK CHENOWETH: Stop there.

18

19 (BRIEF PAUSE)

20

21 MR. FREDERICK CHENOWETH: Go down a
22 little further. "And I like the idea," is the way the
23 paragraph starts. There you go. He expressed that:

24 "And I like the idea of looking at
25 some alternatives, but alternatives

1 that mesh with the future plan that
2 we've already put in place."

3 You hardly need to comment on that as
4 you already have. I -- I take it that, as expressed
5 by Councillor Chadwick, that we should be moving
6 ahead. And again, he really, to some large extent, is
7 talking about phasing, isn't he?

8 MR. RICHARD LLOYD: Yes.

9 MR. FREDERICK CHENOWETH: And he's --
10 he's saying that -- that these plans should mesh --
11 there's a word, 'mesh' -- with the future plans that
12 we've already talked about.

13 Is that fair?

14 MR. RICHARD LLOYD: That's fair.

15 MR. FREDERICK CHENOWETH: All right.
16 And, again, that's the idea of -- of phasing or
17 meshing the project that you did in 2012 with the
18 overall concept of a multi-recreational facility that
19 was brought forward by the steering committee?

20 MR. RICHARD LLOYD: That's correct.

21 MR. FREDERICK CHENOWETH: And again, I
22 take it that you did not see the plan that was carried
23 out in 2012 as precluding the multi-use recreational
24 approach that was espoused by the steering committee?

25 MR. RICHARD LLOYD: Not at all.

1 MR. FREDERICK CHENOWETH: Good.

2

3 (BRIEF PAUSE)

4

5 MR. FREDERICK CHENOWETH: And just
6 looking at --

7 THE HONOURABLE FRANK MARROCCO: Well,
8 we've been through the transcript. I think Mr.
9 Bonwick's been through it. Do we --

10 MR. FREDERICK CHENOWETH: Yes.

11 THE HONOURABLE FRANK MARROCCO: Do we
12 have to go through -- I mean, it speaks for itself.

13 MR. FREDERICK CHENOWETH: Well, it
14 does, no doubt about that. I just really wish to make
15 the point. And I -- I may have the point, Your
16 Honour. There's the comments of Councillor
17 Cunningham, the comments of -- of Edwards.

18

19 CONTINUED BY MR. FREDERICK CHENOWETH:

20 MR. FREDERICK CHENOWETH: Fair to say
21 that those councillors expressed the enthusiasm that
22 you did for this project and for getting it completed,
23 the 2012 project, and for get -- getting it completed
24 now and in a timely way.

25 Is that fair?

1 MR. RICHARD LLOYD: Very, yes, sir.

2 MR. FREDERICK CHENOWETH: Very good.

3

4 (BRIEF PAUSE)

5

6 MR. FREDERICK CHENOWETH: Now, if we
7 could go to -- I -- let's just try paragraphs 549
8 again, and 550, which I tried at earlier times. Can
9 we bring those up?

10

11 (BRIEF PAUSE)

12

13 MR. FREDERICK CHENOWETH: We see that
14 it's 10:33 on August 30th, and you've been through
15 this with My Friend. Ed Houghton sent Marjory Leonard
16 and the Deputy Mayor Lloyd an email with the subject
17 line: "Sprung/BLT draws."

18 So he -- he -- the question of draws
19 was being -- you were being directed to that right in
20 the subject line of these documents?

21 MR. RICHARD LLOYD: Yes.

22 MR. FREDERICK CHENOWETH: All right.

23 And he says that:

24 "I just got the agreement and the 20

25 -- 25 percent up-front amount is \$3

1 million."

2 And he talks about getting a cheque
3 drawn. So you would have known obviously from the
4 heading, "BLT draws," you would have known from his --
5 his iteration of the 25 percent up-front draw and the
6 actual amount of that draw that -- that there was a
7 payment plan that called for 25 percent up-front.

8 MR. RICHARD LLOYD: I agree, and I
9 think, reading this email, I had a level of comfort
10 being that it had been sent off to John Mascarin for
11 review.

12 MR. FREDERICK CHENOWETH: Right. All
13 right, thank you. So it was obvious that Ed has sent
14 this off to lawyers, including the draw issue, for
15 their comment?

16 MR. RICHARD LLOYD: That's right.

17 MR. FREDERICK CHENOWETH: All right.
18 And he -- he obviously raised it with -- with you and
19 Marjory Leonard in this email of August 30th, correct?

20 MR. RICHARD LLOYD: Yes, that's
21 correct.

22 MR. FREDERICK CHENOWETH: All right.
23 So -- and then I see in paragraph 550 of the
24 Foundation Document, 11:56 a.m. on August 30th, Mayor
25 Sandra Cooper emails Treasurer Marjory Leonard,

1 writing:

2 "Deputy Mayor is stopping by my
3 office to review the Sprung
4 agreement. Can you provide them to
5 me, please?"

6 I -- I take it that Marjory Leonard
7 would have provided the Mayor with a copy of the
8 Sprung agreement on that morning, I take it shortly
9 after noon on August 30th?

10 MR. RICHARD LLOYD: That's correct.

11 MR. FREDERICK CHENOWETH: All right.

12 So that -- and she also says:

13 "Deputy Mayor is stopping by my
14 office to review the Sprung
15 agreement.

16 And I take it you would have stopped by
17 the Mayor's office on August 30th to discuss the
18 contract and its particulars, including the draw,
19 which in paragraph 590 had been drawn to your
20 attention, including the appendix to the contract
21 that's -- that talked about the payment schedule.

22 That would have been matters that were
23 drawn to your attention on that day and would have
24 been food for discussion between yourself and the
25 Mayor on the morning of August 30th.

1 MR. RICHARD LLOYD: Yes.

2 MR. FREDERICK CHENOWETH: Thank you.

3 And again, the details of the contract and the payment
4 schedule would have been before both you and the Mayor
5 on the morning of August 30th.

6 MR. RICHARD LLOYD: It would have.

7 MR. FREDERICK CHENOWETH: Thank you.

8 So that if there was any alarm with respect to that
9 payment schedule, both you and the Mayor could have
10 raised it at that time.

11 MR. RICHARD LLOYD: That's correct, or
12 the Treasurer would have.

13 MR. FREDERICK CHENOWETH: Or the
14 Treasurer would have, being the lady in charge of the
15 money. Very good. Or Mascarin would have?

16 MR. RICHARD LLOYD: Definitely -- I
17 was depending on the lawyer and the Treasurer.

18 MR. FREDERICK CHENOWETH: Okay. I
19 expect I'm going to hear evidence that -- that there
20 may have been some discussion between yourself and Mr.
21 Houghton about, in particular, the payment schedule.

22 Do you have any memory of -- you are a
23 man, I take it, at Council that was known to be
24 involved in the construction industry.

25 Is it possible that Mr. Houghton may

1 have approached you with respect to the payment
2 schedule and sought your advice as to whether or not
3 this payment schedule was -- was something normal and
4 appropriate for --

5 MR. RICHARD LLOYD: I honestly can't
6 remember but it is quite possible. But I can't
7 remember the conversation.

8 MR. FREDERICK CHENOWETH: Very good.
9 Thank you.

10 Those are my questions, Your Honour.
11 Thank you.

12 THE HONOURABLE FRANK MARROCCO: Thank
13 you. Mr. Marron...?

14 MR. GEORGE MARRON: Thank you, Your
15 Honour.

16

17 CROSS-EXAMINATION BY MR. GEORGE MARRON:

18 MR. GEORGE MARRON: Just -- just in
19 reference to what Mr. Chenoweth just reviewed with
20 you, was Marjory Leonard present on August 30th when
21 you reviewed this contract with Mayor Cooper?

22 MR. RICHARD LLOYD: I believe -- I
23 believe it should -- it indicated that she was. I
24 can't remember, but indicated that she was.

25 MR. GEORGE MARRON: But you can't

1 remember who was there, whether she was there or not?

2 MR. RICHARD LLOYD: I can't remember.

3 MR. GEORGE MARRON: And yet you recall
4 that you discussed the contract particulars?

5 MR. RICHARD LLOYD: I didn't get that,
6 I'm sorry.

7 MR. GEORGE MARRON: But you recall
8 that you discussed the particulars of the contract?

9 MR. RICHARD LLOYD: I would think we
10 reviewed it, yes.

11 MR. GEORGE MARRON: Well, no. Now
12 you're saying I think we were doing it. Earlier you
13 said you did do it.

14 MR. RICHARD LLOYD: We did.

15 MR. GEORGE MARRON: Well, how long was
16 the contract, how many pages?

17 MR. RICHARD LLOYD: I have no idea. I
18 can tell you -- like, that's seven and a half (7 1/2)
19 years ago. I can't remember the -- how in-depth it is
20 or anything else, but I remember going to a meeting
21 and -- obvious from the emails that it was about the
22 contract review.

23 MR. GEORGE MARRON: Who was the
24 contract between?

25 MR. RICHARD LLOYD: I believe it was

1 Sprung/BLT and the Town of Collingwood.

2 MR. GEORGE MARRON: So Sprung/BLT as a
3 unit?

4 MR. RICHARD LLOYD: That's what I
5 think it was. I can't...

6 MR. GEORGE MARRON: Well, this is a
7 contract that you're purporting to review with Mayor
8 Cooper, and I understood from the manner in which you
9 were questioned by Mr. Chenoweth, and there were a lot
10 of leading questions, but I understood the manner in
11 which you were questioned, this was something that you
12 reviewed?

13 MR. RICHARD LLOYD: Did I review it?
14 Did you say -- I can't hear --

15 MR. GEORGE MARRON: With Mayor Cooper.
16 You indicated this is something that you reviewed.

17 MR. RICHARD LLOYD: The contract was
18 there to review. I think that's why the purpose of the
19 meeting with the Mayor was to review the contract.

20 MR. GEORGE MARRON: Well, that's the
21 question I'm getting at, because you indicated in your
22 evidence in-chief that you reviewed the contract with
23 the Mayor, but now you're saying you think you
24 reviewed it.

25 MR. RICHARD LLOYD: It's obvious I

1 reviewed the contract.

2 MR. GEORGE MARRON: Well --

3 MR. RICHARD LLOYD: That was the
4 purpose of the meeting.

5 MR. GEORGE MARRON: -- well, did you
6 review the contract or did Marjory Leonard review it?

7 MR. RICHARD LLOYD: I believe Marjory
8 Leonard was there.

9 MR. GEORGE MARRON: Well, no, that
10 wasn't the question. Did you review the contract or
11 did Margory -- Marjory Leonard review it?

12 MR. RICHARD LLOYD: I can't remember.

13 MR. GEORGE MARRON: All right. Well,
14 we heard evidence yesterday from Mayor Cooper that
15 Marjory Leonard reviewed the contract.

16 MR. RICHARD LLOYD: If you bring the
17 email up again so I could review it, then see what --
18 who it was that -- that was invited. I know that the
19 email was from the Mayor.

20 MR. GEORGE MARRON: Was the contract
21 signed at that point in time on August the 30th?

22 MR. RICHARD LLOYD: You'd have to get
23 the contract out to -- to see if it was. I --

24 MR. GEORGE MARRON: Well, no, I'm
25 asking you, do you recall whether you were witness to

1 the contract being signed?

2 MR. RICHARD LLOYD: I -- I can't
3 remember.

4 MR. GEORGE MARRON: Did you sign the
5 contract?

6 MR. RICHARD LLOYD: I can't remember.

7 MR. GEORGE MARRON: Now, you indicated
8 at the outset of your evidence when you were reviewing
9 the Code of Ethics and the role that you had as Chair
10 of Finance, that you had close -- a close relationship
11 with Marjory Leonard.

12 MR. RICHARD LLOYD: That's correct.

13 MR. GEORGE MARRON: And you expanded
14 on that by indicating that she was basically someone
15 you'd known your life?

16 MR. RICHARD LLOYD: That's correct.

17 MR. GEORGE MARRON: So I take it you
18 put a great deal of faith on Marjory Leonard. You've
19 been most complimentary in your review of your opinion
20 of Marjory Leonard here today?

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

23 MR. GEORGE MARRON: You've been
24 complimentary of Marjory Leonard both as a person and
25 an individual and as --

1 MR. RICHARD LLOYD: Yes.

2 MR. GEORGE MARRON: -- as pertains to
3 her ability as a Treasurer.

4 MR. RICHARD LLOYD: Yes.

5 MR. GEORGE MARRON: Right. And she
6 was someone that Mr. Chenoweth indicted and you
7 confirmed, she was someone not to be pushed around,
8 that she was someone who was firm, I take it, in what
9 she said and what she did?

10 MR. RICHARD LLOYD: That's correct.

11 MR. GEORGE MARRON: In other words,
12 you could rely on her?

13 MR. RICHARD LLOYD: I did.

14 MR. GEORGE MARRON: And I take it that
15 the sense of reliance was something that was felt and
16 experienced around the Council table?

17 MR. RICHARD LLOYD: Yes.

18 MR. GEORGE MARRON: Okay. Now, you
19 indicated, and this was on the 29th of August in an
20 email -- I don't know that I need to bring this up,
21 Your Honour, I referred to it yesterday in the
22 evidence of my client, but I -- do you have a
23 recollection of having a discussion or an email
24 exchange with an individual by the name of Dan Barrow,
25 who is a contractor?

1 This would have been on the 29th of
2 August, 2012?

3 MR. RICHARD LLOYD: Could I see the
4 email? Just -- I don't recall.

5 THE HONOURABLE FRANK MARROCCO: Just -
6 - do we have a number? Does somebody here have that
7 number?

8 MR. GEORGE MARRON: I'll give you the
9 number.

10 THE HONOURABLE FRANK MARROCCO: Go
11 ahead.

12 MR. GEORGE MARRON: It's referenced at
13 paragraph 594 of the Foundation Document. The email
14 is TOC0207141. Scroll it up, please. Just a little
15 further up. Back down. I just want the figures that
16 are set out.

17 Thank you, that's -- yes, that's
18 perfect. It shows the total and it shows the
19 commencement of the figures with the Sewer Renewal
20 Program.

21

22 CONTINUED BY MR. GEORGE MARRON:

23 MR. GEORGE MARRON: So my question
24 simply is: Can -- can you -- this is an email that
25 you sent, as I've described?

1 MR. RICHARD LLOYD: Okay, yes.

2 MR. GEORGE MARRON: And -- and do you
3 recall -- did you put these figures together on your
4 own or did you get some input from Marjory Leonard in
5 reference to this?

6 MR. RICHARD LLOYD: I believe I took
7 them from information that I had from the treasurer's
8 report.

9 MR. GEORGE MARRON: So -- so the
10 indication is that the Town of Collingwood current
11 debenture debt was about \$48 million?

12 MR. RICHARD LLOYD: Yes.

13 MR. GEORGE MARRON: Okay, and this is
14 2012?

15 MR. RICHARD LLOYD: That's correct.

16 MR. GEORGE MARRON: And it indicated
17 that over the next ten (10) years that you'd be facing
18 the Town -- at least the Town of Collingwood would be
19 facing a total of \$151,405,577.

20 MR. RICHARD LLOYD: Correct.

21 MR. GEORGE MARRON: So this would be
22 in reference to future expenditures?

23 MR. RICHARD LLOYD: Yes.

24 MR. GEORGE MARRON: On -- on major
25 structures and/or infrastructure?

1 MR. RICHARD LLOYD: That's correct.

2 MR. GEORGE MARRON: So this was, I
3 take it, fairly common knowledge around the Council
4 table?

5 MR. RICHARD LLOYD: Repeat that
6 question again.

7 MR. GEORGE MARRON: This -- this, I
8 take it, would be fairly common knowledge around the
9 Council table, that these future expenditures would
10 have to be made?

11 MR. RICHARD LLOYD: Oh, yes. Yes.

12 MR. GEORGE MARRON: All right. So I
13 take it to you it was pretty clear at the outset when
14 the Central Park Steering Committee came up with the
15 \$35 million cost, you looked at that and you said
16 well, it's not going to be 35 mil, it's going to be
17 more like 44 million.

18 So -- so it was pretty clear that --
19 that was pie in the sky, it wasn't going to happen in
20 the year 2012?

21 MR. RICHARD LLOYD: Absolutely.

22 MR. GEORGE MARRON: All right. I
23 mean, there just wasn't any money?

24 MR. RICHARD LLOYD: Yes.

25 MR. GEORGE MARRON: And then you'd

1 been elected as other members of the Town Council had
2 been elected on being fiscally responsible and -- and
3 not advancing or getting involved in expenditures of
4 money that just weren't there, weren't -- weren't
5 going to be available?

6 MR. RICHARD LLOYD: That's right.

7 MR. GEORGE MARRON: So when it -- when
8 it came to a consideration of the Collus funds, and
9 we're going down the road a little ways here, in 2000
10 -- the latter part of 2012, I mean, you had a -- you
11 had a meeting, a public meeting on the 1st of December
12 2012, and then that was to, as has been indicated
13 throughout, to assess what, if anything, the Town
14 might do with the \$8 million proceeds from the sale of
15 Collus.

16 MR. RICHARD LLOYD: That's right.

17 MR. GEORGE MARRON: And so when it
18 came time to consider the expenditure of that money
19 and -- and it was firstly put on the cost of the
20 recreational facility, so that was the first phase.

21 The second phase went to the Hume
22 Street redevelopment program?

23 MR. RICHARD LLOYD: That's right.

24 MR. GEORGE MARRON: So the Hume Street
25 redevelopment program, because it involves highways,

1 would -- would be eligible for provincial and federal
2 funding?

3 MR. RICHARD LLOYD: It was more likely
4 to be eligible, yes.

5 MR. GEORGE MARRON: Right. I mean,
6 this was a point in time when recreation facilities,
7 the monies weren't flowing from the Provincial or
8 Federal Government for that type of development?

9 MR. RICHARD LLOYD: I think their
10 attitude was nice to have or need to have. Nice to
11 have recreational facilities, but we need to have
12 infrastructure and roads.

13 MR. GEORGE MARRON: Right. So I take
14 it it was Marjory Leonard's indication that if we're
15 going to allot the Collus funds, then if we allot them
16 to the recreational facility where there's very little
17 opportunity of obtaining public funding, if we -- if
18 we allotted to the recreational facilities then we
19 very well can assign some of the money to the Hume
20 Street development, but we can apply and possibly,
21 probably obtain the Federal and Provincial funding?

22 MR. RICHARD LLOYD: That's correct.

23 MR. GEORGE MARRON: So it was a
24 business decision that was made, in part?

25 MR. RICHARD LLOYD: It was a business

1 decision, that's correct.

2 MR. GEORGE MARRON: So -- so when the
3 public indicated that the recreational facilities, as
4 far as they were concerned, was basically number 5 on
5 the list, I mean the first indication was to -- to
6 deal with the Hume Street issue of -- of improving the
7 highway, widening it, it's a major artery into the
8 Town of Collingwood?

9 MR. RICHARD LLOYD: Right.

10 MR. GEORGE MARRON: All right. So --
11 so that was considered. The second indication, and
12 help me on this, I sometimes get these interchanged,
13 but there was a harbour front development, I don't
14 know whether that was the second or the third
15 indication on the list, but -- but that was something
16 that hadn't really been undertaking, as you indicated
17 in your evidence this morning as an aside, that it was
18 going to involve a significant amount of planning and
19 -- and it was something that was very major in -- in
20 its -- not only its analysis, but in its actually
21 being adopted.

22 MR. RICHARD LLOYD: Very much so, yes.

23 MR. GEORGE MARRON: Okay. So that was
24 something that I take it Council was quite prepared to
25 -- for down the road?

1 MR. RICHARD LLOYD: Yes.

2 MR. GEORGE MARRON: Okay, and it would
3 have involved an application, I'm sure, for public
4 funding and some -- and some --

5 MR. RICHARD LLOYD: If there was any
6 available.

7 MR. GEORGE MARRON: Right. And you --
8 you put a price tag of 100 million to that and I take
9 it that there has been a study and it was fairly
10 recent, and I believe that the study supports that --
11 your view that back in 2012 you're looking at a
12 significant cost to the Town of Collingwood.

13 MR. RICHARD LLOYD: What we know of
14 that is needed, not nice to have, but needed to have,
15 adds up to 151 million.

16 MR. GEORGE MARRON: Right. But that --
17 -- that doesn't include the -- does that include --
18 that's the harbour alone? 151 million?

19 MR. RICHARD LLOYD: No, that had
20 nothing to do with this, it's just all mostly roads
21 and infrastructure and firehall, all that kind of
22 stuff.

23 MR. GEORGE MARRON: Okay, all right.
24 So -- so -- and before you got to the fifth item of
25 the recreational facilities, there is one (1) or two

1 (2) other considerations, and I take it that they were
2 addressed as well.

3 So there was -- there was some
4 consideration given to what was the result of the 1st
5 of December 2012 public meeting?

6 MR. RICHARD LLOYD: Yes.

7 MR. GEORGE MARRON: Now, the public
8 meeting, I -- I take it that it must have been
9 significant enough as concerns the numbers of -- of
10 public who attended that -- that it -- it was a
11 meaningful message that you were getting from the
12 public in reference to the allocation of the Collus
13 funds?

14 MR. RICHARD LLOYD: Yes.

15 MR. GEORGE MARRON: So -- so at the
16 end of the day, the funds being applied, the
17 facilities being constructed, were you satisfied that
18 Council had appropriately addressed the public
19 interest?

20 MR. RICHARD LLOYD: I very much do,
21 yes. I think it was the right decision, it was the
22 right business decision. It was nice for the
23 community to come out and suggest things like paying
24 the debenture debt down, which were locked in to like
25 a mortgage, that the penalties would be severe that it

1 didn't make sense.

2 It was a good -- good decision.

3 MR. GEORGE MARRON: Right. These --
4 these debentures, you get locked in because there's an
5 interest payable, and it locks you in and if you want
6 to opt out by paying off the principal and getting rid
7 of the debt, then there's a penalty that is brought
8 into play by virtue of the fact that the person in --
9 or the entity investing the money has suddenly got to
10 look elsewhere for their investment?

11 MR. RICHARD LLOYD: That's correct.

12 MR. GEORGE MARRON: And interest rates
13 may be lower and, hence, a greater penalty?

14 MR. RICHARD LLOYD: That's correct.

15

16 (BRIEF PAUSE)

17

18 MR. GEORGE MARRON: So, you've known
19 Sandra Cooper over a great number of years, I take it?

20 MR. RICHARD LLOYD: Yes.

21 MR. GEORGE MARRON: And you've known
22 Paul Bonwick over a great number of years?

23 MR. RICHARD LLOYD: My -- both my --
24 my whole life.

25 MR. GEORGE MARRON: All right. So, wa

1 -- was Sandra someone you spent time with as you were
2 grow -- growing up, or as it more with Paul?

3 MR. RICHARD LLOYD: I've been a family
4 friend of their mother and dad, as well, my whole
5 life.

6 MR. GEORGE MARRON: Okay. So, I -- I
7 take it that you had a great deal of faith in Sandra
8 Cooper?

9 MR. RICHARD LLOYD: She's a very, very
10 wise person. I have a lot of confidence in her. I
11 think she was one (1) of the best mayors this
12 community ever seen.

13 MR. GEORGE MARRON: Well, that's kind
14 of you to say that. She's an honest individual, isn't
15 she?

16 MR. RICHARD LLOYD: Sometimes to her
17 detriment, yes.

18 MR. GEORGE MARRON: Was there ever any
19 time when you questioned what she had done that
20 concerns the public interest, affecting the -- the
21 public of Collingwood?

22 MR. RICHARD LLOYD: No. The only
23 weakness I've -- in all respect to Sandra, the only
24 weakness is sometimes her communication skills, but
25 she's sincere and -- and is most heartfelt for the

1 community.

2 MR. GEORGE MARRON: All right. So,
3 when -- when you learned of -- and I -- I take it you
4 were a little upset when you learned that Paul Bonwick
5 had approached someone in the hierarchy of the Town of
6 Wasaga Beach about Sprung and building a Sprung
7 structure.

8 I mean, you were -- there was --

9 MR. RICHARD LLOYD: That's correct.

10 MR. GEORGE MARRON: -- an upset, and
11 that's been documented, and -- and the Commission
12 Council dealt with that, so. I take it you didn't
13 disclose to Sandra Cooper what you had learned, that
14 Paul Bonwick had approached someone in the Town of
15 Wasaga Beach, someone in the Council about Sprung.

16 You didn't -- you didn't approach
17 Sandra Cooper and disclose that, did you?

18 MR. RICHARD LLOYD: I never informed
19 Council or -- or Sandra.

20 MR. GEORGE MARRON: All right. And I
21 -- I take it you didn't disclose or inform Sandra
22 Cooper that Paul Bonwick had some involvement with BLT
23 when you learned of that. You didn't tell her that?

24 MR. RICHARD LLOYD: No.

25 MR. GEORGE MARRON: And I take it you

1 didn't tell -- or did you tell anyone?

2 MR. RICHARD LLOYD: No.

3 MR. GEORGE MARRON: So, Sara Almas
4 wouldn't haven't known. Marjory Leonard would not
5 have known. Did Ed Houghton know?

6 MR. RICHARD LLOYD: You're talking
7 about the Wasaga Beach? Yeah, no, nobody from the
8 Town of Collingwood probably would know because it
9 wasn't in our municipality.

10 MR. GEORGE MARRON: Okay.

11

12 (BRIEF PAUSE)

13

14 MR. GEORGE MARRON: I won't be long,
15 Your Honour. I'm just looking for one (1) --

16 THE HONOURABLE FRANK MARROCCO: That's
17 fine.

18 MR. GEORGE MARRON: -- point here.

19 THE HONOURABLE FRANK MARROCCO: Fine,
20 Mr. Marron. Mr. Marron, I'm going to break for lunch
21 at some point anyway. Do you -- do you want me to
22 break now, you'll take a look at your notes, and then
23 we'll come back in hour and -- are you able to do that
24 right now?

25 MR. GEORGE MARRON: Well, I might have

1 a nicer lunch if I can clear it, Your Honour. I'm
2 only going to be a couple minutes.

3 THE HONOURABLE FRANK MARROCCO: No,
4 that's extremely important.

5 MR. GEORGE MARRON: And I'll give the
6 time to Mr. McDowell, obviously, so he can prepare
7 over the -- have a working lunch.

8 MR. WILLIAM MCDOWELL: It'll be Mr.
9 Breedon, so I'm happy to relax over lunch with you.

10

11

(BRIEF PAUSE)

12

13 CONTINUED BY MR. GEORGE MARRON:

14 MR. GEORGE MARRON: Thi -- this
15 meeting that occurred in the mayor's office, just --
16 just to be fair to you, I mean, I take it there's a
17 great deal of uncertainty in your mind as to what
18 happened.

19 In fact, I thought there was a point
20 where you indicated yesterday you really couldn't
21 recall what the date was and you really couldn't
22 recall who was there?

23 MR. RICHARD LLOYD: It's so difficult
24 seven (7), eight (8) years ago to re -- to remember
25 specifics in meetings and so on. I -- I do know from

1 referring to the email --

2 MR. GEORGE MARRON: Right.

3 MR. RICHARD LLOYD: -- that that's
4 what I'm referring to more than anything else, that
5 the email happened and -- and, obviously, I'll be
6 there to --

7 MR. GEORGE MARRON: This -- this was a
8 meeting that was eventually -- well, the meeting was
9 the result of an email coming from the office of Ed
10 Houghton; it came from Pam Hogg.

11 And it -- it set up -- it was initially
12 going to be a telephone -- teleconference call that
13 included you but did not include Sandra Cooper. Okay,
14 so, I mean, the document -- the Foundation Document
15 sets that out.

16 So, the second time around the meeting
17 was rescheduled and -- and you had asked Ed Houghton
18 in advance of the meeting to cancel it, give -- give
19 you a couple more weeks time.

20 For whatever reason, it wa -- your
21 reason wasn't disclosed, but in any event, it was
22 cancelled a second time. And then it was held the
23 third time on July the -- or sorry, on -- I believe
24 it's June 11th -- no, July 11. July 11, okay.

25 You -- you indicated that -- that, at

1 some point along the way, you realized that Paul
2 Bonwick or -- had signed a -- or had gotten involved
3 with a non-disclosure agreement with BLT?

4 MR. RICHARD LLOYD: Only when I read
5 the --

6 MR. GEORGE MARRON: Okay.

7 MR. RICHARD LLOYD: -- Foundation
8 Documents. I seen it was in there.

9 MR. GEORGE MARRON: Okay. So, you
10 didn't know that until you read the Foundation
11 Document?

12 MR. RICHARD LLOYD: That's correct.

13 MR. GEORGE MARRON: That wasn't
14 disclosed to you by Mr. Bonwick?

15 MR. RICHARD LLOYD: No.

16

17 (BRIEF PAUSE)

18

19 MR. GEORGE MARRON: Finally, Your
20 Honour, this -- this email exchange that was reviewed
21 with you by Mr. Chenoweth, this may be a matter of
22 argument, but -- but it talks about the Spring/BLT
23 (sic) draw.

24 And -- and the evidence is that BLT was
25 -- was being -- was the entity that was being paid?

1 MR. RICHARD LLOYD: Yes.

2 MR. GEORGE MARRON: Sprung wasn't
3 being paid?

4 MR. RICHARD LLOYD: Right.

5

6 (BRIEF PAUSE)

7

8 MR. GEORGE MARRON: And likewise, the
9 document that -- referred to at paragraph 550 of the
10 Foundation Document, the Sprung -- it's referred to as
11 the Sprung contract, so there appears to some
12 confusion as to the parties of the contract.

13

14 (BRIEF PAUSE)

15

16 THE HONOURABLE FRANK MARROCCO: Do you
17 -- do you need to see the --

18 MR. GEORGE MARRON: No. You had -- I
19 believe you nodded your head. I'm sorry, Your Honour,
20 I should have picked up on that.

21 MR. RICHARD LLOYD: I --

22 MR. GEORGE MARRON: There was some
23 confusion.

24 MR. RICHARD LLOYD: -- the question.
25 I apologize.

1

2 CONTINUED BY MR. GEORGE MARRON:

3 MR. GEORGE MARRON: No. The point was
4 that there seemed to be some confusion in reference to
5 the parties to the contract, whether it was Sprung/BLT
6 or whether it was Sprung or whether it was BLT.

7 MR. RICHARD LLOYD: I'd like to
8 actually see the contract to --

9 MR. GEORGE MARRON: Okay.

10 MR. RICHARD LLOYD: -- to refresh my
11 memory, but obviously it must have been BLT because
12 that's who the payment certificates were going to, as
13 you've indicated, so.

14 MR. GEORGE MARRON: Right, right.
15 Right. But in reviewing the paragraphs of the
16 Foundation Document, in your evidence, we have that,
17 so I'm prepared to leave it at that, Your Honour.

18 THE HONOURABLE FRANK MARROCCO: All
19 right.

20 MR. GEORGE MARRON: All right. Thank
21 you. Those are my questions. Thank you.

22 THE HONOURABLE FRANK MARROCCO: All
23 right. We'll take an hour for lunch.

24

25 --- Upon recessing at 12:59 p.m.

1 --- Upon resuming at 2:06 p.m.

2

3

4 THE HONOURABLE FRANK MARROCCO: Mr.

5 Trudell, do you have any questions?

6 MR. BILL TRUDELL: I don't, Your

7 Honour. Thank you very much.

8 THE HONOURABLE FRANK MARROCCO: Mr.

9 Bonwick...?

10

11 (BRIEF PAUSE)

12

13 MR. PAUL BONWICK: Thank you, Your

14 Honour.

15

16 CROSS-EXAMINATION BY MR. PAUL BONWICK:

17 MR. PAUL BONWICK: Just for the record

18 Mr. Lloyd, you know, but my name is Paul Bonwick and

19 I'm a participant here at the Inquiry.

20 I thought I would start with an

21 overview of some of the comments -- thoughts you

22 shared during your cross-examination with Mr.

23 Chenoweth and your evidence in-chief provided through

24 counsel for the Inquiry, and I've qualified with a lot

25 of witnesses I appreciate the fact that some of these

1 event -- some of these events took place seven (7),
2 seven and a half (7 1/2) years ago, and so we're
3 certainly -- at least I'm appreciative of the fact
4 that it's difficult to remember in any kind of detail
5 a particular phone call or the contents of a
6 particular meeting or what was on a particular piece
7 of -- of -- of paper, but I wanted sort of -- I think
8 for the benefit of the Inquiry, get you to share a
9 little bit more of your perspective in terms of that
10 and then we'll kind of delve into some of the matters
11 at hand.

12 So you'd be aware of the fact, of
13 course, in -- somewhere in 2013 that an individual
14 made a representation to the OPP about wrongdoing and
15 hence an OPP investigation was launched into this --
16 these matters?

17 MR. RICHARD LLOYD: That's correct.

18 MR. PAUL BONWICK: And you'd be aware
19 of the fact that on or about the same day, that
20 another individual engaged the media, more -- more
21 specifically CBC, in terms of providing background
22 information that allegations of wrongdoing and the
23 fact that an OPP investigation had been undertaken?

24 MR. RICHARD LLOYD: Yes.

25 MR. PAUL BONWICK: And of course then

1 you'll be aware of the fact that CBC ran a story on
2 that and subsequently another one a number of months
3 ago?

4 MR. RICHARD LLOYD: That's correct.

5 MR. PAUL BONWICK: And so could you
6 give some sort of reflection in terms of how that's
7 impacted you since you left Council, as it relates to
8 -- or since the decision was made or -- or these
9 events became aware to you?

10 MR. RICHARD LLOYD: I chose to run for
11 Council, I chose to be -- to run for Deputy Mayor. My
12 family didn't. What it put my family through was just
13 unbelievable. I was getting calls from family that
14 live out west when they seen it on CBC. It was just -
15 - it was real bad.

16 Interesting enough, first I ever heard
17 of it was, CBC -- when CBC stuck a mic in front of my
18 face and was asking me questions. I was like blind
19 sided. I had no idea what they were even talking
20 about. I had no idea there's an OPP investigation.

21 It certainly changed the course of my
22 political career and others that were on Council.
23 There's not a hope in heck that I would ever run for
24 Council again, not that I'd ever get elected because
25 it destroyed my reputation, totally.

1 MR. PAUL BONWICK: So would it be
2 reasonable to say that these events that occurred
3 seven (7) years ago and subsequent events that
4 occurred were significantly overwhelming in terms of
5 how they impacted you and your family?

6 MR. RICHARD LLOYD: Unbelievably.
7 Even business-wise. It had a huge impact on my
8 business. I just -- my family everything was just --
9 it was pretty tough.

10 MR. PAUL BONWICK: And you've --
11 you've referenced the fact that -- you said in your
12 observation or opinion, had similar impacts on others
13 that were engaged in the process going back 2011 to
14 2012?

15 MR. RICHARD LLOYD: Everybody that was
16 involved. Staff, any Council member, Mayor, everybody
17 was impacted hugely.

18 MR. PAUL BONWICK: And so recognizing
19 that these events took place seven (7) years ago,
20 we've all carried on with our lives in one shape or
21 form or another.

22 Adding on to that the -- the
23 overwhelming nature of the media coverage and the
24 scrutiny that was brought on to bear, would you agree
25 that that might have an impact in terms of how people

1 recall things today versus had they have been --

2 MR. RICHARD LLOYD: No question about
3 it, yes.

4 MR. PAUL BONWICK: -- questioned on
5 the situation in 2013, or even 2014 for that matter?

6 MR. RICHARD LLOYD: Yes.

7 MR. PAUL BONWICK: I'm thinking about
8 how people respond, and I'm interested in your
9 observation in terms of their level of engagement then
10 versus what they recall now based on the media and the
11 coverage that -- I'm trying to get a sense from you in
12 terms of people's desire to really distance themselves
13 from these kinds of things.

14 MR. RICHARD LLOYD: I agree, and that
15 -- you know, the other interesting thing is, it didn't
16 matter -- when I was interviewed by the media, when
17 you try to answer factual, you (sic) didn't want to
18 hear that. You (sic) just turned it around and before
19 long there's a news story that wasn't even close to
20 reality.

21 MR. PAUL BONWICK: I'd like to spend a
22 few minutes just talking about our relationship and
23 your understanding of -- of my history.

24 So just to clarify a question posed to
25 you by Mr. Marron in terms of your relationship with

1 Ms. Cooper or myself or members of the family, I think
2 his question was more specific about, you know, who
3 did you go to school with. And just to get the record
4 straight, you're considerably older than I am, are you
5 not?

6 THE HONOURABLE FRANK MARROCCO: I'm
7 not sure that has anything to do with --

8 MR. RICHARD LLOYD: Do I have to
9 qualify, Your Honour --

10 THE HONOURABLE FRANK MARROCCO: No.
11 Don't bother answering.

12 MR. RICHARD LLOYD: Thank you. I went
13 to school with your oldest brother.

14

15 CONTINUED BY MR. PAUL BONWICK:

16 MR. PAUL BONWICK: Thank you.

17 MR. RICHARD LLOYD: And Sandra.

18 MR. PAUL BONWICK: Now let's not --
19 no, I won't bother with that. But yes, just to
20 clarify, you've been a family friend for a long time,
21 but in terms of growing up, the relationship was more
22 general to my older brother and sister rather than
23 myself.

24 MR. RICHARD LLOYD: Yes. When I was
25 in my teens, you were just a snotty little kid.

1 Sorry.

2 MR. PAUL BONWICK: And you can still
3 see the age difference today.

4 The -- so really going back, our
5 relationship, would it be safe to say, became more
6 engaged at the time when I started a furniture store
7 and became active in municipal cou -- municipal
8 politics?

9 MR. RICHARD LLOYD: Definitely,
10 positively.

11 MR. PAUL BONWICK: So you're -- you're
12 aware of the fact, as testimony provided in Part 2 of
13 the Inquiry, that I sat on Municipal Council, I sat on
14 the Board of Directors for the Downtown Provement --
15 Improvement Association, or BIA as it's more commonly
16 known?

17 MR. RICHARD LLOYD: Yes.

18 MR. PAUL BONWICK: And you're aware of
19 the fact that I served for seven (7), seven and a half
20 (7 1/2) years in Canada's Parliament as the Member of
21 Parliament for this riding?

22 MR. RICHARD LLOYD: Yes.

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

1 Collingwood?

2 MR. RICHARD LLOYD: Yes.

3 MR. PAUL BONWICK: You were on Council
4 for several of the years, I think, when I was serving
5 in Parliament, is that accurate?

6 MR. RICHARD LLOYD: That's correct.

7 MR. PAUL BONWICK: You would have had
8 an opportunity to observe -- and I'll ask you to be
9 not partisan -- but to observe, as representative for
10 the riding, the approach that I took, not only with
11 municipal councils but with the business community and
12 how that related to successful initiatives within the
13 riding?

14 MR. RICHARD LLOYD: Very much so, yes.

15 MR. PAUL BONWICK: Would you suggest
16 that irrespective of party, that I had created a -- we
17 had created, and I say "we" collectively, elected
18 officials at the municipal level as well as myself and
19 county, a -- a strong, successful working
20 relationship?

21 MR. RICHARD LLOYD: No question about
22 it at all. Apart from the party, I think you bridged
23 a lot of areas with a lot of individuals, whether they
24 were conservatives or whatever, and you did a lot to
25 help not only Collingwood, but the whole riding.

1 MR. PAUL BONWICK: And that's kind of
2 you to say. That's not exactly the narrative that I'm
3 pushing here, I'm just trying to give some background
4 in terms of -- of leading up to events in 2011-2012.

5 But it's -- it's reasonable to suggest,
6 in your mind, that there was a lot of great
7 accomplishments in terms of our ability to work
8 together. And when I say "our," again I'm talking
9 about collectively elected members of Council, county
10 Council, in fairness, the MPP and myself over that
11 seven and a half (7 1/2) year period?

12 MR. RICHARD LLOYD: That's correct.

13 MR. PAUL BONWICK: You've already
14 acknowledged your awareness that I opened up a
15 government relations and communications firm in 2004?

16 MR. RICHARD LLOYD: That's right.

17 MR. PAUL BONWICK: And through part 1
18 of the hearing, I think you acknowledged that you were
19 familiar with some of the files or some of the
20 companies that I worked with leading up to 2012?

21 MR. RICHARD LLOYD: That's correct.

22 MR. PAUL BONWICK: And based on being
23 an observer, sitting on Council, would you suggest --
24 how would you suggest those clients were represented
25 in terms of me helping them achieve success in

1 whatever their particular endeavour was?

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

5 MR. PAUL BONWICK: Would you be aware
6 of -- would you be aware that on many occasions, you
7 would be aware yourself, of course, but beyond you as
8 an elected official, that elected officials at the
9 municipal level would call on me, especially on
10 matters related to provincial or federal matters in
11 terms of helping to facilitate meetings or give
12 background in terms of how they should approach
13 things?

14 And again, I'm not just specific to
15 Collingwood, but you sat on county Council, so you
16 would have had a chance to speak with your colleagues.

17 MR. RICHARD LLOYD: Yes, well beyond
18 the boundaries of this riding, you did that, a lot of
19 municipalities called on you.

20 MR. PAUL BONWICK: And so there was a
21 comment shared by Mr. Lloyd -- sorry, I'm going to
22 have to start using Mr. Tom Lloyd, during his evidence
23 in-chief or cross-examination where he suggested that
24 in an early phone call, I don't think he recalled the
25 exact date, and he didn't -- in fairness I don't know

1 that he recalled the exact details of the call and --
2 but he suggested at that time that you had -- you were
3 having a discussion with him and you were -- I think
4 he demonstrated -- very keen on this as a solution for
5 your multi-use -- for your recreational needs.

6 And in your discussion with him, he
7 thought that you had suggested that he speak with me,
8 that I could be a good thing for him in terms of
9 advancing his initiative.

10 Does that -- that doesn't ring any
11 bells for you at all?

12 MR. RICHARD LLOYD: As I said earlier,
13 I don't remember the conversation. It wouldn't be
14 unusual that I would recommend that he talk to you,
15 wouldn't be un -- I wouldn't definitely say that it
16 would be a field goal or whatever he said.

17 MR. PAUL BONWICK: No.

18 MR. RICHARD LLOYD: Not unlike that
19 I'd recommend Tatham Associates or others.

20 MR. PAUL BONWICK: Move me aside and,
21 again, whether it's a planning firm or an engineering
22 firm, you ran your business in Collingwood for many,
23 many years. You've been in the construction industry
24 for many, many years. It is a small town or a smaller
25 community it -- it would seem reasonable that you

1 would have contacts and trusted friendships and
2 engineering firms and planning firms and law firms
3 throughout the region?

4 MR. RICHARD LLOYD: I do have that,
5 yes.

6 MR. PAUL BONWICK: When the
7 opportunity presented itself would you recommend a
8 particular engineering firm, a particular law firm, a
9 particular planning firm based on the relationship you
10 have with them and the confidence that you have in
11 them?

12 MR. RICHARD LLOYD: I'd do it even
13 presently with -- with people that I work with.
14 Especially with soil engineers.

15 MR. PAUL BONWICK: I'm going to come
16 back to this in -- in a few minutes. But I'm
17 wondering if -- you did not serve on Council, if I'm
18 correct, from 2006 to 2010. Is that correct?

19 MR. RICHARD LLOYD: That's correct.

20 MR. PAUL BONWICK: But you did
21 announce your candidacy in the spring -- in the
22 spring, I guess spring, summer of 2010, correct?

23 MR. RICHARD LLOYD: That's right.

24 MR. PAUL BONWICK: To the best of --
25 and you served on Council for approximately twenty-

1 five (25) years?

2 MR. RICHARD LLOYD: That's right.

3 MR. PAUL BONWICK: Council has sort of
4 become -- I think there's a commonly used term -- it's
5 actually by statute, but it's a commonly used term,
6 it's called "lame duck". Councils typically become
7 lame ducks, typically somewhere in July of --

8 MR. RICHARD LLOYD: The last ten (10)
9 months, basically, of the term.

10 MR. PAUL BONWICK: Again, I appreciate
11 where you're coming from there. That, I assume, would
12 be in response to not wanting to make significant
13 financial commitments on behalf of a Council that's
14 about to take off as, but I want to go back to they
15 actually do become restricted in terms of their powers
16 in the summer of -- preceding the election, correct?

17 MR. RICHARD LLOYD: That's correct.

18 MR. PAUL BONWICK: The -- you ran your
19 business in Collingwood from 2006 to 2010, on the main
20 street, Smart's Flowers, with your wife?

21 MR. RICHARD LLOYD: Yes, from 1975 to
22 20 -- what is it now? 2017.

23 MR. PAUL BONWICK: Would you consider
24 yourself having a retail location, florist shop on the
25 main street, would you consider yourself to be pretty

1 accessible to the Town's people?

2 MR. RICHARD LLOYD: To my detriment,
3 yes.

4 MR. PAUL BONWICK: And so based on the
5 feedback you were getting, 2006 to 2010, as an
6 unelected official, did you draw a conclusion in terms
7 of how that Council had been run, how they were
8 treating the finances of the community? Could you
9 share some -- or reflect if you do recall sort of high
10 level what that was?

11 MR. RICHARD LLOYD: It was -- there
12 was a lot of discontent in the community at that time.
13 And it showed with the election, it was a complete
14 turnaround during the election.

15 MR. PAUL BONWICK: Was there concerns
16 over spending with the 2006-2010 Council?

17 MR. RICHARD LLOYD: Yes, there was.

18 MR. PAUL BONWICK: Could you maybe
19 give us a little bit more detail in terms of the
20 concern over the type of spending that was taking
21 place during 2006-2010?

22 MR. RICHARD LLOYD: A lot of it -- a
23 lot of spending they were doing was in the -- what I
24 was getting feedback on was ridiculous, what they were
25 doing. They were doing -- you know, doing stuff that

1 was just crazy.

2 MR. PAUL BONWICK: Legal bills, fights
3 with industry, consulting fees, things of that nature?
4 Were those things that were top of mind --

5 MR. RICHARD LLOYD: Yes.

6 MR. PAUL BONWICK: -- during that
7 time, leading up to that election?

8 MR. RICHARD LLOYD: They had a lot of
9 planning issues, a lot of issues with -- with certain
10 industries. Just a lot of negativity.

11 A lot of businesses -- there was one
12 (1) that -- that is actually on the go now, Monaco,
13 that was started by Mr. Assaff and he shelved it
14 because of -- it just got so he couldn't do it with
15 that Council.

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

22 MR. RICHARD LLOYD: We wanted to curb
23 the spending, fiscal restraint, and keep the taxes
24 down. That was the biggest issues people were -- were
25 faced with, that they didn't want any more huge

1 increases and we were successful in doing that.

2 MR. PAUL BONWICK: So you ran on that
3 platform in the fall of -- summer or fall of 2010 and
4 you were successfully elected sometime in November of
5 2010 on a platform of being more fiscally conservative
6 or managing the finances of the community in a -- in a
7 more fiscally prudent way?

8 MR. RICHARD LLOYD: That's right.

9 MR. PAUL BONWICK: So during that same
10 period of time, and having reflected back on your
11 twenty-five (25) years on Council, or at that time
12 twenty-one (21) years on Council, you, I assume, would
13 be intimately aware that Councils had tried and tried
14 again in terms of delivering recreational buildings,
15 either through refurbishing the or multi-use
16 facilities on numerous occasions?

17 MR. RICHARD LLOYD: That's correct.

18 MR. PAUL BONWICK: And so you would be
19 aware as well that these previous Councils had been
20 unsuccessful in delivering on these numerous
21 initiatives that had been undertaken?

22 MR. RICHARD LLOYD: In fact, to the
23 degree that we sent millions of dollars back to the
24 Provincial and Federal Government.

25 MR. PAUL BONWICK: Would it be your

1 opinion, and please expand on this, but would it be
2 your opinion that these various initiatives faltered
3 as a result of either a protracted process or politics
4 within the community?

5 MR. RICHARD LLOYD: Politics, mostly.

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

15 Do you recall that?

16 MR. RICHARD LLOYD: I do.

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

23 Is that accurate?

24 MR. RICHARD LLOYD: There was an awful
25 lot of pressure from a lot of YMCA members not to fix

1 the -- the contact centre and slide everything over to
2 the -- the YMCA.

3 Over the years we just, again,
4 recreational centres aren't the top of the -- the
5 agenda for Councils, generally speaking. Nice to have
6 and need to have, the need to haves are so great in
7 the community with infrastructure and roads and the
8 fire departments and policing and all that, that there
9 isn't a lot left for recreation.

10 MR. PAUL BONWICK: Fair enough. So
11 again, going into that 2010 election, understanding
12 your platform on fiscal restrain, and with your
13 understanding of what had transpired in the community
14 over the previous twenty (20) years, you would have
15 still been, I assume, intimately aware that the
16 community or sectors within the community were
17 frustrated to the point they were demanding water and
18 ice as it's been referred to here, but an arena and a
19 full-time aquatics facility of some nature?

20 MR. RICHARD LLOYD: Positively.

21 MR. PAUL BONWICK: Now, while we've
22 spoke a little bit about your background and we
23 touched on this with Ms. Cooper, former Mayor Cooper,
24 during the 2010 election to the largest extent there
25 was a brand new Council elected, there was a lot of

1 new representatives brought on to Council, correct?

2 MR. RICHARD LLOYD: That's correct.

3 MR. PAUL BONWICK: And it would be
4 your understanding that those councillors that were
5 elected came from all sorts of different walks of
6 life?

7 MR. RICHARD LLOYD: Positively.

8 MR. PAUL BONWICK: And it is a small
9 town, so you would have likely known each other or
10 certainly would have known the most of them, would
11 that be a fair statement?

12 MR. RICHARD LLOYD: That's fair.

13 MR. PAUL BONWICK: But they all bring
14 their own unique perspective to the table in terms of
15 the wants, desires, and needs of a community, fair?

16 MR. RICHARD LLOYD: That's correct.

17 MR. PAUL BONWICK: Your background,
18 you've spoken about it, specific to construction,
19 you've been involved in the construction sector for
20 forty (40) plus years?

21 MR. RICHARD LLOYD: More than that,
22 yes.

23 MR. PAUL BONWICK: Oh, okay. A lot of
24 your focus has been on site work, above ground, below
25 ground, excavation hard surfaces?

1 MR. RICHARD LLOYD: Correct.

2 MR. PAUL BONWICK: You've had some
3 experience, in fairness, in terms of above ground
4 construction. You -- you have a reasonable
5 understanding of -- of above ground construction, as
6 well?

7 MR. RICHARD LLOYD: Very much so.
8 Built many homes, and built some commercial buildings,
9 as well.

10 MR. PAUL BONWICK: In the -- this
11 speaks to the unique perspective that everybody brings
12 to the table, the unique set of skills, perhaps even
13 approach they bring to the table, in working in the
14 construction industry all those years.

15 Can you give some insight in terms of
16 how you sort of operate on a day-to-day basis to keep
17 construction crews on budget, on time in the face of
18 all the variables that come up?

19 MR. RICHARD LLOYD: It takes a lot of
20 work. You've got to have a great staff with you.
21 You've got to -- the one (1) thing you have to do is -
22 - is be on top of it aggressively to make sure that --
23 I -- I still do that.

24 I micromanage everything that goes on
25 to make sure people are where they need to be and what

1 they're doing. In fact, I jump right in the trench
2 and help them when I have to, so I'm a very hands-on
3 type of person.

4 MR. PAUL BONWICK: When things need to
5 be right-sided in the construction industry, you
6 really need to dig in and push hard and try to get
7 things over to a certain point where they're back on
8 budget or where they're online from a timing
9 perspective?

10 MR. RICHARD LLOYD: I have many times
11 been on -- on sites where they're losing money or
12 they're falling behind, and I've gone and put my work
13 boots back on, and before long, it's turned around and
14 it's profitable. I've done that for other companies,
15 as well.

16 MR. PAUL BONWICK: Is it fair to say
17 you would expect the people you work with to take that
18 similar approach when you're in the construction, when
19 you're in the trenches, when you're operating the
20 equipment?

21 MR. RICHARD LLOYD: I -- I think it
22 brings a lot of respect.

23 MR. PAUL BONWICK: I appreciate that.
24 But you would have an expectation of the people that
25 you work with to follow the example that you're

1 providing in terms of the hours, the commitment, the
2 nose to the grindstone sort of approach in terms of
3 getting things done when they need to be done?

4 MR. RICHARD LLOYD: Positively.

5 MR. PAUL BONWICK: Is it reasonable to
6 state that you would expect something similar from the
7 people that are paid through the tax-base, the people
8 that work for the municipality, as well?

9 MR. RICHARD LLOYD: I definitely have
10 that approach to staff, and the staff react very
11 positively to it.

12

13 (BRIEF PAUSE)

14

15 MR. PAUL BONWICK: You referenced --
16 and I believe the -- in conversation -- or in
17 discussion with the mayor yesterday, identified a
18 number of other initiatives that took place in
19 2010/2014 term of office.

20 And I think you referred to the
21 firehall, some large infrastructure projects, the
22 bottleneck to the end of the main street. You'd been
23 on Council for twenty (20) some years at this point in
24 time.

25 Would you suggest that that was out of

1 the norm in terms of delivering that many large scale
2 projects to a municipality within one (1) term of
3 office?

4 MR. RICHARD LLOYD: We did more in
5 those four (4) years, that term of Council, than was
6 done in twenty (20) in the municipality.

7 MR. PAUL BONWICK: So, hands on, let's
8 get it done, these are the priorities?

9 MR. RICHARD LLOYD: And only raised
10 the tax over the four (4) years I think 1 percent.

11 MR. PAUL BONWICK: Would there be
12 peripheral benefits to some of these things? And I'm
13 thinking about the work that was accomplished up at
14 the bottleneck. You'll recall, of course, that the
15 old Mt. View Hotel used to be there. I think it was
16 condemned.

17 Would you agree that, as a result of
18 Council's actions, things like that corner not only
19 got cleaned up from a traffic perspective, but in fact
20 you now enjoy a new Rexall, a new Bank of Montreal.

21 There's -- there's extenuating benefits
22 as a result of these decisions you make?

23 MR. RICHARD LLOYD: Because of the
24 intensification, the new construction creating more
25 intensification, the taxes are higher and better. And

1 when you're looking behind it at the waterfront, it --
2 it just gives a good gateway towards the waterfront.

3 MR. PAUL BONWICK: So, in short, if I
4 understand you properly, you feel that that -- the
5 Council from 2010 to 2014 delivered, and delivered
6 big, in terms of significant benefits and projects for
7 the residents of Collingwood?

8 MR. RICHARD LLOYD: Oh, incredible.
9 When I look at the curling club, what was happening
10 there, the -- the -- it was falling apart because the
11 walls were -- were not insulated. I go from there to
12 -- to having an aquatics centre to having a new arena,
13 fixing the Eddie Bush.

14 There was move afoot maybe to close it
15 down and all kinds of ideas ahead. Today, we have a
16 junior hockey team in Collingwood because we have the
17 Eddie Bush because we have the appropriate seating
18 that's required for a junior hockey team, so there's
19 all kinds of positive stuff that -- and spinoffs and
20 stuff that -- that happened because of it.

21 MR. PAUL BONWICK: In your twenty-five
22 (25) years sitting on Council, and you commented
23 through evidence in-chief earlier about this, but
24 you've seen some fairly dramatic changes in the roles
25 that councillors play or provide going back to when

1 you were a public works chair, for discussion
2 purposes, twenty-five (25) years ago to what would be
3 expected of a public's works councillor today?

4 MR. RICHARD LLOYD: No comparison to
5 what -- when I first got elected in 1985 to what it is
6 today. The expectations of Council, the Municipal Act
7 was very clear, even with the conflict of interest
8 portions, but that's not the way it is today.

9 They -- they've gone beyond that, each
10 municipality, to supercede the Province, which I don't
11 know why they need to fix the Province. What's expec
12 -- expected of a councillor nowadays is just
13 unbelievable.

14 It's just -- you know, municipalities,
15 like Collingwood, have part-time Council members. It
16 really is a full-time job with a part-time pay.

17 MR. PAUL BONWICK: Smaller town people
18 very much connected with each other in terms of
19 relationships, working relationships, councillors very
20 much hands on.

21 Would it be fair to say a much less
22 structured environment than what it is today?

23 MR. RICHARD LLOYD: Oh, no comparison
24 to it. Years ago, like I said, one (1) of our works
25 department chairs at Council used to ride around with

1 Mr. Leonard in the works department truck looking at
2 projects and planning projects.

3 Committees basically ran the -- the
4 community -- or ran the departments. We had some
5 departments in the Town that part of Parks,
6 Recreation, Culture that -- that was all ran by
7 volunteers back in those days.

8 There wasn't any staff. And then Peter
9 Dunbar came on. And then, all of the sudden, we had
10 to start getting staff and building up. When I first
11 got elected, the CAO was also the clerk. We had a
12 deputy clerk, which was Gord Norris, and one (1)
13 treasurer. Things have changed to a multitude.

14 There's a lot more accountability than
15 there was in those days of staff and of -- of Council
16 members.

17 MR. PAUL BONWICK: Thank you. So,
18 less structured, more loose organization, but people
19 were no less committed to trying to drive a good
20 benefit. Is that a fair statement?

21 MR. RICHARD LLOYD: That's a fair
22 statement.

23 MR. PAUL BONWICK: So, we've heard
24 about the -- and I'll likely misstate this, but
25 there's Conflict of Interest Guidelines through the

1 Municipal Act. There's Code of Conduct through the
2 municipality.

3 During the time -- all the years you
4 were on Council, was there ever a Lobby Registration
5 Act?

6 MR. RICHARD LLOYD: Never.

7 MR. PAUL BONWICK: A lobby
8 registration system of some kind where people were
9 obliged to come in either to clerk or to CAO or mayor,
10 whomever, and make their presence known in terms of
11 linking themselves or making representation on behalf
12 of any particular organization?

13 MR. RICHARD LLOYD: Never. And we
14 don't even have business licences, yeah.

15 MR. PAUL BONWICK: So, if I extend
16 that a little bit, it would be reasonable if you don't
17 have a lobby registration -- and lobbying, in its
18 broadest definition, can really mean somebody coming
19 in and lobbying on behalf of the church, somebody ha -
20 - lobbying to come in on behalf of Boy Scouts, on
21 behalf of a private corporation, on behalf of a bank,
22 on behalf of a building.

23 Would you agree that it's -- it's
24 fairly broad in terms of its definition?

25 MR. RICHARD LLOYD: I agree. And how

1 much municipal staff can you afford to have to
2 administer, those kind of stuff.

3 MR. PAUL BONWICK: And I think there's
4 positives and negatives on -- on both sides. I'll
5 avoid that one (1). The -- where I'm going with this
6 is there's really an unstructured environment back in
7 that day in terms of -- of people that were involved
8 with outside companies having to make representations
9 either in terms of what their job descriptions are,
10 what their responsibilities are, what their
11 remuneration is or, in fact, that they're even
12 associated with in any manner that particular company?

13 MR. RICHARD LLOYD: That's right.

14

15 (BRIEF PAUSE)

16

17 MR. PAUL BONWICK: There was a letter
18 brought up yesterday. And I'm wondering if we might
19 bring that up again. I apologize, I do not have the
20 reference number, but it was from Armesco (sic) to the
21 -- in response to some questioning, I believe, from
22 the Ontario Provincial Police, and it outlined a
23 series of meetings.

24

25 (BRIEF PAUSE)

1

2 MR. PAUL BONWICK: While we're waiting
3 for --

4 THE HONOURABLE FRANK MARROCCO: Well -
5 - oh, okay.

6 MR. PAUL BONWICK: Oh, sorry.

7 THE HONOURABLE FRANK MARROCCO: No. I
8 was going to say we'll just wait. But if you want to
9 ask something else, that's fine. It'll be on the
10 screen momentarily, I'm sure. Oh, there it is, Mr.
11 Bonwick.

12

13 CONTINUED BY MR. PAUL BONWICK:

14 MR. PAUL BONWICK: If you could just
15 track down a little bit for me there, please. Just
16 stop but -- description. What this letter does, Mr.
17 Lloyd, is it out -- it identifies a sequence of
18 meetings that took place, the author's description of
19 what the meetings were about, to some degree, and it
20 identified participants in the meeting.

21 And, again, I don't mean to hold you to
22 it. I respect the fact that it's seven (7) years ago
23 and it's difficult to remember the contents of a
24 meeting six (6) months ago, let alone seven (7) years.

25 But if you go down the list, you'll see

1 that you're involved in a couple of those meetings, or
2 at least they've identified you as in attendance, and
3 there's another page below that. There's -- again and
4 again and again.

5 Do you recall participating in some of
6 these meetings?

7 MR. RICHARD LLOYD: Yes.

8 MR. PAUL BONWICK: And if you could go
9 to the top of the page, please.

10

11 (BRIEF PAUSE)

12

13 MR. PAUL BONWICK: Close to the top.
14 There we go. It appears this evidence, or this
15 letter, has been authored by Ameresco. You'll be
16 aware of the fact, of course, that Ameresco was
17 interested in helping the municipality or providing a
18 role in delivering the \$35 million plus multi-use
19 recreational facility recommended by the steering
20 committee?

21 MR. RICHARD LLOYD: Yes.

22 MR. PAUL BONWICK: Right. Were you
23 aware of the time -- were you aware as well at the
24 time that Ameresco -- and please scroll down. You'll
25 see Mr. Palmer in attendance, among others from

1 Greenland.

2 Of course, you'll be aware of the fact
3 that Greenland was partnering or had a strategic
4 alliance with Ameresco?

5 MR. RICHARD LLOYD: I -- I attended a
6 meeting in Toronto, was driven down by -- by Terry
7 Geddes, with Ameresco. And I left that meeting just
8 bewildered. I really didn't know what they were
9 trying to offer the Town.

10 The only thing I could get out of it
11 was it was all financial.

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

17 MR. RICHARD LLOYD: Positively.

18 MR. PAUL BONWICK: -- was being
19 proposed?

20 MR. RICHARD LLOYD: Yeah.

21 MR. PAUL BONWICK: You've -- you've
22 mentioned -- and I asked you the question, were you
23 aware of the fact that in fact -- that Greenland was
24 affiliated with or in alliance or a partnership with
25 Armesco (sic) as part of that?

1 MR. RICHARD LLOYD: Yes.

2

3 (BRIEF PAUSE)

4

5 MR. PAUL BONWICK: You're aware of the
6 fact that former Mayor Geddes was a board member on
7 the steering committee?

8 MR. RICHARD LLOYD: That's correct.

9 MR. PAUL BONWICK: Are you aware of
10 the relationship that Mr. Palmer and Mr. Geddes have,
11 or were you aware of the working relationship that Mr.
12 Geddes and Palmer had at the time?

13 MR. RICHARD LLOYD: I was, yes.

14 MR. PAUL BONWICK: So, I'm curious,
15 when you are being invited to meetings, when you're
16 going to Toronto with former Mayor Geddes, why you
17 wouldn't take it upon yourself to ask the question
18 about are you representing the Steering Committee, are
19 you playing a role in the Steering Committee, do you
20 see yourself in a conflict, what is your role, is
21 there any remuneration?

22 Like, why wouldn't you -- or did you,
23 perhaps I shouldn't ask that question. Did you?

24 MR. RICHARD LLOYD: I believe that Mr.
25 Geddes and Mr. Palmer, Mr. Geddes was representing

1 Green -- or Mr. Palmer.

2 MR. PAUL BONWICK: Did he ever say
3 that to you?

4 MR. RICHARD LLOYD: I can't remember
5 if he did or not, but it was obvious at the meeting
6 that he certainly wasn't there as a Steering
7 Committee.

8 MR. PAUL BONWICK: Did you ever raise
9 the issue with Ms. Almas or the Mayor over concern
10 that somebody on the Steering Committee may have a
11 relationship with somebody that's interested in
12 playing a role in the \$35 million solution?

13 MR. RICHARD LLOYD: I didn't.

14 MR. PAUL BONWICK: Why?

15 MR. RICHARD LLOYD: I never really
16 thought that much about it. And when we came back, I
17 noticed that he was lobbying other Council members too
18 and I don't think -- other than there's emails here
19 from Dale West about Ameresco and so on, I think each
20 and every one (1) of us probably they had to go with
21 us.

22 MR. PAUL BONWICK: Would it be
23 reasonable in his defence that there was no lobby
24 registration program in place during that period of
25 time?

1 Would that be -- sorry, you have to
2 answer.

3 MR. RICHARD LLOYD: There was no lobby
4 registration at that time.

5 MR. PAUL BONWICK: And is it
6 reasonable that he is not bound by the same code of
7 conduct you are in terms of reporting to the clerk or
8 conflicts?

9 MR. RICHARD LLOYD: He should have
10 brought it to the committee.

11 Again, we didn't get any minutes from
12 the committee, we've very little information. The --
13 the two (2) Council reps that were on Parks,
14 Recreation and Culture did not attend the meetings
15 either.

16 MR. PAUL BONWICK: Can you confirm
17 that at no time you participated in a meeting or a
18 call with me, representatives of BLT and Sprung?

19 MR. RICHARD LLOYD: Never received a
20 call or a meeting with you.

21 MR. PAUL BONWICK: So then it would be
22 safe to assume, and please correct me if I'm wrong,
23 would be safe to assume that you would not be aware of
24 the fact that there was discussions between the three
25 (3) entities, the three (3) companies and their

1 individual representatives to develop a model that was
2 being presented to Collingwood, and take that model
3 across the province?

4 MR. RICHARD LLOYD: No.

5 MR. PAUL BONWICK: You wouldn't be
6 aware of that?

7 MR. RICHARD LLOYD: Not at all.

8 MR. PAUL BONWICK: You wouldn't be
9 aware of the fact that there was discussions about
10 making this a flagship in terms of our ability to take
11 this model across the province?

12 MR. RICHARD LLOYD: No.

13 MR. PAUL BONWICK: And so if you
14 weren't aware of that, because you didn't sit in on
15 the meetings, then you wouldn't be aware that we were
16 going to be approaching communities like Wasaga Beach,
17 as well as others?

18 MR. RICHARD LLOYD: That's correct.

19 MR. PAUL BONWICK: Ms. McGrann,
20 counsel for the Inquiry, was asking you questions
21 about the -- the process leading up to Council's
22 decision. And I should have asked you this earlier,
23 but we've talked about councillors coming from all
24 different walks of life, different backgrounds,
25 bringing in a good -- perspectives.

1 At the end of the day, would you agree
2 that each individual councillor is accountable and
3 responsible for their own vote?

4 MR. RICHARD LLOYD: Definitely.

5 MR. PAUL BONWICK: Would you agree you
6 attended an FCM conferences during your time in
7 politics? I assume you've attended AMO conferences
8 during your time in office?

9 MR. RICHARD LLOYD: Many.

10 MR. PAUL BONWICK: I assume you've
11 attended good roads conferences during your time in
12 office?

13 MR. RICHARD LLOYD: Yes.

14 MR. PAUL BONWICK: Lots of opportunity
15 for interaction with the private sector at all these
16 events?

17 MR. RICHARD LLOYD: Lots.

18 MR. PAUL BONWICK: Lots of opportunity
19 for interaction between yourself and other councillors
20 at these events?

21 MR. RICHARD LLOYD: Very much so.

22 MR. PAUL BONWICK: And so while we
23 recognize the fact that each councillor is responsible
24 and accountable for their own vote, could you maybe
25 share some details on the lobbying that takes place

1 between councillors, and I don't mean specific to
2 Collingwood, but across the board.

3 Is there environments where councillors
4 are speaking to other councillors in terms of trying
5 to get them on board certain initiatives?

6 MR. RICHARD LLOYD: Oh, it's -- that's
7 the nature of the beast.

8 To be successful, to get something
9 through that you want to get approved to Council you
10 want to make sure you have enough votes. And you'll
11 go out and discuss it with other councillors. You
12 don't want to bring something forth that you'll fail
13 at.

14 It happens right across the province.
15 At the county, the same thing. It wasn't unusual at
16 county council where other councillors would lobby
17 support for different projects or different
18 initiatives they wanted throughout the county when I
19 was on it.

20 That's -- that's the normal -- the way.

21 MR. PAUL BONWICK: Are you aware of
22 the fact that the Municipal Act has brought forward
23 some changes, in fact, to address some of that in
24 terms of the number of councillors that can actually
25 get together for a meeting now in order to avoid

1 quorum or the appearance of an actual Council meeting?

2 MR. RICHARD LLOYD: That's correct.

3 MR. PAUL BONWICK: You're aware of
4 that now?

5 MR. RICHARD LLOYD: Outside the
6 Council chamber you can't have -- I think it's more
7 than three (3) people, if you have a Council of seven
8 (7), if you have a Council of nine (9), it -- you
9 can't have more than four (4) meeting.

10 MR. PAUL BONWICK: Go back to Ms.
11 McGrann's questioning about process and why a week or
12 two (2), what kind of difference that would have made
13 in your world.

14 And so I want to follow up on that a
15 little bit. We've heard a lot of evidence, a lot of -
16 - sorry, we've seen a lot of evidence and heard a lot
17 of testimony that you had -- Council had a \$35 million
18 plus multi-use recreational facility proposal in front
19 of them.

20 I'm not judging the merits of that, I
21 think in all likelihood there was a lot of good and
22 hard work went into developing that plan. But at the
23 end of the day, it's -- it's still a \$35 million plus
24 plan and -- and that's really the over-reaching issue,
25 I would assume, based on evidence and testimony that

1 we've received. Is that fair?

2 MR. RICHARD LLOYD: That's fair.

3 MR. PAUL BONWICK: So that was sort of
4 one (1) pocket.

5 The second opportunity before Council,
6 because we've heard from you that they want to deliver
7 on water and ice, we've heard their financially
8 restrained in terms of what they're able to do. The
9 second option in front of you is the BLT Sprung
10 initiative, which is a turnkey operation. Is that
11 fair?

12 MR. RICHARD LLOYD: That's right.

13 MR. PAUL BONWICK: And so the turnkey
14 operation, as we've heard from Mr. Barrows and Mr.
15 Lloyd, not only presented a solution that was arguably
16 less than half or a third of the cost of the \$35
17 million, we've heard from them that they were able to
18 deliver in a very short time frame, within this term
19 of Council. Was that your understanding?

20 MR. RICHARD LLOYD: That was my
21 understanding, yes.

22 MR. PAUL BONWICK: So a third option
23 that you had available to you, or that Council had
24 available to them, was in fact to go down the path of
25 a request for proposals.

1 And so set aside the MURF, set aside
2 the turnkey, sole source opportunity, Council
3 absolutely had the authority to go to a request for
4 proposals and invite anybody to participate for that -
5 - qualified, of course -- but anybody to participate
6 that's able to meet the criteria established by staff
7 and Council, fair?

8 MR. RICHARD LLOYD: That's correct.

9 MR. PAUL BONWICK: I want to get your
10 perspective on that path.

11 So you sat on Council for twenty (20)
12 some years, you're in the contractor and the
13 construction world, you've dealt with lots of RFPs on
14 the other side, I assume?

15 MR. RICHARD LLOYD: Yes.

16 MR. PAUL BONWICK: Yes.

17 And so you've had fairly -- you have
18 experience within the Request For Proposal world, on
19 both sides of the equation, fair?

20 MR. RICHARD LLOYD: That's fair.

21 MR. PAUL BONWICK: So would it be
22 reasonable, knowing that you've got a highly developed
23 multi-use plan over here that would deal with Central
24 Park, here you've got a breakout of water and ice
25 which is a much toned-down version for sole source

1 that would have participated in the RFP as well, but
2 over here you've got an RFP and so in order to develop
3 the RFP, would it not require Council to authorize
4 staff to engage an architect firm or a consulting firm
5 to design the two (2) separate facilities, to meet
6 with stakeholders to determine what's required within
7 the two (2) separate facilities, to then develop a
8 comprehensive plan and criteria in terms of not only
9 what it would look like, but size, shape, services
10 that it's going to offer.

11 So going down that path, is it
12 reasonable to think that that could happen in six (6)
13 to nine (9) months?

14 MR. RICHARD LLOYD: Oh, be lucky to
15 happen in a year.

16 MR. PAUL BONWICK: In your experience?

17 MR. RICHARD LLOYD: Yes.

18 MR. PAUL BONWICK: So let's say you're
19 able to engage all the stakeholders, you're able to
20 determine that it's going in these two (2) separate
21 locations, you go down this path.

22 My understanding is Council then
23 receives a report from staff, here's what the building
24 would look like, here's what it's going to offer,
25 here's the two (2) locations, all the amenities that

1 are going to contain therein.

2 If I understand the process properly,
3 and I need you to confirm it for me, then Council
4 would approve that and then instruct staff to develop
5 an RFP?

6 MR. RICHARD LLOYD: Correct.

7 MR. PAUL BONWICK: And so staff would
8 develop an RFP and submit that out to the general
9 population, assuming their website, perhaps some ads
10 in a newspaper, front window, wherever they -- there
11 would be some criteria, I assume, for them to market
12 that RFP.

13 It's going to be a fairly complex RFP,
14 I assume, it's two (2) different facilities, it's
15 multi-faceted in nature.

16 So would it be reasonable that if you
17 were going to go down that path, that you would have
18 to give the perspective bidders ninety (90) days to
19 digest it all to price it out, we're talking about
20 Zambonis and boards and roofs and doors and possible
21 LEED's things.

22 And so would it be reasonable you'd
23 want to give them at least ninety (90) days to make
24 sure you get qualified bids back?

25 MR. RICHARD LLOYD: That's possible,

1 yes.

2 MR. PAUL BONWICK: Possible. Is it
3 realistic that you would have at least ninety (90)
4 days for the bidders in order to provide responsible
5 bids?

6 MR. RICHARD LLOYD: It would be.

7 MR. PAUL BONWICK: So then if I
8 understand the process, then staff would once again
9 evaluate the bids that come in, it would be done
10 typically in two (2) forms, one (1) in -- as it
11 relates to price, secondly, in terms of the product
12 and at the end of the day the services that are
13 expected to be delivered out of that product?

14 MR. RICHARD LLOYD: That's correct.

15 MR. PAUL BONWICK: So then staff would
16 do that and then bring it back to Council and then
17 Council would vote and decide which way they want to
18 go, fair?

19 MR. RICHARD LLOYD: That's fair.

20 MR. PAUL BONWICK: So getting those
21 responses back, would it be reasonable that -- you
22 might allow staff at least thirty (30) days to digest
23 the material, come up with a report and get it in
24 front of Council?

25 MR. RICHARD LLOYD: That's reasonable.

1 MR. PAUL BONWICK: And when I say
2 thirty (30) days, I'm not thinking they have to be
3 there thirty (30) days in a row to do this, but
4 Council of the whole only meet every two (2) weeks.
5 You guys have a funny schedule, I'm not familiar with,
6 but generally speaking they would have to get it
7 prepared and then get it on the Council docket. So
8 thirty (30) days would not be out of line?

9 MR. RICHARD LLOYD: Wouldn't be out of
10 line by the time it got back to Council with
11 recommendations and so on.

12 MR. PAUL BONWICK: So then you've got
13 to go for your permits, get all the approvals in place
14 to actually break ground.

15 MR. RICHARD LLOYD: Which again,
16 depending on where it is, the Nottawasaga Valley
17 Conservation Authority really plays a big role in it
18 because of the flood plains in Collingwood.

19 MR. PAUL BONWICK: Detailed
20 engineering plans, you have to go to the building
21 office, you've got to meet building codes, there --
22 rightly so for all good reasons there is a process in
23 place before you're actually given approval to go and
24 break ground. Fair?

25 MR. RICHARD LLOYD: That's fair.

1 MR. PAUL BONWICK: So if I follow that
2 train of thought, there was no possible way you could
3 go down that road, being realistic, you could go down
4 the road of the RFP and deliver it before your end of
5 term on Council?

6 MR. RICHARD LLOYD: I agree.

7 MR. PAUL BONWICK: You can't speak on
8 behalf of Council, but you certainly had lots of
9 discussion with your fellow councillors at the time.
10 Was that a consideration?

11 MR. RICHARD LLOYD: None.

12 MR. PAUL BONWICK: Sorry. Was that a
13 consideration by other councillors in terms of going
14 down the path of an RFP, and what that might do in
15 terms of your ability to deliver?

16 MR. RICHARD LLOYD: Previous councils
17 went down those roads, and they all went to a dead
18 end.

19 MR. PAUL BONWICK: Could you please
20 bring up document TOC0170467.

21 So during this same period of time,
22 when you've got the \$35 million solution, you've got
23 the \$12 million solution, you also have the option of
24 going for a Request For Proposals and maybe getting
25 something less, maybe getting something more, I can't

1 comment on that because you didn't get down that
2 process far enough.

3 If you could scroll down, please, to
4 the bottom? Right there.

5 During that same period of time is it
6 reasonable to suggest that there is a very
7 sophisticated or there is a well-coordinated movement
8 afoot with the Friends of the Park or the people that
9 are associated with the \$35 million facility to see
10 you choose that as the option?

11 MR. RICHARD LLOYD: Positively --

12 MR. PAUL BONWICK: And --

13 MR. RICHARD LLOYD: -- to keep the
14 shovels out of the ground.

15 MR. PAUL BONWICK: And so, I see by an
16 email that you sent to Ms. Proctor you had some
17 serious concerns coming out of a meeting as it related
18 to what the expectations were from the YMCA versus the
19 commitments that the municipality was prepared to
20 make. Is that fair?

21 MR. RICHARD LLOYD: That's fair.

22 MR. PAUL BONWICK: If you could go to
23 document number T0C -- sorry, TOC0170540.

24

25 (BRIEF PAUSE)

1 MR. PAUL BONWICK: You'll see here
2 from another one (1) of your Council colleagues. And
3 I apologize, that other one (1) went down quickly, but
4 I don't need it. I think you've reviewed it.

5 There was another comment on there from
6 Councillor Chadwick that echoed the points that you
7 raised in terms of concern as it related to the amount
8 of expenditure and what was going to come out of this
9 YMCA multi-use initiative.

10 I bring your attention to this one (1).
11 Here's another councillor. And Councillor Gardhouse
12 is raising the issue, 5 million plus for a new pool, 5
13 million plus to move and rebuild ball diamonds, plus
14 demo the outdoor rink, 2 million plus to reno and join
15 the buildings for a single footprint.

16 That's 2 million without an ice cube.
17 I assume he means an arena.

18 MR. RICHARD LLOYD: Twelve million.

19 MR. PAUL BONWICK: Sorry, 12 million
20 without an arena. I -- I assume that's what he's
21 referring to. But Central Park is a must.

22 I tried to read this a couple of times,
23 and I do get a little confused. But if I understand
24 one (1) thing out of this, it's that Councillor
25 Gardhouse wants an arena, and he wants it at Central

1 Park. The upper stuff just seems like he's a bit --

2 MR. RICHARD LLOYD: That's what I get
3 out of it --

4 MR. PAUL BONWICK: -- frustrated or
5 confused about what the expectations might be. Is
6 that fair?

7 MR. RICHARD LLOYD: That's what I get
8 out of this, too.

9 MR. PAUL BONWICK: So, we've got
10 councillors expressing concern about what a hybrid or
11 what the multi-use might look like. We've got
12 councillors that understand that an RFP process could
13 inhibit or not allow your -- you to deliver for your
14 term of Council.

15 We've got a very -- and I don't want to
16 put words in your mouth. There is a lobby afoot by
17 the friends of Central Park to either get Council to
18 approve or delay the project. Is that fair?

19 MR. RICHARD LLOYD: Totally accurate.

20 MR. PAUL BONWICK: Was the
21 aggressiveness of the lobby stepping up during this
22 period of time?

23 MR. RICHARD LLOYD: Very much so.

24 MR. PAUL BONWICK: Public
25 demonstrations?

1 MR. RICHARD LLOYD: Public
2 demonstrations around the town hall. I -- I can
3 remember one (1) of the -- the picketers having a sign
4 that says, Impeach Council. Instead of Impeach
5 Council, they spelled it as an actual peach.

6 MR. PAUL BONWICK: Sounds like Donald.

7 MR. RICHARD LLOYD: It was just
8 amazing the -- the move afoot, the phone calls, the
9 emails, the -- staff were inundated with FOIs. It
10 just was just unbelievable.

11 MR. PAUL BONWICK: So, there was a lot
12 of pressure on staff? Or sorry, my apologies, there
13 was a lot of pressure on Council to make some --

14 MR. RICHARD LLOYD: Huge.

15 MR. PAUL BONWICK: -- decision?

16 MR. RICHARD LLOYD: And I think we dug
17 our heels in as a result of it to get this thing going
18 even faster.

19

20 (BRIEF PAUSE)

21

22 MR. PAUL BONWICK: So, if I understand
23 you properly, you believe -- you can only speak on
24 your own behalf, but, again, you were discussing it
25 with other councillors.

1 You believed Council may have actually
2 expedited their decision-making process in the face of
3 the aggressive lobby they were facing?

4 MR. RICHARD LLOYD: I believe that,
5 yes.

6

7 (BRIEF PAUSE)

8

9 MR. PAUL BONWICK: This has all been
10 very, very helpful. Where I'm wanting to sort of,
11 just before I close out, spend a little bit of time,
12 and I'm struggling with it a bit, some of your answers
13 related to my involvement.

14 And so, you're stating clearly that you
15 had no idea -- you didn't realize that Paul Bonwick
16 was actually engaged in the file until sometime later,
17 a few years, as a result of reading either the court
18 docs or the OPP or the CIBCs -- CIBC, sorry, CBC
19 story, fair?

20 MR. RICHARD LLOYD: In Collingwood, I
21 didn't think you were involved at all. The only time
22 I thought you were involved with -- with Sprung or BLT
23 was at Wasaga Beach when Cal Patterson mentioned it to
24 me.

25 MR. PAUL BONWICK: I would

1 acknowledge, based on my recollection of -- of events
2 seven (7) years ago, that I did not sit you down and
3 go here's my role and here's what I'm being paid and -
4 - and here's my -- here's my level of engagement.

5 But for the benefit of the Inquiry, the
6 average Joe, if you see me on emails, if I'm following
7 up on something in Wasaga Beach, would it not seem
8 reasonable, at least, that I might have some sort of
9 affiliation?

10 MR. RICHARD LLOYD: Yes, when I look
11 at it now. But at the time, I never thought about it.
12 I thought you were just helping out Abby with Green --
13 Green Leaf.

14 MR. PAUL BONWICK: Things were moving
15 very quickly for you. We've had a thorough
16 description of the activities that were underway by
17 you.

18 But coming back to -- in hindsight,
19 when you look at some emails, when you look at the
20 level of engagement, I think it's -- it's a challenge
21 to not think that I wasn't involved in some way,
22 shape, or form?

23 It's obvious when I go through the
24 stuff now that I see that, obviously, you were
25 involved. I didn't put the -- connect the dots when -

1 - at the time.

2 MR. PAUL BONWICK: You were kind
3 enough to use the wow factor when you looked at the
4 fee my company was paid and the subsequent explanation
5 the judge had asked for.

6 Again, you didn't sit in on any of the
7 meetings and understand what was going to transpire,
8 that where the future direction was going?

9 MR. RICHARD LLOYD: No.

10 MR. PAUL BONWICK: Would you be aware
11 of the fact that Green Leaf had pursued other
12 initiatives and, in fact, had lost money on those
13 kinds of initiatives?

14 MR. RICHARD LLOYD: No.

15 MR. PAUL BONWICK: Would it be fair to
16 say that you would have no business knowing hundreds
17 of thousands of dollars had been invested in solar
18 vents or in various other environmental products
19 unsuccessfully?

20 MR. RICHARD LLOYD: I wouldn't know
21 that, like...

22 MR. PAUL BONWICK: Would you go wow if
23 you had seen that there was losses on the other side
24 of that balance sheet?

25 MR. RICHARD LLOYD: Probably. If I

1 looked at it, I'd --

2 MR. PAUL BONWICK: You'd -- you'd be
3 aware, of course, that this isn't -- this isn't a real
4 estate fee per se where an individual gets 5 or 6
5 percent. You understand that it actually was an
6 engagement between Green Leaf Distribution and BLT.
7 You -- you understand that?

8 MR. RICHARD LLOYD: I do, yes.

9 MR. PAUL BONWICK: You'll appreciate
10 that Green Leaf, not in a silo, based on any agreement
11 it might have with BLT, has other responsibilities,
12 like, rent, like, employees, like, other initiatives
13 that are on the go, and so you'll appreciate that
14 there's costs associated with that?

15 MR. RICHARD LLOYD: Yes.

16 MR. PAUL BONWICK: So, then, at the
17 end of the day, you could appreciate that it's -- and
18 just to correct the record, when you bill somebody for
19 your services, if you bill them six hundred and fifty
20 dollars (\$650) and you send them an invoice for seven
21 hundred and fifty dollars (\$750), do you get to keep
22 the full seven hundred and fifty (750) or does your
23 company keep the six fifty (650) and a hundred of it
24 goes to good old Provincial/Federal Government --

25 MR. RICHARD LLOYD: Now that's -- the

1 best part of three (3) -- three-quarters of a million
2 dollars, if I realized fifty (50), sixty thousand
3 (60,000) of it, I'll have had a successful contract.

4 MR. PAUL BONWICK: What kind of tax
5 are you paying on it though in terms of HST? Thirteen
6 percent, correct?

7 MR. RICHARD LLOYD: Oh, yeah, tax on
8 top of it.

9 MR. PAUL BONWICK: So, just --

10 THE HONOURABLE FRANK MARROCCO: Can --
11 can you two (2) -- that -- that particular aspect of
12 the conversation --

13 MR. PAUL BONWICK: Yes.

14 THE HONOURABLE FRANK MARROCCO: -- I
15 think is between the two (2) of you. I think we get
16 the point you're making.

17 MR. PAUL BONWICK: Thank you. Thank
18 you.

19

20 CONTINUED BY MR. PAUL BONWICK:

21 MR. PAUL BONWICK: The point I was
22 making, Mr. Lloyd, was simply the number seven fifty
23 (750) continues to be bounced around, and in fact it's
24 six seventy (670) or six sixty (660). I -- I don't
25 recall the exact number, but the point being is it's -

1 - it's not seven fifty (750). There's an identified
2 amount for good old Revenue Canada.

3 Move aside the environment that you've
4 experienced, move aside how hard you pushed to deliver
5 on these items and all the effort of staff, do you
6 believe today that the best possible decision was made
7 for the residents of Collingwood in terms of providing
8 them a second arena, a fully modern aquatics
9 facility, and a new therapeutic pool in a manner that
10 was arguably less -- significantly less than half of
11 the other initiative, namely the \$35 million dollar?

12 MR. RICHARD LLOYD: One hundred
13 percent for sure. I think it was a great deal for the
14 community. I think that -- that we delivered, BLT
15 delivered, Sprung delivered. I think that it was a
16 very positive thing for the community.

17 All you have to do, as I said before,
18 attend the facilities and see the kids in there or the
19 ice skaters or the -- the swim team, the Clippers.
20 They're getting more awards now, Provincial awards,
21 than they ever did because they have water twelve (12)
22 months of the year that is a FINA 12 -- FINA-regulated
23 pool, 25-metre.

24 MR. PAUL BONWICK: You were very
25 active in this file by evidence in terms of engaging

1 staff, other members of Council, conversations with
2 outside parties.

3 During your time with staff, did any
4 staff person ever raise concern about inappropriate
5 behaviour on my part about aggressive lobbying, about
6 anything that would -- you would -- you would deem to
7 be negative?

8 MR. RICHARD LLOYD: You never were
9 even an item of a staff report.

10 MR. PAUL BONWICK: Did the clerk ever
11 raise any issues that you're aware of with Council
12 about any of my involvement?

13 MR. RICHARD LLOYD: None.

14 MR. PAUL BONWICK: Did the CAO ever
15 raise any issues with respect to my involvement?

16 MR. RICHARD LLOYD: No.

17 MR. PAUL BONWICK: Did any of the
18 third parties ever raise any issues with regards to my
19 involvement?

20 MR. RICHARD LLOYD: No.

21

22 (BRIEF PAUSE)

23

24 MR. PAUL BONWICK: Just one (1)

25 second, Your Honour.

1 THE HONOURABLE FRANK MARROCCO: Well,
2 why don't I -- why don't we do this? Why don't we
3 take a short break, five (5), ten (10) minutes, and
4 you can take a look at your notes?

5

6 --- Upon recessing at 3:11 p.m.

7 --- Upon resuming at 3:21 p.m.

8

9 MR. PAUL BONWICK: Thank you, Your
10 Honour. I'll be brief. There was three (3) points --
11 and thank you for giving me time to review my notes.
12 There were three (3) quick points that I wanted to
13 seek some feedback or clarification from Mr. Lloyd on.

14

15 CONTINUED BY MR. PAUL BONWICK:

16 MR. PAUL BONWICK: Mr. Lloyd, beyond
17 any involvement that I may have had with the
18 Municipality over the years or politically, and your
19 understanding of that, can you confirm that you and I
20 have been engaged in various charitable initiatives
21 over the years in terms of raising money for different
22 organizations?

23 MR. RICHARD LLOYD: Yes.

24 MR. PAUL BONWICK: More specifically,
25 over the course of the last few years, with the

1 Snowhawks and the donations to the hospitals, both
2 here and in Markdale?

3 MR. RICHARD LLOYD: That's correct.

4 MR. PAUL BONWICK: So beyond our
5 family connection and the work connection, there's a
6 philanthropic connection there, and so we did over the
7 period of time have lots of reasons to be back and
8 forth and communicate with each other on any number of
9 different reasons.

10 MR. RICHARD LLOYD: Continually, yes.

11 MR. PAUL BONWICK: I wanted to quickly
12 touch on your statement -- your response to Ms.
13 McGrann's question about the security wall, the
14 aluminum panel -- vandal-proof wall.

15 MR. RICHARD LLOYD: The Sprung shield?

16 MR. PAUL BONWICK: The Sprung shield.
17 Thank you.

18 And so you in hindsight reflected --
19 when asked should that decision not have come from
20 Council, you responded in hindsight, yes, maybe
21 Council should have made that decision.

22 And I know I sat on Council not nearly
23 as long as you, but I don't recall an instance, and
24 I'm wondering if you can help me, where staff bring
25 forward a report or a works building, for example, and

1 suggest that we could either go with this overhead
2 crane or that overhead crane or we could perhaps go
3 with this type of door versus this type of door.
4 You've been here when fire chiefs have got up and made
5 requests for two and \$3 million fire trucks, and you
6 can maybe help me.

7 I don't recall them ever asking the
8 question about should the boom be thirty (30) feet or
9 should the boom be fifty (50) feet. You -- you'll see
10 where I'm going with this in terms of it's a mixed
11 diverse group of councillors.

12 Do councillors not really rely on staff
13 to make a determination, is this good value, and
14 here's what you're being asked to support financially?

15 MR. RICHARD LLOYD: And probably
16 through frustration as I've said, that, you know,
17 yeah, should it bring back to Council because that's
18 the easy way out. But you're right. When the Public
19 Works Department spec out a plow truck, we don't know
20 if it's going to have a -- a sander on it or a -- or
21 what type of sander or what the wing is going to be
22 like or the cutting edge on the blade or anything like
23 that. We don't get involved in that kind of thing.

24 Just that I guess the Sprung shield
25 issue become such a big issue because of this break-

1 in, and it was in the specs to start with -- I know
2 Councillor Chadwick had sent an email about it, but I
3 felt guilty that, you know, knowing about it, I
4 probably should have brought it back to Council, that
5 it wasn't involved, only because of those aspects.
6 But you're right.

7 The other thing that -- that quite
8 easily I would have been blamed for is micro-managing
9 to. So I don't know how you win at it because as soon
10 as you start tearing apart what the staff is doing,
11 then you're accused for micro-managing, and -- or
12 directing staff or whatever. So I don't know how to
13 win at that.

14 MR. PAUL BONWICK: Right. I think
15 we've heard that, but to my line of questioning, it's
16 really just about -- there's a number presented and a
17 product presented and Council is asked to make a
18 decision, do they want to go in that direction or not,
19 and individually they get up and vote or raise their
20 hands. Fair?

21 MR. RICHARD LLOYD: Fair.

22 MR. PAUL BONWICK: You never asked
23 about whether or not alarm systems going in the Works
24 Department or what kind of alarm systems going in the
25 Works Department, to address any potential vandalism.

1 Fair?

2 MR. RICHARD LLOYD: That's fair.

3 MR. PAUL BONWICK: When the
4 presentation is made to Council, you've acknowledged
5 you were unaware of either the fee structure that had
6 been negotiated with Green Leaf or, for that matter,
7 would it be safe to say you had no idea what the
8 profit margins were from BLT? You would not know what
9 the profits -- margins were from Sprung in terms of
10 the product.

11 So is it consistent that Council is
12 accountable and responsible to make a decision based
13 on, here's the number, here's the product, you now
14 have three (3) choices? Staff say you can go in this
15 direction, staff say you could -- obviously you knew
16 you could go in the \$35 million -- a lot of that work
17 had been done, and everybody acknowledges you could
18 have taken the choice of an RFP.

19 That was Council's decision, correct?

20 MR. RICHARD LLOYD: That's correct.

21 MR. PAUL BONWICK: And so whether or
22 not I have a fee in it or don't have a fee in it,
23 whether or not BLT has a 2 percent profit margin or a
24 15 percent profit margin, or whether Sprung has a 20
25 percent profit margin or a 10 percent, that's not

1 typically part of the -- the presentation or the
2 understanding from Councillors.

3 Is that a fair statement?

4 MR. RICHARD LLOYD: With -- yes, and
5 with all products the Town buys. I'm sure that Lewis
6 Motors don't sell his trucks without a profit margin.
7 I know what the profit margin is.

8 MR. PAUL BONWICK: Councillor Lloyd --
9 or sorry, Councillor Lloyd. Thank you very much for
10 your time. I appreciate everything. Thank you.

11

12 (BRIEF PAUSE)

13

14 CROSS-EXAMINATION BY MR. RYAN BREEDON:

15 MR. RYAN BREEDON: Mr. Lloyd, I have a
16 few questions arising out of some things that Ms.
17 McGrann asked you.

18 First I wonder if we can turn up
19 Foundation Document 957, just to orient us in time.

20

21 (BRIEF PAUSE)

22

23 MR. RYAN BREEDON: So you'll see that
24 just -- this is for the date that the CBC published
25 the OPP's document in June of 2018. See that?

1 MR. RICHARD LLOYD: I do, yes.

2 MR. RYAN BREEDON: All right. And you
3 testified this morning that that was when you first
4 learned that Green Leaf was paid \$750,000?

5 MR. RICHARD LLOYD: Yes.

6 MR. RYAN BREEDON: And it was also
7 when you first learned, I believe, that Green Leaf was
8 Mr. Bonwick's company.

9 MR. RICHARD LLOYD: Conclusively, yes.

10 MR. RYAN BREEDON: Right. What do you
11 mean by "conclusively"?

12 MR. RICHARD LLOYD: This made it
13 conclusive that it definitely is Mr. Bonwick's
14 business, because it showed the percentage that he
15 owned and what percentage Abby Stec owned.

16 MR. RYAN BREEDON: Did you suspect
17 that Green Leaf was Mr. Bonwick's business --

18 MR. RICHARD LLOYD: I didn't.

19 MR. RYAN BREEDON: -- before that?

20 MR. RICHARD LLOYD: No.

21 MR. RYAN BREEDON: All right. And
22 your response says -- you know, a number of people
23 have -- have pointed out, was to say, wow, and that
24 was because you found the number to be striking.

25 MR. RICHARD LLOYD: I didn't find it

1 frightening. I just --

2 MR. RYAN BREEDON: Striking, I said.

3 MR. RICHARD LLOYD: Okay, sorry. I
4 couldn't lipread it right.

5 I thought that it was a large number.
6 Again, not knowing what Green Leaf did or anything
7 else, I don't know what the number would be that
8 Sprung got either, like.

9 MR. RYAN BREEDON: All right. Now, in
10 -- we saw in Phase 1 that Alectra paid Compenso, Mr.
11 Bonwick's other company, about \$320,000. You remem --
12 remember that?

13 MR. RICHARD LLOYD: PowerStream, I
14 think.

15 MR. RYAN BREEDON: PowerStream, yes,
16 at the time. And now we see that you knew from the
17 OPP report that BLT had paid Green Leaf \$750,000.

18 MR. RICHARD LLOYD: Right.

19 MR. RYAN BREEDON: Yes? So I -- I had
20 that question then about some of your evidence from
21 Phase 1. Can we look at the transcript May 2nd, 2019,
22 page 39, please?

23

24 (BRIEF PAUSE)

25

1 MR. RYAN BREEDON: I'm sure you'll
2 remember this, Mr. Lloyd. This was the start of your
3 cross-examination the last time you were here.

4 MR. RICHARD LLOYD: Right.

5 MR. RYAN BREEDON: Scroll down to page
6 -- or to line 8, please, and we'll start there. And
7 so, you'll see I asked you -- I pointed out that there
8 had been reports in the media that Mr. Bonwick had
9 made approximately a million dollars from the
10 transactions in this Inquiry, asked you if you'd seen
11 that.

12 And your response, you'll see on the
13 screen, was:

14 "No, I didn't see that he made a
15 million dollars out of this
16 transaction. I wouldn't mind if you
17 could show it to me, the document."

18 You see that? Scroll down, please.

19 And I say:

20 "Assuming that's the case, and we're
21 going to find out as part of that
22 process whether or not it was true -
23 - and then carrying on -- you would
24 agree that it would be unusual for
25 the brother of the mayor and the

1 close family friend of the deputy
2 mayor to make a million dollars on
3 Town business?"

4 Keep going, please. And your response
5 you'll see here on the top of page 40 was:

6 "I take offence to you making
7 statements that you can't verify.
8 If you can verify the statement he
9 made a million dollars on this
10 transaction of Collus, I'd like to
11 see it so I can give comment."

12 And you go on to say:

13 "You're asking me to give comment on
14 something with no verification, with
15 no substance to it. If you can give
16 me the substance, I'll comment. I
17 don't know if he made a dollar or a
18 hundred thousand dollars."

19 Keep going.

20 "Reading this document, I seen it
21 was approximately three hundred
22 thousand dollars (\$300,000) he got
23 paid. That's a lot of difference
24 between three hundred thousand
25 dollars (\$300,000) and a million

1 dollars. That's the type of games I
2 see being played here."

3 And then, if you can give me -- pardon
4 me:

5 "If you can show me in here or prove
6 he was paid a million dollars for
7 this transaction, okay, I'll give
8 comment. I can't give comment to
9 something that's speculative. I
10 just think it's wrong."

11 Just scroll down, please.

12 "But again, you're suggesting to me
13 that he was paid a million dollars.
14 Can you show me where he was paid a
15 million dollars?"

16 And then it keeps going on. I don't
17 think we need to continue. You see that?

18 MR. RICHARD LLOYD: Yes.

19 MR. RYAN BREEDON: All right. Now,
20 you knew when you were giving evidence in May of this
21 year that Mr. Bonwick had in fact -- or Mr. Bonwick's
22 companies had, in fact, been paid a million dollars,
23 in fact, more than a million dollars on these two (2)
24 transactions, correct?

25 MR. RICHARD LLOYD: Can we scroll up a

1 bit on this, if you don't mind?

2

3

(BRIEF PAUSE)

4

5

MR. RICHARD LLOYD: Keep going, I'm

6 sorry.

7

8

(BRIEF PAUSE)

9

10

MR. RICHARD LLOYD: What I said is, if

11

you can verify the statement that he made a million

12

dollars on this transaction of Collus, I'd like to see

13

it. I was of the mind -- and, again, I -- I apologize

14

to you and the court for losing my temper, but I was

15

of the mind that we were only dealing with Collus at

16

the time, not with the second phase.

17

So, what I was referring to is, in the

18

documents, of the Foundation Document of Collus, it

19

was around three hundred thousand dollars (\$300,000),

20

not a million.

21

We're dealing today with -- with the

22

second phase, which is another six hundred and fifty

23

thousand (650,000). All together, it's a million

24

dollars, but at this point in time, the transaction

25

for Collus was not a million dollars.

1 MR. RYAN BREEDON: All right. Now,
2 you were actually asked whether Mr. Bonwick had made
3 the million dollars on the transactions at issue in
4 this judicial inquiry.

5 MR. RICHARD LLOYD: I apologize to
6 you.

7 MR. RYAN BREEDON: All right.

8 MR. RICHARD LLOYD: I knew it would
9 come back.

10 MR. RYAN BREEDON: Sorry?

11 MR. RICHARD LLOYD: I knew that this
12 would come back.

13 MR. RYAN BREEDON: I -- I take it
14 you'll agree that it was unusual for the brother of
15 the mayor to make a million dollars on Town business?

16 MR. RICHARD LLOYD: I can't agree with
17 you be -- I -- I've got to tell you that, under the
18 Municipal Act of Ontario, it's very clear that -- that
19 -- what the conflict of interests are. It doesn't
20 preclude brothers or sisters from making money for the
21 municipality.

22 I know that Mr. -- and I'm not
23 defending Mr. Bonwick or anything else. He had the
24 opportunity to -- to work for the municipality or
25 whoever he was working for. I don't know how much he

1 made in the past with municipalities.

2 He obviously had a good opportunity
3 here and -- and worked hard for it, I guess.

4 MR. RYAN BREEDON: Okay. So, none of
5 that was what I asked you.

6 MR. RICHARD LLOYD: Sorry.

7 MR. RYAN BREEDON: My question was: Do
8 you agree that it was unusual that the brother of the
9 mayor and the close friend of the deputy mayor, as
10 you've told us, made a million dollars on Town
11 business?

12 Is that something that was usual or
13 unusual in Collingwood?

14 MR. RICHARD LLOYD: In Collingwood?
15 Unusual.

16 MR. RYAN BREEDON: Right. And -- and
17 particularly unusual when the public didn't know about
18 Mr. Bonwick's involvement in either transaction,
19 correct?

20 MR. RICHARD LLOYD: Correct.

21 MR. RYAN BREEDON: It wasn't public
22 knowledge that Mr. Bonwick was involved in the sale of
23 Collus?

24 MR. RICHARD LLOYD: I don't know. He
25 wasn't working for the Town of Collingwood, so. He

1 was working for PowerStream, not unlike one (1) of the
2 board member's law firms were -- worked for
3 PowerStream, which I didn't know either.

4 MR. RYAN BREEDON: It wasn't public
5 knowledge that Mr. Bonwick was working with
6 PowerStream with respect to the sale of Collus,
7 correct?

8 MR. RICHARD LLOYD: Okay. Yes. Fine.

9 MR. RYAN BREEDON: And it wasn't
10 public knowledge that Mr. Bonwick was involved in the
11 BLT transaction?

12 MR. RICHARD LLOYD: Correct.

13 MR. RYAN BREEDON: Okay. Okay, I want
14 to turn now to the evidence of Mr. Tom Lloyd. And Mr.
15 Bonwick actually clarified this a little bit. I -- I
16 take it -- so, Mr. Lloyd, Tom Lloyd, testified, as
17 you've heard, that you told him it would be great for
18 Mr. Bonwick to get involved as a part of the process
19 and that Mr. Bonwick could, and I'll quote,

20 "Get the project done whether for
21 Sprung or anyone else."

22 And you've -- you've heard that Mr.
23 Lloyd testified to that. And -- and do I take it that
24 your evidence is you might have said that, you just
25 don't remember one way or another?

1 MR. RICHARD LLOYD: That's correct.

2 MR. RYAN BREEDON: Okay. Thank you.

3 Okay. Now, Council meetings are on Mondays?

4 MR. RICHARD LLOYD: That's correct.

5 MR. RYAN BREEDON: All right. And

6 that -- that was the case back in 2012?

7 MR. RICHARD LLOYD: Yes.

8 MR. RYAN BREEDON: And, as I

9 understand it, the agendas are circulated on the
10 preceding Friday?

11 MR. RICHARD LLOYD: Generally, yes.

12 MR. RYAN BREEDON: There -- there
13 could be late items, I take it, but the general rule
14 is they go out on the Friday?

15 MR. RICHARD LLOYD: Yeah.

16 MR. RYAN BREEDON: And is that -- that
17 is the first time that the agenda is made public?

18 MR. RICHARD LLOYD: Yes. It's posted
19 on the website, as well.

20 MR. RYAN BREEDON: Right. It's sent
21 to the councillors. And then the -- the material gets
22 posted on the website --

23 MR. RICHARD LLOYD: That's correct.

24 MR. RYAN BREEDON: -- unless there's
25 in camera material or something?

1 MR. RICHARD LLOYD: Yeah

2 MR. RYAN BREEDON: But -- but there's
3 not an earlier publication of when the agenda -- what
4 -- what's going to be on the agenda?

5 MR. RICHARD LLOYD: Generally not.

6 MR. RYAN BREEDON: Right.

7 MR. RICHARD LLOYD: That's correct.

8 MR. RYAN BREEDON: And so, the first
9 time that a member of the public would know what's
10 happening on Monday night is when it goes on the
11 website on the -- the Friday before?

12 MR. RICHARD LLOYD: That's correct.

13 MR. RYAN BREEDON: And -- and in the -
14 - attached to the agenda are the staff reports that
15 are going to be addressed at the following meeting?

16 MR. RICHARD LLOYD: That's correct.

17 MR. RYAN BREEDON: Okay. And those
18 staff reports, as a general matter, are not otherwise
19 publically available?

20 MR. RICHARD LLOYD: Say that again.
21 I'm sorry, I missed that.

22 MR. RYAN BREEDON: Sure. So -- so,
23 the -- the staff reports get attached to the agenda
24 and posted on the website --

25 MR. RICHARD LLOYD: That's right.

1 MR. RYAN BREEDON: Right. The -- the
2 staff reports are not otherwise published generally?

3 MR. RICHARD LLOYD: Only attached to
4 the --

5 MR. RYAN BREEDON: Right.

6 MR. RICHARD LLOYD: -- generally,
7 yeah.

8 MR. RYAN BREEDON: The -- the only way
9 a member of the public gets the staff report is by
10 downloading the agenda package on the Friday?

11 MR. RICHARD LLOYD: Or coming to the
12 Town hall, yes.

13 MR. RYAN BREEDON: Or coming to the
14 Town hall. Again, it would have to be on the Friday
15 or after?

16 MR. RICHARD LLOYD: Generally, yes.

17 MR. RYAN BREEDON: Like -- like, a
18 member of the public can't come on Wednesday or
19 Thursday to get the staff reports for the following
20 Monday's meeting?

21 MR. RICHARD LLOYD: I -- I can't
22 answer that because I'm not sure that -- that
23 sometimes staff reports are released earlier than the
24 Council agenda. Generally speaking, you're correct.

25 MR. RYAN BREEDON: A member of the

1 public wouldn't get the staff report before the
2 members of Council --

3 MR. RICHARD LLOYD: Generally not.
4 That's right.

5 MR. RYAN BREEDON: -- I -- I mean,
6 barring some unusual circumstance --

7 MR. RICHARD LLOYD: Yeah.

8 MR. RYAN BREEDON: -- I suppose?
9 Okay. Can we look at CJI6146, please?

10

11 (BRIEF PAUSE)

12

13 MR. RYAN BREEDON: Page 4. And this
14 is the staff report that you've seen I'm sure now a
15 number of times. This is the final version of the
16 staff report for the August 27th meeting. If you want
17 to read through it, you're welcome to, but I'm pretty
18 sure you're familiar with it by now.

19 And one (1) -- scroll down, please. A
20 little bit more. And stop there, please. Okay. Ms.
21 McGrann had asked you a number of questions about some
22 drafts of the staff report, and then about this final
23 one (1).

24 And you'll see in the paragraph that
25 starts:

1 "The estimated cost for the supply
2 and construction of the Basic
3 insulated architectural membrane..."

4 You see that?

5 MR. RICHARD LLOYD: Yes, I do, yeah.

6 MR. RYAN BREEDON: What it says is
7 that:

8 "The cost of buying the Sprung
9 structure is seven million three
10 hundred and ninety-two thousand
11 dollars (\$7,392,000) and the cost of
12 buying a pre-engineered steel
13 structure would be between 11.1 and
14 \$12.3 million."

15 You see that?

16 MR. RICHARD LLOYD: Yes.

17 MR. RYAN BREEDON: Okay. Now, Ms.

18 McGrann had asked you a number of questions about
19 contingencies being included or not included in these
20 numbers.

21 From my review of the report, it's not
22 obvious whether contingencies were included in either
23 of the numbers. Did you know whether these numbers
24 included contingencies in either one (1) or the other
25 or both of them?

1 MR. RICHARD LLOYD: No, I didn't.

2 MR. RYAN BREEDON: Okay. And so, I
3 think the evidence has been the contingencies are
4 included in one (1) number and not in the others.

5 I take it you didn't know that?

6 MR. RICHARD LLOYD: I didn't know
7 that. That's correct.

8 MR. RYAN BREEDON: And I -- I presume
9 that you -- well, I shouldn't presume anything. Did
10 you think that these numbers were accurate when you
11 reviewed the reports?

12 MR. RICHARD LLOYD: Yes.

13 MR. RYAN BREEDON: Okay. Council's
14 relying on staff to provide accurate information for
15 it to make its decision?

16 MR. RICHARD LLOYD: That's correct.

17 MR. RYAN BREEDON: And I take it that,
18 although you've told us that you were enamoured of the
19 Sprung product from when you first saw it, when it
20 comes time to actually cast your vote, I take it that
21 one (1) of the factors that you rely on -- or relied
22 on was this financial analysis that had been
23 performed?

24 MR. RICHARD LLOYD: That's correct.

25 MR. RYAN BREEDON: Yes?

1 MR. RICHARD LLOYD: Yes.

2 MR. RYAN BREEDON: Okay. And then you
3 mentioned the LEED. And you've -- you told Ms.
4 McGrann that you thought that the Sprung building
5 would be LEED silver equivalent.

6 And was that another factor that you
7 relied on when you reached your decision?

8 MR. RICHARD LLOYD: I -- I thought it
9 was important.

10 MR. RYAN BREEDON: And was there
11 anything else? Turnkey. I think that was important.
12 Everything I looked at with Sprung, the building just
13 made a lot of sense.

14 MR. RYAN BREEDON: Okay. Now, by,
15 "Turnkey," you mean that BLT was going to deliver a
16 completed product?

17 MR. RICHARD LLOYD: All you had to do
18 was add swimmers and skaters.

19 MR. RYAN BREEDON: Right. All right.
20 Presumably, you could have had the same arrangement
21 with a pre-engineered steel structure or any other
22 kind of construction?

23 MR. RICHARD LLOYD: Presumably, sure.

24 MR. RYAN BREEDON: Okay. All right.
25 Now, I want to just talk about Mr. Bonwick's

1 involvement for a moment. He also asks you a number
2 of questions about this.

3 As I understood your evidence today, am
4 I correct that you don't recall discussing the Sprung
5 project with Mr. Bonwick specifically?

6 MR. RICHARD LLOYD: That's correct.

7 MR. RYAN BREEDON: All right. And I
8 think you told Ms. McGrann that you may have discussed
9 it with him in the way that you may have discussed it
10 with any other citizen?

11 MR. RICHARD LLOYD: Off the cuff,
12 that's correct.

13 MR. RYAN BREEDON: You were talking to
14 anybody who would listen about Sprung?

15 MR. RICHARD LLOYD: That's right.

16 MR. RYAN BREEDON: All right. But I
17 take it from that, that you did not provide any
18 information regarding the Town's deliberations to Mr.
19 Bonwick?

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

21 MR. RYAN BREEDON: Okay. And you
22 didn't provide any confidential information about the
23 Town's investigations or deliberations to Mr. Bonwick?

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

25 MR. RYAN BREEDON: Okay. And you

1 didn't provide any confidential information about the
2 Town's investigations or deliberations to Mr. Bonwick.

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

4 MR. RYAN BREEDON: And your evidence
5 is that you didn't know that Mr. Bonwick was working
6 for Sprung and BLT, at least with respect to the
7 Collingwood project?

8 MR. RICHARD LLOYD: That's correct.

9 MR. RYAN BREEDON: I've got that
10 right?

11 MR. RICHARD LLOYD: Yeah.

12 MR. RYAN BREEDON: I wonder if we can
13 then turn up CJI0007211 again, please?

14

15 (BRIEF PAUSE)

16

17 MR. RYAN BREEDON: And scroll down to
18 the very bottom. Ms. McGrann took you to this email
19 earlier today, and I have to say I'm a little
20 perplexed by it.

21 So you were at a County Council meeting
22 and that's when you had this discussion with Mr.
23 Patterson?

24 MR. RICHARD LLOYD: That's right. He
25 was the warden.

1 MR. RYAN BREEDON: All right. And
2 that was on the 22nd of August?

3 MR. RICHARD LLOYD: That's correct.

4 MR. RYAN BREEDON: All right. So you
5 sent this email right after that meeting?

6 MR. RICHARD LLOYD: Right at the
7 beginning of the meeting.

8 MR. RYAN BREEDON: I see. And you
9 told Ms. McGrann, and also Mr. Bonwick, that you
10 understood from what had been communicated here that
11 Mr. Bonwick was involved with Sprung pitching Wasaga
12 Beach.

13 MR. RICHARD LLOYD: That's correct.

14 MR. RYAN BREEDON: He was working with
15 Sprung in some capacity with respect to that?

16 MR. RICHARD LLOYD: Yes.

17 MR. RYAN BREEDON: Okay. And you'll
18 see that -- in the second sentence you write:

19 "Cal told us this when he overheard
20 you speaking about our plans for
21 Monday night and the proposed Sprung
22 building."

23 You see that?

24 MR. RICHARD LLOYD: Yes.

25 MR. RYAN BREEDON: Okay. Now, the

1 Monday night is a reference to the following Monday,
2 August the 27th.

3 MR. RICHARD LLOYD: That's right.

4 MR. RYAN BREEDON: And that's the plan
5 for this matter to come before the Collingwood
6 Council?

7 MR. RICHARD LLOYD: That's correct.

8 MR. RYAN BREEDON: And the "our" in
9 "our plans" is at least Collingwood?

10 MR. RICHARD LLOYD: That's correct.

11 MR. RYAN BREEDON: Okay. Now, if Mr.
12 Bonwick wasn't involved in the Collingwood project,
13 why would he know about the plan for the Sprung
14 project to be put before Council here on the 27th?

15 MR. RICHARD LLOYD: I have no idea.

16 MR. RYAN BREEDON: Well, didn't you
17 turn your mind to that?

18 MR. RICHARD LLOYD: I don't know what
19 you want me to say. I don't know how he knew that it
20 was coming to Council Monday. I don't know if -- if
21 it was public that we're bringing this Monday. I know
22 we had lots of demonstrations that Monday out front.
23 Maybe others knew too. I don't know.

24 MR. RYAN BREEDON: Okay. Well, the
25 demonstrations arise because the staff report gets

1 published on the Friday the 24th, correct?

2 MR. RICHARD LLOYD: that's right.

3 MR. RYAN BREEDON: And -- and it's
4 that weekend that the controversy around the Sprung
5 proposal starts.

6 MR. RICHARD LLOYD: Prior to that it
7 started -- we had demonstrations prior to that as
8 well.

9 MR. RYAN BREEDON: Are you sure about
10 that?

11 MR. RICHARD LLOYD: No, but I -- I
12 believe we did. I know we had lots of emails and lots
13 of information.

14 MR. RYAN BREEDON: Well, how -- how
15 could there be emails or information about -- or
16 demonstrations about the Town's plans to proceed with
17 Sprung before the staff report is made public and
18 people know what the recommendations are?

19 MR. RICHARD LLOYD: In the -- in the
20 Foundation Document, you go back -- I've got to find
21 it -- where Mr. Saunderson had also explained to -- to
22 this committee that this was going forth, and Council
23 clo -- and we had to stop them. Marta Proctor, there
24 was something from her, and -- to him, saying that
25 well, we seen this coming.

1 MR. RYAN BREEDON: I understand that
2 committee doesn't -- doesn't get started until the
3 27th of August.

4 MR. RICHARD LLOYD: Well then maybe
5 I'm wrong, but I think that it was prior to it. I'd
6 like -- I'd like to see the -- the dates on it so I
7 can legitimately answer your question.

8 MR. RYAN BREEDON: Of course I don't
9 know what you're talking about, so I'm not sure I'm
10 going to be able to help you find it.

11 What -- what specifically is it --

12 THE HONOURABLE FRANK MARROCCO: t's --

13 MR. RYAN BREEDON: -- that you're --

14 THE HONOURABLE FRANK MARROCCO: It's --

15 MR. RYAN BREEDON: -- asking to see?

16 THE HONOURABLE FRANK MARROCCO: It's
17 an email by Mr. Saunderson, I think, is it?

18 MR. RICHARD LLOYD: It's an email from
19 Mr. Saunderson to -- what's her name? Marta Proctor
20 was involved and also -- I'm trying to think of her
21 name.

22 THE HONOURABLE FRANK MARROCCO: The
23 second in -- on the committee?

24 MR. RICHARD LLOYD: Yes.

25 THE HONOURABLE FRANK MARROCCO:

1 Tucker-McLeod (sic) --

2 MR. RICHARD LLOYD: It was -- yeah,
3 the Co-Chair.

4 THE HONOURABLE FRANK MARROCCO: All
5 right. Have we got that?

6 MS. KATE MCGRANN: Paragraph 189, I
7 think, of the Foundation Document.

8 MR. RICHARD LLOYD: I want to see it,
9 if I can.

10 THE HONOURABLE FRANK MARROCCO: Sorry,
11 Mr. Breedon, we'll get it in a minute and you can go--

12 MR. RYAN BREEDON: No, that's --

13 THE HONOURABLE FRANK MARROCCO: --
14 back to your cross-examination.

15 MR. RYAN BREEDON: No, that's fine.
16 Thank you, Your Honour.

17 MR. RICHARD LLOYD: July 5th.

18

19 CONTINUED BY MR. RYAN BREEDON:

20 MR. RYAN BREEDON: So, well -- what
21 this provides is that Ms. Proctor forwards a news
22 release to Ms. Tucker-Reid and Mr. Saunderson on July
23 5th and that there was an email exchange. Is --

24 MR. RICHARD LLOYD: There was others
25 too.

1 (BRIEF PAUSE)

2

3 MR. PAUL BONWICK: Your Honour, is it
4 possible to open up the email?

5 THE HONOURABLE FRANK MARROCCO: Sure,
6 but I don't want to take Mr. Breedon too far out of
7 his cross-examination, but I think -- I think that's
8 reasonable. Open -- open the email up. I'll let you
9 go back, Mr. Breedon, and you can continue your
10 questioning.

11

12 (BRIEF PAUSE)

13

14 MR. RICHARD LLOYD: I can't find it.

15

16 CONTINUED BY MR. RYAN BREEDON:

17 MR. RYAN BREEDON: All right. Why
18 don't we go back to -- I'm not -- you're welcome to
19 read this email that Ms. Veronik (phonetic) had turned
20 up. I'm not sure it's going to be of any assistance.

21 All right. Can we go back to
22 CJI0007211, please?

23

24 (BRIEF PAUSE)

25

1 MR. RYAN BREEDON: And back down to
2 the -- Mr. Lloyd's email.

3 So the other -- the other issue about
4 this that I find a bit troubling, sir, and I'm hoping
5 you can help us, not only does Mr. Bonwick know about
6 the plans -- seemingly know about the plans to present
7 Sprung to Council, but your decision to -- to respond
8 to that is to email Mr. Bonwick. So you don't email
9 Tom Lloyd or -- or one (1) of the individuals from BLT
10 who you'd been communicating with. You decided to
11 send the email to Mr. Bonwick.

12 I'm going to suggest to you that's
13 because you knew at the time that Mr. Bonwick was
14 involved in Sprung and BLT's bid for the Collingwood
15 business.

16 MR. RICHARD LLOYD: I did not -- I've
17 said it numerous times. I respond to Bonwick because
18 Cal Patterson said it was Bonwick that presented it.

19 MR. RYAN BREEDON: M-hm. Why didn't
20 you ask Mr. Bonwick when -- when you emailed him then,
21 how he ever knew about what was going on in
22 Collingwood?

23 MR. RICHARD LLOYD: I sent this email,
24 as you see. There's all kinds of things you can
25 suppose and -- and, well, you should have done this,

1 you should have done that. That's what I sent.

2 MR. RYAN BREEDON: Right. And my
3 question was: Why didn't you ask Mr. Bonwick how he
4 knew about this if you didn't think he was involved?

5 MR. RICHARD LLOYD: I never thought
6 about it.

7 MR. RYAN BREEDON: You told Ms.
8 McGrann this morning that -- I'm going to paraphrase,
9 so correct me if I've got this wrong. You -- you told
10 her that one (1) of the reasons that you thought Mr.
11 Bonwick was not involved was because in the Collus
12 deal he had come forward and made his involvement
13 known to yourself and a number of others, and -- and
14 that there was no similar disclosure in this case.

15 Is that right? Do I have that right?

16 MR. RICHARD LLOYD: That's right.

17 MR. RYAN BREEDON: And -- and do I --
18 I take it that at that point you had expected that if
19 Mr. Bonwick was involved that he would have made that
20 disclosure?

21 MR. RICHARD LLOYD: I would have
22 thought it -- because of what happened with Collus.

23 MR. RYAN BREEDON: Right. And you
24 also testified that you took comfort from Mr.
25 Bonwick's email to you about that subject. Do you

1 remember that?

2 MR. RICHARD LLOYD: That's correct.

3 MR. RYAN BREEDON: And the email I
4 don't think actually got turned up, but maybe we can
5 look at it. If -- if I've got this one right, it
6 should be TOC021652, and then .0001.

7

8 (BRIEF PAUSE)

9

10 MR. RYAN BREEDON: I think it's
11 TOC021652.0001.

12 COURT OPERATOR: 0021652?

13 MR. RYAN BREEDON: 021652.0001. Are
14 you sure?

15

16 (BRIEF PAUSE)

17

18 MR. RYAN BREEDON: I just have it as
19 being 021652.

20 MR. JOHN MATHER: Try TOC0210652.1.

21 MR. RYAN BREEDON: Thank you very
22 much, Mr. Mather. Sorry, I apologize to our Court
23 Operator.

24

25 (BRIEF PAUSE)

1 CONTINUED BY MR. RYAN BREEDON:

2 MR. RYAN BREEDON: Right. Scroll down
3 to the bottom, please. All right.

4 So you had been taken to a version --
5 one (1) of the copies of this email earlier. Mr.
6 West, who I understand was a member of Council at the
7 time, asked you whether there was a connection with
8 Paul Bonwick.

9 You remember that?

10 MR. RICHARD LLOYD: Yeah.

11 MR. RYAN BREEDON: And then -- scroll
12 up, please.

13 And we saw that you responded to Mr.
14 West at the time, not -- not that you were aware. You
15 also forwarded the email to Mr. Bonwick, looks like
16 the following day.

17 Do you see that?

18 MR. RICHARD LLOYD: Yes.

19 MR. RYAN BREEDON: All right. And
20 then Mr. Bonwick responds:

21 "lol. Not that I am aware of. I
22 don't think he works in Town much
23 anymore but I did hear he was
24 running for the Liberals again."

25 You see that?

1 MR. RICHARD LLOYD: That's right.

2 MR. RYAN BREEDON: Is that the
3 response that you were referring to?

4 MR. RICHARD LLOYD: Yes.

5 MR. RYAN BREEDON: Okay. And it's --
6 it seems to be saying -- Mr. Bonwick seems to be
7 saying that he's not aware of any connection between
8 himself and this transaction.

9 MR. RICHARD LLOYD: That's right.

10 MR. RYAN BREEDON: And that seems to
11 not be correct, we now know.

12 MR. RICHARD LLOYD: That's right.

13 MR. RYAN BREEDON: All right. Did you
14 ever ask Mr. Bonwick why he wasn't truthful to you
15 when he responded to your email?

16 MR. RICHARD LLOYD: I have not
17 discussed this with Mr. Bonwick. That's what I said
18 earlier.

19 MR. RYAN BREEDON: Thank you very
20 much. Those are my questions.

21 MS. KATE MCGRANN: No further
22 questions.

23 THE HONOURABLE FRANK MARROCCO: Thank
24 you very much, Mr. Lloyd.

25 MR. RICHARD LLOYD: Thank you.

1 (WITNESS STANDS DOWN)

2

3 THE HONOURABLE FRANK MARROCCO: So
4 tomorrow we have the balance of the evidence from Mr.
5 Dabrus, right? And we have the other witness.

6 MR. JOHN MATHER: Mr. Milanovic?

7 THE HONOURABLE FRANK MARROCCO: Yeah.
8 Is that his name, Mr. Milanovic?

9 MR. JOHN MATHER: First name is Mel.

10 THE HONOURABLE FRANK MARROCCO: Mel.
11 Mr. Milanovic. The help I get is really remarkable.
12 The -- I'm -- has there -- I'm prepared to try to do
13 that by way of an affidavit if we can arrive at
14 something. So we -- we might -- if we can do that,
15 we'll -- we'll -- we'll circulate. We'll -- we'll do
16 that and then you can let us know whether anybody
17 wants to cross-examine or not.

18 Does that -- is that -- is it
19 worthwhile -- failing which we just produce him as a
20 witness and --

21 MR. FREDERICK CHENOWETH: I -- I think
22 it's a worthwhile exercise.

23 THE HONOURABLE FRANK MARROCCO: All
24 right. Well, in that case we'll give it a try.
25 Anybody -- any other views?

1 MR. PAUL BONWICK: Your Honour.

2 THE HONOURABLE FRANK MARROCCO: Yeah.

3 MR. PAUL BONWICK: The rest likely
4 know the answer to this, but if we receive the
5 anticipated evidence --

6 THE HONOURABLE FRANK MARROCCO: You
7 already have that.

8 MR. PAUL BONWICK: Sorry. If there's
9 going to be an affidavit, and there's something we
10 find striking on it, do we have the ability to ask to
11 have him brought forward or no?

12 THE HONOURABLE FRANK MARROCCO: Sure.

13 MR. PAUL BONWICK: Okay, thank you.

14 THE HONOURABLE FRANK MARROCCO: Sure.
15 I don't want to go through the effort --

16 MR. PAUL BONWICK: I appreciate -- I
17 get it.

18 THE HONOURABLE FRANK MARROCCO: -- if
19 they're just going to call him as a witness, it's just
20 easier to produce him as a witness and let people ask
21 him whatever questions they want to ask him, but I'm
22 not -- I'm not adverse to trying to do it by way of an
23 affidavit. Mr. McDowell, what's --

24 MR. WILLIAM MCDOWELL: Well, the --

25 THE HONOURABLE FRANK MARROCCO: -- the

1 Town's position?

2 MR. WILLIAM MCDOWELL: -- the only
3 thing is that there have been a number of discussions
4 about this and I -- I worry about the contentiousness
5 of the editing. If it was just taking his Will Say
6 and turning it into an affidavit, I think there's no
7 issue, but I -- I fear there may be some objection to
8 doing that.

9 THE HONOURABLE FRANK MARROCCO: Well -
10 - well, we'll -- we'll -- we'll see. We'll let --
11 we'll let you know. If -- if you are all against it
12 and wanted the witness called, then -- then I wouldn't
13 bother going through the exercise, but we'll -- we'll
14 mull it over and try to come up with something and see
15 where we get to. But it's possible that Mr. Milanovic
16 will testify tomorrow. It may make more sense to call
17 him next week.

18 Thanks very much, by the way, for
19 getting through the witnesses we planned to get
20 through this week after we deal with Mr. Dabrus, and
21 as I indicated, there -- there's -- or as I will
22 indicate, I think it's been communicated to all you,
23 there's no need for us to sit on Friday, and -- and I
24 can't -- unfortunately, I can't sit tomorrow because I
25 have to deal with the retirement of our Chief Justice

1 in Toronto.

2 MR. JOHN MATHER: Your Honour, I

3 believe we are sitting tomorrow. I think --

4 THE HONOURABLE FRANK MARROCCO: Oh,

5 tomorrow.

6 MR. JOHN MATHER: -- you were

7 referring to Thursday.

8 THE HONOURABLE FRANK MARROCCO: I

9 meant -- I meant Thursday.

10

11 --- Upon adjourning at 4:02 p.m.

12

13

14 Certified Correct,

15

16

17

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19 _____
Wendy Woodworth, Ms.

20

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<u> </u> \$	\$500,000	119:5	135:14	1651 4:9
\$1,164,281	8:15	120:4	10:53 72:4	1652 4:10
8:12	\$6,000	122:17	100 151:8	1653 4:11
\$12 206:23	82:17	129:11	10th 80:16	1654 4:12
\$12.3	\$650 214:20	151:25	11 39:10	1655 4:13
237:14	\$7,392,000	154:11	158:24	1656 4:14
\$150,000	237:11	156:15	11.1 237:13	1657 4:15
70:8	\$750 214:21	170:17	11:08 72:5	16th 31:18
\$151,405,57	\$750,000	176:12	11:56	32:1,14
7 146:19	84:19	178:10	136:24	93:6 95:9
\$200,000	87:15,23	181:21	11th 109:13	103:17
7:23	88:7	184:2,10	116:17,21	104:1
\$3 135:25	224:4	186:24	119:17	127:17,19
220:5	225:17	187:12	121:18	128:5
\$3,099,725.	\$8 79:19	189:5	158:24	129:10,21
24 58:9	148:14	194:20	12 43:12	170 24:19
\$300,000	<u> </u>	200:4	208:19	17th 15:9
227:22,25	0	204:10	216:21,22	189 246:6
229:19	0001 250:6	208:2,3,1	12:59	18th 103:14
\$320,000	0021652	0,24	161:25	1975 174:21
225:11	250:12	210:3	12th 119:18	1985 186:5
\$35 43:15	021652	217:24	123:23	19th 102:17
66:16	250:19	225:10,21	129:9	103:12
121:25	021652.0001	232:1	139 3:9	104:13,18
130:16	250:13	236:19,23	14th 68:1	105:2
147:15	<u> </u>	237:24	119:20	118:5
191:18	1	238:4,21	123:23	1st 122:19
192:15	<u> </u>	248:9	125:8,10,	148:11
194:12	1 20:14	249:10	22 129:9	152:4
199:17,23	23:1	251:5	15 222:24	<u> </u>
200:16	27:15	1/2 140:18	151	2
206:22	28:22	163:2	151:15,18	2 6:24
207:9	29:18	168:20	15th 24:21	14:13
216:11	39:11	170:11	16 127:10	38:5,18
222:16	42:13	10 11:3,8	162 3:10	39:6,23
\$400,000	44:12	12:20	1645 4:3	44:2
7:21	45:2,15	13:22	1646 4:4	46:16
\$44 43:15	48:25	38:4 72:1	1647 4:5	91:15
54:21	51:22	120:18	1648 4:6	124:11
\$44,000	52:15,23	122:11	1649 4:7	152:1
120:8	78:10	130:15,25	1650 4:8	168:12
122:3	83:9,19	146:17		195:13
\$48 146:11	85:4 87:8	174:8		199:12
\$50,000	92:7,20	218:3		202:5,7,2
56:18	99:12,13	222:25		0,25
	103:13	10:24 50:1		
	113:14,20	10:30 58:1		
	118:17,19	127:17		
		10:33		

203:14	25:12	242:2	144:19	4 3:3 9:9
204:10	28:8	23rd 6:3,12	145:1	94:19
205:4	33:20	13:6	2nd 225:21	184:5,10
208:14,16	38:17	108:8	<hr/>	199:9
215:11,15	50:20	109:7	3	236:13
222:23	51:25	24 132:13	3 7:17	4:02 256:11
228:23	65:15	24th 244:1	26:22	40 180:20
2:06 162:1	79:12	25 43:11	68:5	227:5
20 38:19	84:20	50:14	69:24	44 147:17
43:17	106:3	55:14,15	91:15	452 17:4
114:5,12	117:17	58:5 63:7	195:25	460 40:6
135:24	119:14	135:25	199:7	463 18:24
174:22	123:12	136:5,7	215:1	464
179:14	130:20	174:1	218:10,12	19:13,16
183:23	133:17,23	177:11	222:14	468 40:2
184:6	134:23	185:22	3:11 218:6	469 44:16
201:11	145:2	186:2	3:21 218:7	<hr/>
222:24	146:14	2-5 50:14	30 204:22	5
200,000	147:20	256 3:18	205:2,3,8	<hr/>
75:14	148:10,12	25-metre	220:8	5 3:7 9:16
2000 148:9	151:11	216:23	30th	11:8,12
2004 168:24	152:5	25th 100:23	58:1,20	12:20
170:15	165:14	102:1	82:7	150:4
2006 173:18	170:20	26th 17:6	135:14	208:12
174:19	233:6	19:1,20	136:19,24	214:4
175:5	2013 80:16	32:14	137:9,17,	218:3
2006-2010	92:13	39:13	25 138:5	50 62:25
175:16,21	163:13	40:10	139:20	63:7
2010 72:11	166:5	96:12,15	142:21	215:2
173:18,22	185:5	27th 17:22	31st 84:20	220:9
174:19	2014	31:3	338 102:18	523 38:5
175:5	72:11,24	37:13	103:1	524 38:5
176:16,21	166:5	43:24	106:15	529 49:20
177:3,5	174:22	44:20	339	549 54:24
179:11,24	2017 174:22	49:25	102:18,24	57:25
185:5	2018 223:25	50:7 93:7	103:1,7	96:6
2010/2014	2019 1:23	95:10	106:16,18	135:7
183:19	225:21	109:20	35 54:21	550 96:6
2011 165:13	20th 25:6	123:19	147:16	135:8
2011-2012	21 177:12	236:16	36 62:1	136:23
170:4	21st 117:17	243:2,14	386 33:15	160:9
2012 15:4,9	118:8	245:3	39 225:22	559 84:13
17:6 18:9	22 130:4	28th 72:24	396 6:4	564 79:5
21:18	223 3:11	29 50:21	<hr/>	568 79:9
22:13	22nd 33:20	29th 50:20	4	
24:21	37:11	79:12	<hr/>	
	38:17,23			
	39:3			

590 137:19	8 11:1	62:18	238:10,14	86:21
594 145:13	74:12	144:3	accurately	111:2,14
5th 122:19	80:3	170:7	8:20	136:6
246:17,23	157:24	196:10	accused	199:1
	226:6	206:15	221:11	210:5
<hr/>	896 80:14	254:10	achieve	actually
6	8th 1:23	able 5:13	105:22	85:24
<hr/>	69:9	84:10	170:25	105:16
6 190:24	119:13	92:19	achieved	150:20
202:12	121:8	156:23	93:25	161:8
214:4	124:7	200:8,17	94:1	174:5,15
6:58 125:8		201:6	acknowledge	176:12
60,000	<hr/>	202:19	212:1	198:24
215:3	9	245:10	acknowledge	205:14,23
614 67:23	9 199:8	absence	214:5	211:1,16
620 65:10	202:13	61:19	acknowledge	230:2
621 65:23	9:30	absolutely	d 117:8	232:15
650 214:23	5:10,15	54:5	170:14,18	238:20
650,000	33:20	91:11	222:4	250:4
229:23	9:32 32:1	99:11	acknowledge	Adams 72:9
660 215:24	9:38 50:2	104:22	ment	79:12,14,
670 215:24	9:42 5:1	122:21	92:10	21
6th 21:17	9:54 32:3	147:21	acknowledge	add 105:4
65:14	90 3:8	201:3	s 222:17	239:18
<hr/>	82:17	accessible	acquire	Adding
7	203:18,23	175:1	84:10	165:22
<hr/>	204:3	accommodate	across	addition
7 8:8 11:7	915 76:4	d 46:1	196:3,11	104:11
39:25	922 74:16	accomplishe	198:2,14	additional
93:4	112:21	d 97:9	act 90:22	131:12
140:18	957 223:19	184:13	186:6	address
157:24	97 1:19	accomplishm	188:1,5	51:1
163:1,2	<hr/>	ents	198:22	198:23
165:3,19	A	170:7	230:18	221:25
168:19,20	<hr/>	account	acting	addressed
170:11	a.m 5:1	11:15	83:21	152:2,18
190:22,24	72:4,5	accountabil	84:2	234:15
199:8	136:24	ity	actions	addresses
212:2	Abby 21:18	187:14	184:18	82:11
703 69:3	22:10	accountable	active	adds 151:15
7172 77:4	23:16,19	197:2,24	168:7	adjourning
750 214:22	24:1	222:12	216:25	256:11
215:23	25:20	accurate	activities	adjusting
216:1	26:2	97:25	104:13	16:21
7th 77:9	212:12	169:5	125:19	adjustments
<hr/>	224:15	178:23	212:16	
8	ability	209:19	actual	
<hr/>				

16:8,11,1 6,17	209:16 210:8	5 159:3 214:10	107:23 109:10,21 118:3 133:2,4,1 2 170:13 254:7	14:3 analysis 150:20 238:22
administer 189:2	against 34:15 255:11	agreements 91:9	alternative s 132:25	and/or 91:4,10 146:25
adopted 150:21	age 168:3	ahead 6:2 12:23 26:13 123:7 133:6 145:11 185:15	aluminum 219:14	Andrea 2:15
ads 203:9	agenda 93:19,20 179:5 233:17 234:3,4,1 4,23 235:10,24	Aird 58:22	am 110:18 167:4 240:3 251:21	Andy 22:17,19
advance 17:22 106:1 158:18	agendas 233:9	alarm 138:8 221:23,24	amazing 95:16 210:8	announce 173:21
advancing 148:3 172:9	agents 83:17	Alectra 225:10	amenities 202:25	answer 8:22 13:10 24:12 41:13 54:7 55:12 81:16,24
adverse 254:22	aggressive 94:25 211:3 217:5	allegations 163:22	Ameresco 191:15,16 ,24 192:4,7,1 4 194:19	answered 23:24 57:14,17
advice 139:2	aggressivel y 43:18 94:5 104:14 132:5 181:22	alliance 192:4,24	allocation 152:12	answering 167:11
advised 59:19 104:13	aggressiveness 209:21	allocate 78:17 81:17	amicable 107:19	answers 113:18 211:12
advising 51:24 52:7 69:9	ago 39:25 62:21 130:15 131:1 140:19 157:24 163:2 164:3 165:3,19 186:2,24 190:22,24 212:2	allocation 152:12	ammunition 36:9 AMO 197:7	anti 89:11
advisors 51:22	affected 74:3	allot 149:15	among 191:25	anticipating 5:9 254:5
affected 74:3	affecting 20:25 154:20	allotted 149:18	amortized 120:16	anticipatin g 79:1
affecting 20:25 154:20	affidavit 253:13 254:9,23 255:6	allow 107:8 204:22 209:13	amount 10:4 11:9 12:15 84:22 85:1 135:25 136:6 150:18 208:7 216:2	anticipatio n 108:15
affiliated 192:24	affiliation 212:9	Almas 156:3 194:9	amount's 14:2 58:5	anybody 8:3 18:14,21 201:4,5 240:14
afford 189:1	affirm 185:14 207:8	alone 151:18 190:24	amount's 14:2 58:5	
afford 189:1	affirm 185:14 207:8	aloud 41:20		
afoot 185:14 207:8	agreement 58:4,22 67:20 135:24 137:4,8,1	already 43:14 44:6 46:18 57:13 62:8 79:24		

253:16,25	63:7	137:20	approval	argument
anybody's	apart	application	205:23	159:22
38:13	88:22,24	151:3	approvals	arise
anymore	169:22	applied	205:13	243:25
251:23	185:10	11:12	approve	arising
anyone	221:10	96:17	203:4	223:16
8:16,25	apologies	152:16	209:18	Armesco
9:3,21	13:14	apply	approved	189:20
10:12	210:12	149:20	40:22	192:25
11:14,19	apologize	appreciate	41:24	arose 91:8
14:7	8:10	5:14,15	198:9	113:2
30:25	29:14	162:25	approximate	arranged
46:5	32:15	174:10	ly 173:25	84:6,11
55:20,24	62:7	182:23	226:9	arrangement
56:3 68:8	69:15	214:9,13,	227:21	239:20
76:9 93:6	160:25	17 223:10	aquatics	arranging
156:1	189:19	254:16	179:19	23:8
232:21	208:3	appreciati	185:12	arrive
anything	229:13	e 163:3	216:8	253:13
29:19	230:5	approach	architect	arrived
30:7 44:5	250:22	19:11	202:4	10:16
46:15	appear 38:6	90:17	Architects	artery
53:12	75:22	94:25	14:24	150:7
54:17	100:24	106:4	architectur	article
60:24	appearance	124:17	al 237:3	72:17,23
64:14	23:3	126:20	area 112:20	73:9
65:3	199:1	133:24	areas 84:7	articulated
74:10,11	APPEARANCES	155:16	169:23	6:3
78:7,9,25	2:1	169:10	arena 8:25	aside 30:10
115:24	appeared	171:12	15:1	85:1
127:1	27:24	181:13	31:20	86:22
140:20	45:1,14	182:18	75:24	150:17
148:13	94:8	183:2,10	77:20	172:20
158:4	114:10	approached	85:11,22	201:1
167:7	126:5	83:6	112:1	216:3,4
217:6	appears	109:19	122:17	aspect
220:22	31:25	139:1	179:18	45:23
225:6	38:20	155:5,14	185:12	47:20
230:23	39:17	approaching	208:17,20	48:8
238:9	51:16	196:16	,25 216:8	215:11
239:11	101:21	appropriate	aren't	aspects
anytime	102:9	98:10	179:4	221:5
52:4	119:14	106:13	arguably	Assaff
anyway 13:4	124:16	139:4	200:15	176:13
68:22	129:13	185:17	216:10	
72:10	160:11	appropriate		
156:21	191:14	ly 152:18		
anywheres	appendix			

assertion 124:1	67:2,16	19:1,20 31:2	148:5 151:6	170:14
assess 148:13	assuming 127:18 203:9 226:20	33:20 37:11,13 38:17,22 39:3,13	200:23,24 234:19	away 71:14 73:19 122:25
assessing 14:12	assure 29:17	40:10 44:20	average 212:6	awful 178:24
assign 149:19	attached 234:14,23 235:3	49:25 50:7,20 58:1,19 79:12	avoid 38:11 189:5 198:25	<hr/> B <hr/>
assist 20:16 30:7 70:18 71:15,16 92:19,21	attempt 46:14 63:23 64:7	84:20 93:7 95:10 96:12,15 102:17	avoided 45:5	background 163:21 170:3 171:12 179:22 180:17
assistance 23:8 101:15 247:20	attempted 63:18	103:12,14 104:13,18 105:2 108:8 109:20 123:12,19	aware 12:19 15:3,8 16:3,10 30:2 45:10 47:10,14, 15 48:10 52:6 54:25 55:7,13 57:9,10,1 8 58:17 81:4 163:12,18 164:1,9 168:12,18 ,24 171:5,6,7 177:13,19 179:15 191:16,23 192:2,14, 23 193:5,9,1 1 195:23 196:6,9,1 4,15 198:21 199:3 213:10 214:3 217:11 251:14,21 252:7	backgrounds 196:24 Backing 18:7 backup 120:14 bad 164:15 bailiwick 110:13 balance 213:24 253:4 ball 44:3 129:13 208:13 bank 184:20 188:21 barring 236:6 Barrow 45:13,14 75:3 77:9,17,2 2 113:3,5 144:24 Barrows 200:14 Barrow's 63:22 based 70:13 166:10
Associate 1:7 2:4	attendance 44:21 191:2,25	135:14 136:19,24 137:9,17, 25 138:5 139:20 142:21 144:19 145:2 236:16 242:2 243:2 245:3		
associated 10:4 21:5 22:7 69:20 189:12 207:9 214:14	attended 152:10 192:5 197:6,7,1 1			
Associates 30:5 172:19	attending 25:11 28:4,19 44:22			
Association 168:15	attention 137:20,23 208:10	authored 191:15		
assume 174:11 177:12 179:15 195:22,23 197:7,10 199:25 201:14 203:11,14 208:17,20	attic 21:24 22:8,13 23:2	authority 103:19 111:20 201:3 205:17		
assumed 36:24 46:17,20 48:5 57:1	attitude 35:12 149:10	authorize 202:3		
	audience 25:23	author's 190:18		
	August 6:3,12 13:6 15:9 17:6,22	autonomy 71:3,19	awareness	
		available		

170:22	beginning	130:5	bewildered	188:16
173:9	41:15	139:22,23	192:8	190:15
175:4	47:23	140:25	beyond 5:10	199:15
199:25	242:7	142:7	43:4 44:6	209:1
212:1	begins	146:6	56:21	211:11,12
214:10	131:20	151:10	60:12	229:1
222:12	behalf	158:23	85:19	232:15
basic 9:16	71:21	160:19	171:7,17	236:20
237:2	90:22	183:16	186:9	248:4
basically	174:13	189:21	218:16	bizarre
36:15,20	188:11,19	193:24	219:4	114:9,21
83:23	,20,21,22	210:23	BIA	blade
143:14	206:8	211:4	23:14,15,	220:22
150:4	210:24	216:6	25 24:3,5	blamed
174:9	behaviour	224:7	168:15	221:8
187:3	217:5	244:12	bid 248:14	blew 79:18
basis 46:24	behind	256:3	bidders	blind
47:3 86:3	19:14	believed	203:18	164:18
107:6	182:12	23:21	204:4	block 40:18
181:16	185:1	211:1	bidding	BLT 2:17
Beach 34:9	belief	bells	93:7	27:5,19
36:25	46:25	172:11	bids 203:24	30:2
155:6,15	47:4	benefit	204:5,9	45:14,17
156:7	86:3,7	163:8	biggest	47:10,14,
196:16	believe	187:20	176:24	25
211:23	5:10	212:5	bill 2:17	48:3,18,2
212:7	18:10	benefits	37:25	0 49:3,11
242:12	19:4 21:8	184:12,21	162:6	53:18
bear 165:24	22:9,25	185:6	214:18,19	55:2
beast 198:7	25:18	Berlis	bills 176:2	56:20
beat 32:9	26:3,6	58:22	bit	57:10,18,
became 55:7	43:7	Berman	31:14,22	20
91:1	46:23	50:19	38:1	58:10,17
121:1	48:7	68:2,24	41:16	59:9,15,2
164:9	51:17	Berman's	45:1 52:9	0 60:3,10
168:5,7	58:24	51:1	91:3 93:3	61:24
become	69:10	best 8:22	97:8	66:23
43:8,16	70:13	19:8	99:18	67:21
47:14	76:12	154:11	107:12,25	75:3
174:4,6,1	85:23	173:24	109:8	84:18
5 220:25	87:1,3	215:1	117:15	113:14,24
becomes	92:12	216:6	122:13	115:2,22
43:14	93:9 96:5	better 64:8	127:23	116:17
becoming	99:20	73:25	129:13	136:4
22:2	100:15	115:24	163:9	155:22
begin 121:1	113:18,23	121:24	175:19	159:3,24
	120:13	184:25	179:22	161:6,11
	123:15			195:18
	125:23			

200:9	34:6,10	179:10,21	25 212:14	boom
211:22	35:1,2,18	180:3,8,1	213:2,10,	220:8,9
214:6,11	38:9,21	3,17,23	15,22	boost
216:14	39:1,2,18	181:2,10	214:2,9,1	20:4,8
222:8,23	50:2,5	182:4,16,	6	boots
225:17	51:15,17,	23	215:4,9,1	182:13
232:11	21,24	183:5,15	3,17,20,2	borrow
239:15	52:7,16,2	184:7,11	1 216:24	83:22
241:6	4 53:15	185:3,21	217:10,14	bother
248:9	54:9	186:17	,17,24	167:11,19
BLTD 56:20	65:17,20,	187:17,23	218:9,15,	255:13
BLT's	22	188:7,15	16,24	bottleneck
248:14	66:17,23	189:3,17	219:4,11,	183:22
board	68:13,15	190:2,6,1	16	184:14
168:14	70:3,5,10	1,13,14	221:14,22	bottom
193:6	71:1	191:8,13,	222:3,21	21:16
198:2,5	87:25	22	223:8	31:15,24
232:2	88:5,11	192:12,18	226:8	82:7
boards	153:22	,21	228:21	107:3
203:20	155:4,14,	193:5,9,1	230:2,23	108:14
bond	22	4	231:22	114:18
56:8,13,1	159:2,14	194:2,8,1	232:5,10,	207:4
8 62:16	162:9,13,	4,22	15,18,19	241:18
bonding	16,17,18	195:5,16,	240:5,19,	251:3
57:6,7,8	163:18,25	21	23	bounced
Bonwick 2:7	164:5	196:5,8,1	241:2,5	215:23
3:10	165:1,10,	3,19	242:9,11	bound 195:6
17:20	18	197:5,10,	243:12	boundaries
18:1,5,9,	166:4,7,2	14,18,22	247:3	171:18
17	1	198:21	248:5,8,1	Boy 188:20
19:17,20	167:15,16	199:3,10	1,13,17,1	brand
20:5,8,20	,18	200:3,13,	8,20	179:25
21:1,5,8	168:2,11,	22	249:3,11,	break 72:18
22:7,12,2	18,23	201:9,16,	19	76:9
1	169:3,7,1	21	251:8,15,	156:20,22
23:2,11,1	5	202:16,18	20	205:14,24
3,19	170:1,13,	203:7	252:6,14,	218:3
24:11,15	17,22	204:2,7,1	17	220:25
25:4,11,1	171:5,20	5,20	254:1,3,8	break-in
6,25	172:17,20	205:1,12,	,13,16	76:6,11,1
26:16	173:6,15,	19	Bonwick's	5 113:3
27:18	20,24	206:1,7,1	28:2 35:6	114:3
28:1,5,20	174:3,10,	2,19	66:5	breaking
29:1,10,2	18,23	207:12,15	134:9	74:17
1 30:4,15	175:4,15,	,22	224:8,13,	breakout
31:1,23	18	208:1,19	17 225:11	
32:8,13	176:2,6,1	209:4,9,2	228:21	
33:2,21	6	0,24	231:18	
	177:2,9,1	210:6,11,	239:25	
	8,25	15,22	249:25	
	178:6,17	211:9,15,		

201:24	7,23	131:5	188:24	31:21
Breedon	250:3,10,	132:15,19	broadest	45:3,5,8
2:14 3:11	13,18,21	134:3	188:18	46:22
157:9	251:1,2,1	135:4,11	broke 79:18	48:16,20
223:14,15	1,19	153:16	114:6,14	49:1 63:6
,23	252:2,5,1	156:12	brother	74:17,23
224:2,6,1	0,13,19	157:11	77:12,19,	76:9
0,16,19,2	Brian 34:19	159:17	23,25	79:23
1	42:19	160:6,14	78:4,10	83:6 85:7
225:2,9,1	111:4,9	162:11	167:13,22	89:8
5,19	bridged	183:13	226:25	111:15
226:1,5	169:22	189:15,25	230:14	113:24
228:19	brief 5:6	191:11	231:8	155:6
230:1,7,1	6:7,21	193:3	brothers	178:12,22
0,13	9:11 11:5	207:25	230:20	187:10
231:4,7,1	14:22	210:20	brought	188:22
6,21	21:13	211:7	19:24	202:23
232:4,9,1	27:22	217:22	116:3,10	205:20,21
3	30:22	218:10	133:19	219:25
233:2,5,8	31:6,11	223:12,21	153:7	239:4,12
,12,16,20	32:22	225:24	165:24	242:22
,24	33:17	229:3,8	180:1	buildings
234:2,6,8	37:22	236:11	189:18	12:16
,13,17,22	40:4	241:15	195:10	18:8,14
235:1,5,8	49:8,17,2	247:1,12,	198:22	36:6,14
,13,17,25	2	24	221:4	46:16,22
236:5,8,1	50:11,16,	250:8,16,	254:11	47:10
3	23 52:13	25	bring 20:17	48:17
237:6,17	57:22	bring 20:17	135:9	56:24
238:2,8,1	62:4	142:16	budget	60:10
3,17,25	63:15	144:20	130:13	62:13
239:2,10,	65:12	178:12	181:17	63:3 65:8
14,19,24	67:25	180:13	182:8	86:24
240:7,13,	69:5	181:13	build	95:20
16,21,25	72:21	189:19	47:11,20	177:14
241:4,9,1	77:1,6	198:12	48:8 54:4	181:8
2,17	79:7 82:4	204:16	62:22,24	208:15
242:1,4,8	84:15	206:20	63:2,12	built 30:1
,14,17,25	88:20	208:10	64:11,15	43:9
243:4,8,1	98:20	219:24	65:3,8	56:16
1,16,24	102:14,21	220:17	85:21	60:10
244:3,9,1	103:3,9	bringing	122:17	62:13
4	112:24	71:10	builder	63:10
245:1,8,1	116:13	196:25	47:24	74:11
3,15	120:1	243:21	building	85:12
246:11,12	124:23	brings	8:13	128:22
,15,19,20	125:5,14	181:11	9:14,19	181:8
247:6,9,1	127:7,14	182:22	10:4	bullshit
6,17	128:1	broad	11:10,11,	66:3
248:1,19	130:1,9		16 30:1	
249:2,7,1				

bunch 119:6	178:18	causes 36:3	certifiable 85:16	104:19
Bush 120:23 185:13,17	Canada 216:2	CBC 163:21 164:1,14, 17 211:18 223:24	86:20,25 87:8	championing 94:13
business 22:10 48:18 77:25 78:4 116:7 149:24,25 152:22 165:8 169:11 172:22 174:19 188:14 213:16 224:14,17 227:3 230:15 231:11 248:15	Canada's 168:20	Centennial 12:19 76:11 81:19	Certificate 3:18	chance 171:16
businesses 176:11	cancel 158:18	central 19:23 20:19 30:6 34:13 36:10 42:19 69:1 76:21 81:18 96:21 100:1 112:4 147:14 201:23 208:21,25 209:17	certificate s 161:12	change 105:19,20
business- wise 165:7	cancelled 158:22	centre 178:7 179:1 185:12	certificati on 85:13,22 87:12	changed 106:11 164:21 187:13
busy 78:7	candidacy 173:21	center 19:23 20:19 30:6 34:13 36:10 42:19 69:1 76:21 81:18 96:21 100:1 112:4 147:14 201:23 208:21,25 209:17	certified 86:18 87:10 256:14	changes 185:24 198:23
buy 45:11	CAO 91:2,3 92:3,14,2 4 93:19 187:11 188:9 217:14	cetera 55:16 120:10	Chadwick 76:7 81:10 133:5 208:6 221:2	channelled 99:13
buying 45:3,6 48:20 237:8,12	CAO's 99:14 119:8	Chadwick's 132:12	chain 21:16 23:23 51:4	character 97:8
buys 223:5	capacity 242:15	chart 108:12,16	chair 61:1 143:9 186:1	charge 106:6 138:14
bylaw 80:20	capital 6:24	charts 108:7,9	chairman 130:12	charitable 218:20
<hr/> C <hr/>	capitals 50:3	cheaper 112:10	chairs 105:6 186:25	check 77:13
Cal 33:25 35:1 211:23 242:19 248:18	career 20:2 164:22	Chenoweth 2:11 3:8 13:13,19 90:10,11, 16,19,20, 22 91:7,12,2 0,25 92:5,18 93:2 94:2,20 95:6 96:1 97:7,21 98:6,13,1 7,22 99:5,15,2	chair 61:1 143:9 186:1	
camera 92:12 233:25	carried 133:22 165:20	chain 21:16 23:23 51:4	challenge 212:20	
campaigning	carrying 226:23	chair 61:1 143:9 186:1	chamber 199:6	
	case 48:6 76:10 93:9 105:18 226:20 233:6 249:14 253:24	centres 179:4	Chambers 1:18	
	cast 79:24 238:20	cents 58:9	champion	
	caught 76:17 114:23	certain 98:1 128:6 176:9 182:7 198:5		
		certainly 29:23 60:6 106:3 163:3 164:21 180:10 194:6 206:8		

1,25	134:1,5,1	15:22	100:20	195:6
100:6,17	0,13,19,2	253:15	108:13	codes
101:2,11	0	circulated	126:19	205:21
102:4,8,1	135:2,6,1	5:25	147:13,18	colleagues
2,16,23	3,22	7:3,7	157:1	171:16
103:6,11,	136:12,17	15:25	186:7	208:2
24	,22	16:2	230:18	collectivel
104:6,10,	137:11	233:9	clearly	y 169:17
24	138:2,7,1	circumstanc	91:16	170:9
106:2,14	3,18	e 236:6	92:11	Collingwood
107:1,11,	139:8,19	circumstanc	125:21	1:2,17,20
24 108:5	141:9	es 91:1	211:14	2:13
109:3,18,	144:6	circus	clerk 93:18	27:5,19
25	159:21	42:15	106:1	31:1 33:3
111:6,11,	162:23	citizen	187:11,12	36:5 37:4
24	253:21	240:10	188:9	53:19
112:3,9,1	cheque 58:9	citizens	195:7	66:13,24
3,19	61:19	79:13	217:10	67:4,8,12
113:1	136:2	CJI0006307	clerk's	68:15
114:7,25	cheques	4:4	96:25	76:18
115:6,12,	61:14,15	CJI0007211	client	84:23
16	chief 1:7	4:13	144:22	85:3
116:6,11,	117:14	CJI0011234	clients	87:16
15	255:25	241:13	54:10	114:24
117:3,11,	chiefs	247:22	170:24	115:9
23	220:4	CJI0011234	Clippers	128:20
118:14,22	chin 96:14	129:24	69:10,20	141:1
119:1,12	choice	CJI0011257	216:19	146:10,18
120:3	49:12,13	4:5	clo 244:23	150:8
121:5,14,	107:25	CJI6146	close 56:17	151:12
21 122:5	108:18	236:9	97:20	154:21
123:9,17,	222:18	CJI6307	143:10	156:8
21	choices	37:20	166:19	169:1,25
124:5,15,	222:14	CJI7127	185:14	171:15
19,25	choose 97:3	76:25	191:13	172:22
125:7,16,	207:10	clarificati	211:11	174:19
25	chose 126:3	on 218:13	227:1	185:7,16
126:10,12	164:10,11	clarified	231:9	186:15
,16,22	178:19	232:15	closer	196:2
127:5,9,1	chosen 74:4	clarify	127:24	198:2
6,21	church	166:24	128:10,25	205:18
128:3,8,2	188:19	167:20	club 185:9	211:20
4	CIBC 211:18	cleaned	Co-Chair	216:7
129:5,17	CIBCs	184:19	246:3	231:13,14
130:3,11,	211:18	clear 96:15	code 143:9	,25 241:7
23	circulate		188:1	243:5,9,1
131:7,18				2
132:6,11,				248:14,22
17,21				Collus
133:9,15,				
21				

21:23	30:10	130:13	172:25	143:19,24
67:15	65:20	133:19,24	175:8,12	composting
78:13	97:12	147:14	177:6	25:7,18,20
79:15	103:20	191:20	178:4	0
80:3,9	115:1	193:7,18,	179:7,13,	comprehensi
81:18	121:15	19	16 180:15	ve 202:8
91:4,9,10	133:3	194:7,10	187:4	concept
148:8,15	136:15	195:10,12	216:14,16	126:5
149:15	171:21	244:22	companies	133:18
152:12	207:1	245:2,23	57:7,8	conceptual
227:10	208:5	committees	63:2	48:16
229:12,15	227:11,13	105:6,12	170:20	concern
,18,25	,16 228:8	187:3	182:14	13:4
231:23	commented	common	189:8	36:2,11
232:6	12:6	51:20	195:25	52:9
249:11,22	185:22	147:3,8	228:22	62:17
comes	comments	commonly	company	92:1,14
238:20	5:25 7:14	168:15	21:5 30:6	93:15
comfort	12:11	174:4,5	47:11	99:19
115:11	103:15,18	communicate	48:17	117:4,6
136:9	105:10	219:8	57:11	130:19
249:24	122:13	communicate	59:3 63:6	175:20
comfortable	125:9	d 242:10	88:5	194:9
67:5	126:11	255:22	189:12	208:7
coming 19:6	134:16,17	communicati	213:4	209:10
25:19	162:21	ng 248:10	214:23	217:4
34:15	commercial	communicati	224:8	concerned
65:3 79:3	181:8	on 154:24	225:11	36:4,9
82:24	Commission	communicati	comparison	150:4
83:20	126:17	ons 37:25	186:4,23	concerns
90:21	155:11	106:8	Compenso	10:9
94:14	commissione	168:25	25:6,12	20:24
108:23	d 89:14	170:15	28:1,19	120:8
158:9	commission'	communities	37:25	152:9
174:11	s 124:10	196:16	225:10	154:20
188:18	commitment	community	complete	175:15
196:23	183:1	44:12	175:13	207:17
207:17	commitments	54:19	completed	conclusion
212:18	174:13	71:21	134:22,23	10:16
235:11,13	207:19	76:20	239:16	110:19
243:20	committed	78:22	completion	175:6
244:25	187:19	96:20	114:17	conclusions
commencemen	committee	101:7	complex	107:16
t 145:19	105:17	152:23	120:15	conclusive
commencing	120:9	154:12	203:13	107:18
5:1	122:9,20	155:1	complimenta	224:13
129:14	123:13	169:11	ry	conclusivel
comment				

y 224:9,11	160:12,23 161:4	222:11	consultant' s 89:8,18,2 2	es 10:10 13:7 237:19,22 ,24 238:3
condemned 178:22 184:16	connect 212:25	conspiracy 68:10 126:1	consultatio n 78:13	contingency 9:15,18,2 1
conduct 188:1 195:7	connected 186:18	construct 47:9	consulted 78:14	10:4,13,2 1
conference 38:20 39:18,22 117:16	connection 65:16 68:6 84:22 85:2 87:15 219:5,6 251:7 252:7	constructed 152:17	consulting 54:9 78:20 176:3 202:4	11:8,12,1 4,19,25 12:15,20 13:4
conferences 197:6,7,1 1	connections 171:3,4	constructin g 15:1 44:3 46:15	contact 98:15 99:1,4,8, 9 100:2,9,1 2 101:5,10, 23 102:9 118:19 119:5 178:7 179:1	Continually 219:10
confidence 154:10 173:10	Conservatio n 111:20 205:17	constructio n 2:17 10:21 14:13 27:5 43:3,4 47:10,20 48:8 56:5,14 57:11 58:10,17 62:15,22 74:19 84:23 85:3 87:16 95:19 138:24 172:23 180:18,19 181:4,5,1 4,17 182:5,18 184:24 201:13 237:2 239:22	contacted 5:9	continue 123:1 228:17 247:9
confidentia l 71:5 240:22 241:1	conservativ e 177:5	conservativ es 169:24	contacts 100:12,25 173:1	Continued 3:6 5:19 13:16,21 61:22 72:7 86:11 134:19 145:22 157:13 161:2 167:15 190:13 215:20 218:15 246:19 247:16 251:1
confirm 21:22 57:15 195:16 203:3 218:19	conservativ es 169:24	consider 80:20 115:3 148:18 174:23,25	contacted 5:9	72:7 86:11 134:19 145:22 157:13 161:2 167:15 190:13 215:20 218:15 246:19 247:16 251:1
confirmed 38:9 44:21 91:2 144:7	considerabl y 167:4	considerati on 148:8 152:4 206:10,13	contacts 100:12,25 173:1	215:20 218:15 246:19 247:16 251:1
conflict 186:7 187:25 193:20 230:19	considerati ons 152:1	considerabl y 167:4	containers 25:22	246:19 247:16 251:1
conflicts 195:8	considered 150:11	considerati on 148:8 152:4 206:10,13	contentious ness 255:4	continues 215:23
confused 208:23 209:5	considering 11:20 12:16	considerati ons 152:1	contents 3:1 163:5 190:23	continuity 70:9
confusing 108:23	consistent 81:3,12 100:24	considered 150:11	contexts 31:16 74:25	contract 47:6 55:1,13 56:5,23 57:11,19 58:25 59:3,9,16 ,19
confusion		constructio ns 120:16	contingen 9:21	
		constructs 120:15	contingenci	
		consultants 40:20 89:5,12 120:9		

60:10,11, 24 61:24 62:9,18 65:2,3 79:1 111:16 137:18,20 138:3 139:21 140:4,8,1 6,22,24 141:7,17, 19,22 142:1,6,1 0,15,20,2 3 143:1,5 160:11,12 161:5,8 215:3 contractor 30:1 49:1 56:20 144:25 201:12 contractors 78:10 contracts 43:3 56:14 60:18,23 63:12 controversy 76:22 113:2 244:4 convenientl y 76:12 conversatio n 8:20 29:3,9,16 37:9,16 76:5 78:2 139:7 172:13 183:16 215:12 conversatio ns 16:21	39:6 217:1 Cooper 2:9 17:8,21 29:6 44:18 51:1 52:8 124:20 136:25 139:21 141:8,15 142:14 153:19 154:8 155:13,17 ,22 158:13 167:1 176:17 179:23 Cooper's 18:2 51:15 copied 61:6 75:4 119:20 copies 251:5 copy 6:13 7:5,7 72:17 104:2 137:7 corner 184:18 corporation 188:21 correct 69:21 91:5,6,19 ,24 93:1 94:11 98:12 99:12 100:16 102:2,10, 11 103:22,23	105:2 106:16 107:9,10 113:22 115:5 117:10 121:19,20 126:7,14, 15,21 127:4 129:3,4 133:20 136:19,21 137:10 138:11 143:12,16 144:10 146:15,20 147:1 149:22 150:1 153:11,14 155:9 159:12 163:17 164:4 169:6 170:12,21 173:18,19 ,22 174:16,17 177:17 180:1,2,1 6 181:1 193:8 195:22 196:18 199:2 201:8 203:6 204:14 214:18 215:6 219:3 222:19,20 228:24 231:19,20 232:7,12 233:1,4,2 3 234:7,12,	16 235:24 238:7,16, 24 240:4,6,1 2 241:8 242:3,13 243:7,10 244:1 249:9 250:2 252:11 256:14 corresponde nce 17:6 23:11,13 31:17 51:17 123:22 124:7 cost 6:25 8:12,14 14:3 46:15 56:18 75:13 108:14 109:22 113:19 115:14 147:15 148:19 151:12 200:16 237:1,8,1 1 costs 8:25 120:16 131:13 214:14 cou 168:7 council 1:18 7:3,8,22 9:17 12:4 13:9 14:8,11 15:12,14, 20,23,25 16:2	17:22 19:8 22:18 27:11 31:2,18,1 9 32:2,4,15 34:8 35:9 36:5 37:13 39:15,16, 23 40:10 43:2,5,10 ,13,21,23 44:2,10 47:9 48:13 49:13,25 50:1,3,7 59:19,23 60:1 68:7 70:21 75:24 76:1,13 78:15,19 80:16,17, 19,21,22 81:4,7,14 ,21,23 85:21 92:8,16 93:20 94:3,9,12 ,17,18 95:1,8,14 96:18,23 97:3 101:5 103:17 104:1,16 105:5,7,9 ,13,14,16 106:7 107:8,13, 15,19,20, 21 108:13,24 109:17,21 115:19,24 116:3,10 117:5
---	---	---	---	--

119:20,21	,24	129:12,22	couple	181:17
120:5	205:4,7,1	132:9	24:25	criteria
121:2	0 206:5,8	134:21	25:1 42:5	201:6
122:14	208:2	180:4	61:25	202:8
123:24	209:14,17	185:25	70:12	203:11
127:18	210:4,5,1	186:19	78:12,15	critical
128:5	3 211:1	196:23	157:2	20:1
129:10	217:1,11	197:19	158:19	cross-
132:8	219:20,21	198:1,3,4	191:1	examinati
138:23	,22	,11,16,24	208:22	on
144:16	220:17	206:9,13	course	3:8,9,10,
147:3,9	221:4,17	209:10,12	97:13	11 90:19
148:1	222:4,11	210:25	104:12	139:17
150:24	233:3	220:11,12	163:13,25	162:16,22
152:18	235:24	223:2	164:21	171:23
155:12,15	236:2	233:21	171:7	223:14
,19	241:21	councils	184:14	226:3
164:7,11,	243:6,14,	169:11	191:16	246:14
22,24	20 244:22	174:6	192:2	247:7
165:16	248:7	177:13,19	201:5	cross-
168:13	251:6	179:5	214:3	examine
169:3	councillor	206:16	218:25	253:17
170:9,10,	40:9	Council's	245:8	cube 208:16
23 171:15	41:21	42:4 93:7	court 8:20	cuff 28:12
173:17,25	44:19	184:18	211:17	240:11
174:3,13	60:5	196:21	229:14	culprits
175:7,16	65:15,24	222:19	250:12,22	76:17
176:15	66:7,11	238:13	cousin	culture
177:11,12	76:6 81:9	counsel	33:24	178:11
178:9,11,	106:6	2:3,5,7	cover 9:14	187:6
19,21	120:25	38:8	120:20	195:14
179:25	124:6,16	72:18	122:16,17	Cunningham
180:1	126:13,19	96:5,11	coverage	81:9
183:23	127:11	106:19	165:23	126:13,19
184:5	132:12	108:6	166:11	134:17
185:5,22	133:5	109:4	covering	curb 176:22
186:6,15,	134:16	110:1	31:20	curious
25 187:15	186:3,12	162:24	121:11,12	13:6
188:4	197:2,23	196:20	crane 220:2	107:2
194:17	208:6,11,	county	crazy 74:14	110:1,6
195:13	24 221:2	24:24	176:1	193:14
198:9,16	223:8,9	25:19,23	created	curling
199:1,6,7	councillors	34:8 35:9	169:16,17	185:9
,8,17	42:17	169:19	creating	current
200:5,19,	50:20	170:9	184:24	14:1
23	120:5	171:15	crews	146:10
201:2,7,1	121:16	198:15,16		
1	123:11	,18		
202:3,22	124:3	241:21		
203:3	126:8			
204:16,17				

customers 21:25	60:17,23 61:9 68:3 85:4 87:8	109:5,6,9 ,12 146:11 152:24	112:14 113:21 115:19 123:19 149:24 150:1 152:21,22 153:2 164:8 196:22 210:15 216:6 219:19,21 221:18 222:12,19 238:15 239:7 248:7	degree 177:23 190:19 delay 5:7 44:1 209:18 deliberate 78:25 deliberatio ns 240:18,23 241:2 deliver 200:6,18 206:4,15 209:13 216:4 239:15 delivered 185:5 204:13 216:14,15 delivering 177:14,20 184:1 191:18 delve 163:10 demanding 179:17 demo 208:14 demonstrate d 172:4 demonstrati ons 209:25 210:2 243:22,25 244:7,16 Dennis 118:12,16 deodorising 28:10 deodorizing 25:22
cutting 114:4 220:22	121:16 123:11 137:23 152:16 163:19 189:7 197:1 199:23 204:12 214:17 251:16	debentured 109:23 debentures 14:3 153:4 debenturing 109:15 debt 146:11 152:24 153:7 December 78:15 148:11 152:5 decide 121:24 204:17 decided 12:22 45:7 76:22 80:22 85:21 248:10 decides 39:16 deciding 42:6 decision 14:12 27:11 31:2 36:5 40:10 42:4 43:24 59:24 73:1,7 75:1,18,2 5 78:16 79:23 81:4,6,22 100:5 109:19,20	decision- making 211:2 decisions 52:1,8 107:9 184:22 deem 217:6 deep 121:25 defence 194:23 defending 230:23 deficiency 128:20 definitely 47:15 94:15 95:4,12 98:3 118:12 138:16 168:9 172:15 183:9 197:4 224:13 definition 188:18,24	D Dabrus 253:5 255:20 dad 154:4 Dale 40:9 65:15 128:9,15 129:12 194:19 damage 114:19 Dan 144:24 date 15:11 25:14,18 27:8 31:18 86:21 125:2 157:21 171:25 223:24 dated 21:17 33:20 72:24 77:9 dates 117:1 245:6 Dave 45:14 75:2,3,8 101:12,16 ,22 102:5 113:11 Dawson 79:16 day 25:2 27:15 39:15,23 40:10 54:6
	days 25:1 82:18 187:7,15 203:18,23 204:4,22 205:2,3,8 day-to-day 181:16 dead 206:17 deal 36:3,19 38:12 119:9,10, 11 143:18 150:6 154:7 157:17 201:23 216:13 249:12 255:20,25 dealing 108:22 118:11 229:15,21 dealt 57:6 155:12 201:13 death 98:4 debate 107:12 debenture 14:1,7,17 80:2			

department	18:25	determinati	203:14	disagree
96:25	24:20	on 220:13	218:21	130:14
105:6,11,	40:8	determine	219:9	disappointe
15	44:17	202:6,20	differently	d 33:9,11
106:5,6	50:19	detriment	73:4	35:15
186:25	51:2	154:17	difficult	64:7
187:1	57:25	175:2	157:23	disclose
220:19	69:8	Detroit	163:4	92:20
221:24,25	79:11	113:25	190:23	155:13,17
departments	80:15	115:4,9	difficulty	,21
119:7,9	description	develop	5:7	disclosed
179:8	4:2	196:1	dig 182:6	52:17,19,
187:4,5	190:16,18	202:2,7	digest	24 53:5
depending	212:16	203:4,8	107:14	158:21
138:17	description	developed	203:19	159:14
205:16	s 189:9	91:13	204:22	disclosure
deposit	deserve	120:14	direct	52:19
62:25	131:10	178:12	107:16,18	249:14,20
63:5	design 9:16	201:22	115:17	discontent
depressed	11:9	developing	directed	175:12
20:3	47:11,19	199:22	97:15	discretion
deputy	48:8	development	129:2	108:1
61:18	62:22,24	8:11	135:19	discuss
65:1	63:12	89:15	directing	18:8
100:19	64:11,15	149:8,20	119:21	24:22
116:2	65:3,8	150:13	126:25	44:20
117:8	75:6	diamonds	221:12	88:11
135:16	113:7	208:13	direction	121:25
137:2,13	202:5	dictating	98:24	137:17
164:11	desire	51:11	102:5	198:11
187:12	166:12	difference	118:2	discussed
227:1	desires	53:11,13,	128:5	12:6,10
231:9	180:15	23 60:5,6	129:10	14:18
derail	destroyed	68:22	178:11,20	75:16
40:25	164:25	168:3	213:8	109:10,12
42:2	detail	199:12	221:18	111:9,10
43:23	117:25	227:23	222:15	115:23
des 88:24	163:4	different	directly	140:4,8
describe	175:19	62:23	24:5	240:8,9
38:5	detailed	63:19,24	45:3,6,8,	252:17
described	108:8	64:3,12,1	11 51:15	discussing
69:17	205:19	3,23 76:5	directors	20:19,24
94:24	details	84:7	168:14	41:22
145:25	117:21	119:7	178:10	111:14
describes	138:3	180:5	directs	118:13
6:10	172:1	196:24	31:19	128:4
17:5,7	197:25	198:17		210:24

240:4	n	159:11	237:11	235:10
discussion	21:6,18,2	160:9,10	Donald	downtown
9:7 25:6	2 24:16	161:16	210:6	83:6
28:11	214:6	206:20	donation	113:25
74:22	diverse	207:23	70:14	115:3,9
75:12	220:11	223:19,25	71:4	168:14
86:17	dividend	226:17	donations	draft 5:24
113:5,13,	91:3,8	227:20	219:1	6:1,2,11,
23 116:19	docket	229:18	done 38:4	14,19 7:4
121:10,12	205:7	244:20	42:10	13:6
137:24	docs 211:18	246:7	43:17,22	108:7
138:20	document	documented	64:11,12	109:6
144:23	6:5	155:11	73:4,24	drafted
172:3,6	16:5,14	documents	74:10	103:14
183:17	17:4	16:7	84:4	drafts
186:1	18:24	53:21	89:18	11:24
206:9	24:19	86:16	92:15	12:6,10
241:22	27:20	96:10	94:6,9,17	236:22
discussions	33:15	120:4	,23	dramatic
7:10,25	34:17,18	126:24	95:1,11	185:24
8:16,18,2	38:2	135:20	106:9	draw 58:3,5
4 9:3,20	39:10	159:8	111:23	64:13
10:12	40:2	229:18	112:6	136:5,6,1
11:13,19	44:16	dollar	154:19	4 137:18
14:6	49:20	70:14	182:14	159:23
16:16	50:14	216:11	183:3	175:6
17:2	55:4,10	227:17	184:6,8	drawn 136:3
27:4,18	62:2	dollars	204:9	137:19,23
30:3,25	65:10	56:18	222:17	draws
33:3 39:1	67:20,23	58:8	232:20	135:17,18
46:5,13	69:3	82:16	248:25	136:4
55:20,24	74:16	84:19	249:1	drive
56:3	76:4	87:15,23	donor 70:8	187:19
70:16	79:5,10	88:6	71:10	driven
75:10	80:14	89:16,19	door 220:3	192:6
87:7	84:13,24	112:18	doors	driving
93:12	86:5,23	177:23	26:13,17	74:18
110:3,22,	92:9 96:6	213:17	203:20	drove
24 112:8	105:1,5	214:20,21	dots 212:25	114:18
195:24	106:17	215:2	double 15:2	duck 174:6
196:9	118:1	226:9,15	doubt 95:24	ducks 174:7
255:3	119:14	227:2,9,1	96:24	dug 210:16
display	124:9,10	8,22,25	116:2	Dunbar
22:17	126:18	228:1,6,1	129:19	187:9
displays	129:23	3,15,22,2	134:14	downloading
19:24	130:4	3	downloading	
distance	136:24	229:12,19		
166:12	145:13	,24,25		
Distributio	158:14	230:3,15		
		231:10		

during	easily	211:17	190:9	125:1,2,1
32:14	114:12,14	220:1	225:7	1
94:17	221:8	222:5	230:23	126:3,4,5
97:23	easy 44:14	225:8	232:21	127:10
162:22	220:18	231:18	239:11	128:10
171:22	echoed	232:3	elsewhere	135:16
175:14,21	132:8	237:22,24	153:10	136:9,19
176:6	208:6	elaborate	email	142:17,19
177:9	Ed 20:1	101:4	17:5,8,15	144:20,23
179:24	32:9	elected	18:25	145:4,13,
188:3	93:21	97:3	19:17,19	24
194:24	113:9	128:21	21:16,17	158:1,5,9
197:6,8,1	117:16	148:1,2	23:6,11,1	159:20
1 206:21	135:15	164:24	3,23 25:8	207:16
207:5	136:13	169:17	28:15	221:2
209:21	156:5	170:9	31:9,17,2	241:18
217:3	158:9,17	171:8	3,25	242:5
dust 89:9	Eddie	177:4	32:5,7,10	245:17,18
dye 79:24	120:23	179:25	,18	246:23
	185:13,17	180:5	33:20,21	247:4,8,1
	edge 220:22	186:5	34:3,6	9
<hr/>	editing	187:11	35:23	248:2,8,1
E	255:5	election	37:11,17	1,23
<hr/>	Edwards	41:2 43:8	40:8,12	249:25
EARL 3:5	134:17	128:21	43:22	250:3
earlier	Edwin 2:11	174:16	50:1,7,19	251:5,15
12:5,9	Effect	175:13,14	51:1,3,16	252:15
29:25	13:24	176:7,21	58:2,12,1	emailed
57:17	efficient	179:11,24	5,20	248:20
67:14	107:9	electrical	60:14	emailing
69:24	178:13	7:21	65:15,19	32:3 50:2
107:20	effort	eleven	67:5	emails
108:22	38:11	39:13	69:7,8,13	19:25
113:14	216:5	eligible	,15,17	24:21
135:8	254:15	149:1,4	72:18	32:13
140:12	eight 44:19	else 20:1	75:1,2,4	42:16
172:12	74:12	30:7	76:5	86:18
185:23	157:24	34:14	77:8,17,1	96:11,22
196:22	either	53:12	8	98:23
234:3	75:24	54:17	79:11,13	129:9
235:23	177:15	64:14	80:4	136:25
241:19	178:3	71:14	82:7,10	140:21
251:5	188:9	78:25	83:2 96:4	194:18
252:18	189:9	100:12	100:7	210:9
early 78:17	195:15	119:11	101:13,16	212:6,19
171:24	209:17	123:6	,18,21	244:12,15
earn 88:6		140:20	106:24	embarrass
earthquake		158:4	119:13,18	76:13
121:2			,20 120:7	embarrassme
easier			124:20	
254:20				

nt 36:3	entering	established	123:23	141:22
EMC 6:10	59:3,9	201:6	158:8	142:14
employees	62:19	estate	178:22	143:8
214:12	enthusiasm	214:4	everybody	144:22
enamoured	125:17	estates	18:22	150:17
238:18	129:6,8,1	83:9,10,1	38:3	159:24
encourage	1,20	8,19	165:15,16	161:16
98:8	134:21	84:8,9	181:11	162:23
encourageme	enthusiasti	estimate	222:17	171:22
nt 20:5,9	c 128:12	7:21,22,2	everything	185:23
encouraging	entire	5 8:5	13:2 20:1	191:14
96:13	43:23	estimated	30:2	199:15,16
endeavour	entities	6:24	34:14,20	,25
171:1	195:25	237:1	40:25	216:25
engage	entity	estimates	42:1	225:20
202:4,19	153:9	12:15	47:6,7	228:20
engaged	159:25	16:9	58:23	232:14,24
46:21	envelopes	et 55:15	70:10	238:3
163:20	45:3,5,8	120:10	99:13	240:3
165:13	environment	Ethics	119:11	241:4
168:6	186:22	143:9	122:3	253:4
211:16	189:6	evaluate	165:8	254:5
218:20	216:3	204:9	179:1	evident
engagement	environment	evening	181:24	107:21
166:9	al 213:18	31:17	223:10	exact 93:22
212:4,20	environment	66:2	239:12	171:25
214:6	s 198:3	event 21:25	evidence	172:1
engaging	equation	91:16	16:7	215:25
216:25	201:19	92:12	18:13	exactly
engine	equipment	100:1	23:1	34:7
129:16	182:20	101:19	27:25	36:16
engineering	equivalent	102:25	28:25	89:17
30:6	86:1,14	106:4,17	29:6,8	98:5
112:7	239:5	123:11	33:1,7	111:16
172:21	erect 48:21	125:9	45:4,14	170:2
173:2,8	erecting	158:21	49:11	examination
205:20	48:18	163:1	52:16,24	115:18
engineers	Eric 2:18	events	63:23	Examination
173:14	especially	163:1	90:21	-in-Chief
enjoy	52:4	164:9	93:5	3:6 5:19
184:20	171:9	165:2,3,1	97:9,13,2	example
ensure	173:14	9 170:4	3 98:24	182:25
17:12	espoused	197:16,20	103:16	219:25
103:21	133:24	212:1	105:24	excavating
		eventually	110:8	110:11
		121:17	113:4	excavation
			117:13	77:11,20,
			120:5	23,25
			129:21	
			138:19	

78:4	expectation	93:14	facilities	157:19
180:25	s 56:21	104:1	17:22	162:25
excerpt	60:11	110:15	18:3 43:4	163:3,12,
76:5	186:6	126:5,20	44:4 73:3	19,23
exchange	207:18	129:6,8,1	129:3	164:1
25:8	209:5	1 131:15	131:14	165:11
32:10	expected	132:8,23	149:6,11,	168:12,19
40:9,12	46:2 85:7	133:4	18 150:3	,24
75:1	186:3,12	134:21	151:25	177:22
77:18	204:13	expressing	152:17	182:1
79:11,13	249:18	36:2	177:16	184:19
80:4	expedited	120:8	178:8	189:11
127:10	211:2	125:17	202:5,7	190:22
144:24	expenditure	130:19,24	203:14	191:16
159:20	148:18	132:2	216:18	192:2,14,
246:23	208:8	209:10	facility	23 193:6
exchanging	expenditure	expression	29:2	195:24
32:13	s 146:22	94:22	51:25	196:9
excited	147:9	129:20	52:8	197:23
128:16	148:3	extend	87:16	198:22,23
exclamation	experience	188:15	114:3	200:24
124:11	29:11	extent	120:24	213:11,12
exercise	48:25	108:1	123:7	215:23
100:2	49:2,3	133:6	133:18	228:21,22
178:8	64:17	179:24	148:20	,23
253:22	181:3	extenuating	149:16	factor
255:13	201:18	184:21	178:14	89:5,23
Exhibit 4:2	202:16	extra 72:14	179:19	213:3
Exhibits	experienced	73:8,21	191:19	239:6
3:3 4:1	144:16	83:10	192:16	factors
existing	216:4	extras 46:2	199:18	113:20
120:21	expert	extremely	207:9	238:21
expand	16:12	157:4	216:9	factual
178:1	64:16	<hr/>	facing	166:17
expanded	expertise	F	146:17,19	fail 198:12
125:19	49:4	fabric 8:13	211:3	failing
143:13	explain	11:11,20	fact 15:22	166:17
expect	40:12,16	31:21	28:15	253:19
186:11	explained	114:4	30:1	fair 36:7
expect	244:21	face 164:18	81:22	38:15
138:19	explanation	181:17	83:19	74:1
182:17	5:12	211:2	91:21	94:10,21
183:6	213:4	faced	102:9	95:1
expectation	expressed	176:25	108:6	98:7,10
182:24	40:14	171:11	109:4	102:1
	92:1,13	facilitate	114:12	104:4,5,2
			119:21	1 108:3,4
			130:16	115:7
			131:10	123:9
			153:8	124:3,4,1

7,18	236:18	fees	146:3	46:12
132:7	family	11:9,25	file 211:16	119:4
133:13,14	97:19	176:3	216:25	finishing
134:20,25	154:3	feet	files	50:6
157:16	164:12,13	114:5,13	170:19	fire 94:18
179:10	165:5,8	220:8,9	FINA 216:22	179:8
180:11,12	167:1,20	fellow	final 6:2	220:4,5
,15	219:5	121:16	7:5,6,11,	firehall
182:16	227:1	206:9	22 8:14	151:21
186:21	farmer's	felt 34:23	9:17 10:3	183:21
187:20,21	21:19	42:8	12:1,4	firm 83:5
200:1,2,1	22:3 23:9	47:7,25	14:4,8,20	144:8
1	faster	62:21	109:5	170:15
201:7,19,	210:18	66:14	236:15,22	172:21,22
20	father	71:12	finally	173:8,9
204:18,19	70:18	73:6	42:6	202:4
205:24,25	97:19,20	76:20	159:19	firms 173:2
207:20,21	favourable	93:25	finance	232:2
209:6,18	109:16	94:12	61:1	first 5:24
211:19	FCM 197:6	95:2,7	143:10	11:16
213:15	fear 255:7	99:12	finances	41:18
221:20,21	feasibility	100:1	13:25	45:10
222:1,2	14:25	103:18	175:8	51:19
223:3	40:19	106:3,4	177:6	54:6 55:6
fairly	federal	119:4	financial	59:8 75:6
147:3,8	42:12	144:15	26:5,7	76:7
151:9	149:1,8,2	221:3	174:13	84:21
185:24	1	field 34:15	192:11	85:1
188:24	171:3,10	172:16	238:22	87:21
201:17	177:24	fifth	financially	98:23
203:13	fee 213:4	151:24	200:7	100:7
fairness	214:4	fifty 56:17	220:14	103:13,14
170:10	222:5,22	70:14	FINA-	113:6
171:25	feedback	84:19	regulated	120:4
181:3	175:5,24	87:15,23	216:22	121:1
faith	218:13	88:6	finding	123:13
143:18	feel 10:8	214:19,21	12:18	148:20
154:7	12:23	,22,23	fine 90:3	150:5
fall 108:18	20:3 67:5	215:2,22	93:24	164:16
177:3	97:2,5	216:1	156:17,19	186:5
falling	106:12	220:9	190:9	187:10
182:12	185:4	229:22	232:8	223:18
185:10	feeling	fighths	246:15	224:3,7
faltered	42:17	176:2	figured	233:17
178:2	115:8	figured	20:13	234:8
familiar	122:15	figures	finish	238:19
170:19		145:15,19	8:21,22	253:9
205:5			19:13	firstly

148:19	114:18	31:25	90:2,5,9,	104:6,10,
fiscal	form 165:21	51:2,3	13	24
176:23	212:22	246:21	134:7,11	106:2,14
179:12	former	foundation	139:12	107:1,11,
fiscally	176:17	6:5	145:5,10	24 108:5
148:2	178:10	16:4,14	156:16,19	109:3,18,
177:5,7	179:23	17:4	157:3	25
five 174:1	193:6,16	18:24	160:16	111:6,11,
218:3	forms	24:19	161:18,22	24
fix 178:25	204:10	33:15	162:4,8	112:3,9,1
186:11	forth 41:22	34:18	167:6,10	3,19
fixing	198:12	40:2	190:4,7	113:1
185:13	219:8	44:16	215:10,14	114:7,25
flagging	244:22	49:20	218:1	115:6,12,
96:16	fortunate	55:4,9	245:12,14	16
flagship	56:19	65:10	,16,22,25	116:6,11,
196:10	Fortunately	67:23	246:4,10,	15
flood	114:22	69:3	13 247:5	117:3,11,
205:18	forty	74:16	252:23	23
floodplain	180:20	76:4	253:3,7,1	118:14,22
111:22,25	forward	79:5,10	0,23	119:1,12
112:5	19:16	80:14	254:2,6,1	120:3
florist	23:6,11,2	84:13	2,14,18,2	121:5,14,
174:24	3 24:3,11	86:23	5 255:9	21 122:5
flow 106:8	46:19	96:6	256:4,8	123:9,17,
Flowers	51:14	111:17	frankly	21
174:20	65:19	112:21	97:2	124:5,15,
flowing	81:1	118:1	Fred 90:22	19,25
149:7	131:22	136:24	Frederick	125:7,16,
flush 109:8	132:3	145:13	2:11 3:8	25
focus 44:25	133:19	158:14	13:13	126:10,12
180:24	198:22	159:7,10	90:11,16,	,16,22
focused	219:25	160:10	19,20	127:5,9,1
109:19	249:12	161:16	91:7,12,2	6,21
FOIs 96:24	254:11	223:19	0,25	128:3,8,2
210:9	forwarded	229:18	92:5,18	4
food 25:20	23:12	244:20	93:2	129:5,17
137:24	24:4	246:7	94:2,20	130:3,11,
foodprint	55:10	fourth	95:6 96:1	23
208:15	77:10	130:5,6	97:7,21	131:7,18
forget	104:3	frame	98:6,13,1	132:6,11,
42:21	251:15	200:18	7,22	17,21
forklift	forwarding	Frank 1:7	99:5,15,2	133:9,15,
	24:7	5:11,17	0,25	21
	105:1	13:18	92:5,18	134:1,5,1
	forwards	61:13	93:2	0,13,19,2
	17:8	71:25	94:2,20	0
		86:6	95:6 96:1	135:2,6,1
		88:18,22	97:7,21	3,22
		89:25	98:6,13,1	136:12,17
			7,22	,22
			99:5,15,2	
			1,25	
			100:6,17	
			101:2,11	
			102:4,8,1	
			2,16,23	
			103:6,11,	
			24	

137:11	frustrated	228:1	22,23	141:21
138:2,7,1	179:17	Gardhouse	146:2,9,1	148:3
3,18	209:4	208:11,25	3,16,21,2	152:11
139:8	frustration	gateway	4	153:6
253:21	220:16	185:2	147:2,7,1	164:13
Friday	full 76:7	gathering	2,22,25	175:5,24
233:10,14	116:1	89:9	148:7,17,	183:3
234:11	214:22	Geddes	24	187:10
235:10,14	fully	192:7	149:5,13,	204:20
244:1	216:8	193:6,10,	23	206:24,25
255:23	full-time	12,16,25	150:2,10,	216:20
friend	179:19	gee 126:25	23	255:19
20:15	186:16	general	151:2,7,1	given 45:14
97:19	functional	94:8	6,23	49:12
113:12	120:23	115:7	152:7,15	76:1
115:17	funding	167:22	153:3,12,	92:10
135:15	83:10	203:8	18,21,25	94:21,23
154:4	131:24	233:13	154:6,13,	107:8
167:20	149:2,17,	234:18	18	128:5
227:1	21 151:4	generally	155:2,10,	152:4
231:9	fundraising	18:1,8	20,25	205:23
friends	40:13,19	32:13	156:3,10,	gives 185:2
19:22	funds 42:14	39:7	14,18,25	giving
20:11,19	78:13,17,	179:5	157:5,13,	22:21
34:13	21 79:3	205:6	14	29:7 33:1
36:10	80:9,17,2	233:11	158:2,7	36:9
42:19	1,24	234:5	159:6,9,1	38:11
76:21	81:5,17	235:2,6,1	3,19	72:9,10
96:20	82:24	6,24	160:2,8,1	73:10
97:20	122:25	236:3	8,22	90:21
207:8	148:8	gentlemen	161:2,3,9	107:15
209:17	149:15	39:23	,14,20	108:12,13
Friend's	152:13,16	George 2:9	gets 108:24	110:7
101:14	funny 205:5	3:9	214:4	218:11
friendships	furniture	5:5,14	233:21	228:20
173:1	168:6	139:14,17	235:9	goal
frightening	future 41:1	,18,25	243:25	93:23,24
225:1	42:2	140:3,7,1	getting	172:16
front 19:25	133:1,11	1,15,23	32:9	gold 87:10
96:21	146:22	141:2,6,1	43:21	gone
104:1	147:9	5,20	44:3	73:13,25
150:13	213:8	142:2,5,9	45:23	74:12
164:17	FYI 65:21	,13,20,24	83:10	84:6
199:18	_____	143:4,7,1	85:8	118:18
200:9	G	3,17,23	94:16	182:12
203:10	games 42:10	144:2,5,1	109:1	186:9
204:24		1,14,18	124:1	goodbye
243:22		145:8,12,	129:3	40:24
			134:22,23	
			136:2	

42:1	224:4,7,1	half 39:21	151:18	166:18
Gord 50:6	7	44:12	hard 89:3	251:23
187:12	225:6,17	140:18	180:25	heard 16:7
gotten 89:9	Greenland	163:2	182:6	65:17
159:2	192:1,3,2	168:19	199:22	142:14
government	3	170:11	216:4	164:16
42:12,13	grindstone	200:16	231:3	176:17
149:8	183:2	216:10	hardly	187:23
168:25	ground	half-hour	133:3	199:15,16
170:15	34:22	39:22	haven't	200:6,7,1
177:24	42:23	half-way	15:24	4,17
214:24	55:15	72:25	65:17	221:15
grading	180:24,25	hall 1:17	156:4	232:17,22
111:14,17	181:3,5	19:25	haves 179:6	hearing
great 8:9	205:14,24	94:18	having	170:18
29:1,11	207:14	96:21	9:3,7	heartfelt
36:3	group 23:8	116:18	16:16	154:25
45:25	220:11	210:2	29:3	heck 164:23
46:3 49:4	grow 154:2	235:12,14	30:25	heels
56:19	growing	hand 163:11	39:1	210:17
69:25	154:2	hands 184:7	55:20,24	held 1:16
70:5	167:21	186:20	56:3	158:22
112:17	guard	221:20	103:14	help 14:11
116:9	113:15,20	hands-on	106:7	15:19
143:18	115:14,22	182:2	107:18	20:15
153:19,22	116:20	happen	110:6	22:2
154:7	117:4	42:7,9,25	119:11	26:16
157:17	guess 93:11	62:22	144:23	29:12,13,
170:6	95:10	91:17	172:3	15 39:14
179:6	101:14	147:19	174:24	52:3
181:20	109:2	202:12,15	177:10	58:16
216:13	120:7	happened	185:12	59:7,12
232:17	173:22	43:7,8,9	189:8	70:24
greater	220:24	80:6	210:3	71:13
153:13	231:3	114:16,22	head 105:15	105:21
Green	Guidelines	117:2	106:5	150:12
21:5,18,2	187:25	157:18	160:19	169:25
2	guilty	158:5	heading	182:2
24:16,22	221:3	185:20	7:17,19	219:24
27:4,9,15	guy 95:19	249:22	13:24	220:6
84:18,21	guys 205:5	happens	136:4	245:10
85:1,5	_____	198:14	hear 33:24	248:5
87:14	H	happy 54:13	47:1	253:11
194:1	ha 188:19	157:9	63:18	helped
212:12,13	hairs 49:15	harbour	64:2,7	171:2
213:11		150:13	90:6	helpful
214:6,10			138:19	30:18
222:6			141:14	31:1

54:10 211:10 helping 26:2,12 170:25 171:11 191:17 212:12 helps 26:12 61:20 helter 119:6 hence 153:13 163:15 here's 62:6 202:23,24 ,25 208:11 212:3,4 220:14 222:13 Heritage 115:8 125:20 herring 40:15 he's 32:3,9 35:11 68:2 83:21 133:9,10 208:20 209:1 252:7 Hey 19:3 Hi 77:10 hierarchy 155:5 high 113:25 175:9 192:13 higher 184:25 highly	201:22 highway 150:7 highways 148:25 hindsight 12:25 116:9 212:18 219:18,20 hire 48:24 hiring 120:9 history 166:23 hockey 128:18 185:16,18 Hogg 158:10 hold 115:24 190:21 holds 83:5,13 homes 181:8 honest 12:24 116:4 118:25 154:14 honestly 109:14 139:5 Honor 71:22 Honour 5:5 13:14 61:18 90:12 134:16 139:10,15 144:21 156:15 157:1 159:20 160:19 161:17	162:7,14 167:9 217:25 218:10 246:16 247:3 254:1 256:2 HONOURABLE 5:11,17 13:18 61:13 71:25 86:6 88:18,22 89:25 90:2,5,9, 13 134:7,11 139:12 145:5,10 156:16,19 157:3 160:16 161:18,22 162:4,8 167:6,10 190:4,7 215:10,14 218:1 245:12,14 ,16,22,25 246:4,10, 13 247:5 252:23 253:3,7,1 0,23 254:2,6,1 2,14,18,2 5 255:9 256:4,8 hope 82:21 106:16 164:23 hoped 17:1 19:5 hoping 248:4 hospitals	219:1 hot 43:14 Hotel 184:15 Houghton 2:11 17:8,9,16 19:1 20:8,24 38:8,21 39:2,19 44:18 45:7 51:3,6,9 58:1 60:14 69:8,17,2 3 75:7 90:23 91:1,13 92:13,23 93:13,14 95:23 96:4,13,1 6 98:25 99:1,7,9 100:13,24 ,25 101:9,25 102:6 103:12 104:8 105:1 113:9 117:17 118:20 119:19,22 123:23 126:2 135:15 138:21,25 156:5 158:10,17 Houghton's 92:21 hour 39:21 156:23 161:23	hours 183:1 house 83:5,13 houses 22:20 How's 32:5 HST 215:5 huge 165:7 176:25 210:14 hugely 165:17 Hume 148:21,24 149:19 150:6 hundred 58:7 70:13 84:19 87:14,22 88:6 89:15,19 98:11 214:19,21 ,22,23 216:12 227:18,21 ,24 229:19,22 237:10 hundreds 89:9 213:16 Hurontario 1:19 hybrid 209:10 <hr/> I <hr/> i.e 117:4 118:19 124:1 Ian 72:9 76:6 79:12
---	--	--	--	---

ice 120:19 128:20 131:10 179:18 200:7 201:24 208:16 216:19	identified 20:20 183:17 190:20 191:2 216:1 identifies 190:17	75:13 79:1 82:15 85:16 88:3 89:11 90:14 91:15 92:10 93:10,11 101:14,15 102:3 106:18 107:3 108:12 111:24 112:1,17 116:25 117:14,22 119:13,24 122:12 126:17 127:18 130:5 131:11 138:19 140:6 141:21 142:24 143:22 151:3 156:15,20 157:1,9 158:4 160:19 161:17 162:19 163:3 166:7,8,1 1 167:6 170:2,3,8 171:14,21 173:15,16 ,17 176:19 182:2 184:12 189:5,18 190:10 192:12 193:14	195:22 199:20 205:2,5 211:10,12 212:3,6 219:24 220:10 223:5 226:1 229:5 230:22 234:21 235:22 236:14,17 241:19 245:5,9,2 0 247:18,20 248:4,12 249:8 253:12 254:21,22 immensely 171:3 impact 165:7,25 impacted 164:7 165:5,17 impacts 165:12 Impeach 210:4 important 70:9 100:4 101:8 108:24 119:5 123:18 157:4 239:9,11 importantly 120:11 Improvement 168:15 improvement	s 130:25 improving 150:6 inappropriate te 78:9 217:4 Inc 21:6 in-chief 93:5 97:9,13,2 3 103:16 113:4 141:22 162:23 171:23 185:23 include 7:15 9:18 12:15 14:16 75:18 151:17 158:13 included 7:7 9:22 11:25 13:3 14:15 75:21 109:5 158:13 237:19,22 ,24 238:4 including 7:10 68:8 75:23 101:5 108:15,16 136:14 137:18,20 inclusion 108:11 increases 177:1 increasing 83:7 incredible
I'd 12:3 29:24 47:14 54:16 74:12 86:4 105:8 108:22 161:7 164:24 166:21 172:19 173:12 214:1 227:10 229:12 245:5,6	I'll 62:25 90:12 94:4 129:18 145:8 157:5 158:5 169:8 187:24 189:4 215:3 218:10 227:16 228:7 232:19 247:8			
idea 12:14 13:1 14:20 17:24 27:13 52:11 59:21 60:25 65:6 81:3,12 94:13 112:15,16 ,17 116:8 127:2 129:6 132:22,24 133:16 140:17 164:19,20 211:15 222:7 243:15	I'm 6:14 7:2,13 11:2 12:8 14:15 16:3 18:4,6 29:24 30:4 33:9 34:17 37:18 41:5 47:2 50:3,5 51:22 52:22 53:4 54:23 55:11 61:11 64:4,5,11 ,12,20 65:2 66:8,20 67:9 69:16 71:22,23 72:18			
ideas 82:18 185:15				

114:23	221:19	116:3,10	109:4	s 96:4
185:8	individuals	155:18	110:1,8	interest
in-depth	169:23	infrastruct	162:19,24	23:2
140:19	248:9	ure	163:8	24:15
indicate	indoor	119:10	168:13	26:4,5,7,
32:2 94:1	70:19	146:25	196:20	8,10,21
255:22	indulgence	149:12	212:5	110:9
indicated	5:6,15	151:21	226:10	152:19
92:2	industries	179:7	230:4	153:5,12
93:21	176:10	183:21	insight	154:20
94:3	industry	ingredients	181:15	186:7
98:25	138:24	118:17	install	187:25
113:12	172:23	inhibit	75:2	interested
117:13	176:3	209:13	installed	43:21
129:1	181:14	in-house	74:23	78:5
130:12	182:5	110:17	installing	119:13
139:23,24	info@collin	initial	48:17	122:12
141:16,21	gwooddown	110:21	instance	166:8
143:7	town.com	122:15	219:23	191:17
144:19	23:7 24:8	initially	Instead	192:14
146:16	inform	158:11	210:4	194:11
148:12	155:21	initiative	instruct	interesting
150:3,16	information	22:17	203:4	97:8
157:20	7:11 13:8	24:22	instruction	114:2
158:25	14:2,4,11	25:21	s 101:24	127:10
161:13	17:20	172:9	insulated	164:16
255:21	38:1,12	200:10	8:13	166:15
indicating	41:12	208:9	11:11,20	interests
131:8	48:12	216:11	185:11	62:18
143:14	53:6	initiatives	237:3	64:9
indication	59:23	169:12	intelligent	230:19
146:10	66:6,11	177:21	29:10	intermediar
149:14	70:21	178:2	30:17	y 83:22
150:5,11,	87:4	183:18	intensifica	84:2
15	106:7,22	198:5,18	tion	interview
indicted	107:13	213:12,13	184:24,25	72:9,10
144:6	108:24	214:12	intention	73:10
individual	146:7	218:20	101:24	interviewed
18:20	163:22	input	105:19,21	166:16
143:25	195:12	8:2,18	122:24	intimately
144:24	238:14	146:4	interaction	177:13
154:14	240:18,22	inquiry 1:3	197:15,19	179:15
163:13,20	241:1	2:3,4	interchange	introduce
196:1	244:13,15	33:1	d 150:12	71:9
197:2	informed	96:11	interchange	introducing
214:4	35:16	106:19	d 150:12	78:9
individuall	81:13	108:6	interchange	inundated
y 38:8				

210:9	75:9,18	e 169:16	It'll 157:8	250:20
invested	81:4,13	Irwin 75:7	190:9	253:6,9
213:17	85:5,6,19	113:10	I've 7:1	256:2,6
investigati	104:15,16	isn't 7:5	16:13	join 208:14
on 73:16	105:12	40:22	27:15	joint 91:9
163:15,23	106:5	41:24	43:11	joyous
164:20	108:10	63:13	62:7,11	54:17
investigati	110:2,10,	73:22	63:1,11	judge 213:5
ons	21	74:13	65:8	judging
240:23	112:7,14	97:14	84:4,5,9	199:20
241:2	117:17,22	133:7	85:18	judgment
investing	118:11,17	154:14	88:10	123:10
153:9	138:24	179:9	89:7,11,1	judicial
investment	148:3	214:3	3 92:6,19	1:3 230:4
153:10	151:3	issue 12:19	94:7	July 28:7
invite	159:2	26:21	105:25	31:18
201:4	165:16	30:2 41:2	107:19	32:1,14
invited	180:19	43:8	123:4	93:6 95:8
22:18	189:7	105:14	145:25	100:23
142:18	191:1	107:6	154:3,23	102:1
193:15	211:21,22	109:16	162:24	103:17
inviting	212:21,25	111:19	182:12,14	104:1
28:16	220:23	117:5	220:16	116:16,21
invoice	221:5	136:14	230:17	121:18
214:20	231:22	150:6	241:9	127:10,17
involve	232:10,18	194:9	244:20	,19 128:4
150:18	242:11	199:24	248:16	129:10,21
involved	243:12	208:12	249:9	158:23,24
16:21	245:20	220:25	250:5	174:7
17:2 19:9	248:14	230:3		246:17,22
21:8	249:4,11,	248:3	<hr/> J <hr/>	jump 6:1
22:12	19	255:7	January	182:1
27:4,9,16	involvement	issues	92:13	junction
,18 29:2	22:16,24	20:20	job 46:3	104:3
33:2	35:6	43:13	49:4	110:15
34:24	118:9	52:5 98:4	51:16	June 21:17
45:23	155:22	176:9,24	54:9	22:13
47:14	211:13	217:11,15	77:20,23	24:20
57:18,20	217:12,15	,18	92:3	25:6,12
60:3	,19	it'd 64:15	114:23	28:7
63:2,12	218:17	89:23	186:16	80:16
66:13	231:18	item 25:7	189:9	109:13
67:16,17,	240:1	151:24	Joe 20:12	117:17
18	249:12	217:9	212:6	118:4,8
68:15,18,	involves	items 216:5	jog 29:15	119:17,18
21,22,23	148:25	233:13	John 2:4	,19
71:14,19	involving	iteration	50:6	123:22,23
	38:21	136:5	58:21	
	irrespectiv		136:10	

125:8,10, 22 129:9 158:24 223:25 junior 120:24 185:16,18 Justice 1:7 255:25 <hr/> K <hr/> Kate 2:3 3:7 5:19,20,2 3 6:9,18,23 7:4,16 8:3,7,19 9:2,8,13, 24 10:2,6,11 ,15,19,25 11:7,18,2 3 12:5,9,13 13:5,16,1 7,21,22 14:10,24 15:6,13,1 7,24 16:6,15,2 0,24 17:3,19,2 5 18:7,12,2 3 20:7,14,1 8,23 21:4,10,1 5 22:6,11,2 5 23:5,18,2 2 24:2,6,10 ,14,18 25:10,15, 24 26:3,9,15 ,20,24	27:2,10,1 7,24 28:7,18,2 4 29:8 30:9,14,2 4 31:8,13 32:12,17, 24 33:6,10,1 4,19 34:5,25 35:5,13,2 2 36:1,12,1 7,22 37:2,6,9, 15,19,24 38:16,25 39:5,9 40:1,6 41:6,11,1 8,23 43:1,20 44:15,25 45:13,20 46:4,8,10 ,20,24 47:3,8,18 48:2,6,11 49:10,19, 24 50:13,18, 25 51:23 52:6,15,2 3 53:2,4,9, 14 54:2,8,12 ,23 55:6,11,1 9,23 56:2,7,11 ,22 57:3,9,15 ,24 58:15 59:1,7,11 ,14,18,22 60:13,21 61:3,7,11 ,22,23 62:6,12	63:17,22 64:1,6,18 ,22 65:9,14 66:10,22 67:1,7,11 ,22 68:1 69:2,7,13 ,16,22 70:4,12,2 0,24 71:7,16,2 2 72:7,8,16 ,23 73:12,20 74:1,7,15 ,21,25 75:17,22 76:3,24 77:3,8 78:1,8,12 ,23 79:4,9 80:7,13 81:2,11,2 0 82:1,6,14 83:12,21 84:1,12,1 7,25 85:9,20 86:2,8,11 ,12,22 87:3,13,1 9,24 88:2,4,9, 12,16 246:6 252:21 keen 172:4 Kevin 44:19 119:14 120:7,25 121:16 122:6 124:6,16 129:7 kid 167:25	Kidd 22:17 Kidd's 22:20 kids 216:18 kinds 46:2 105:24 166:13 185:15,19 213:13 248:24 kiss 40:23 41:25 knew 5:7 20:5 23:16 27:14,15 30:17 33:2,8 60:1 85:5 99:23 105:16 117:20 118:10 121:9 222:15 225:16 228:20 230:8,11 243:19,23 248:13,21 249:4 knowledge 51:21 147:3,8 231:22 232:5,10 knowledgeab le 29:10 30:16 known 67:19 74:2 97:17 98:14 104:18 136:3,4 138:23 143:15 153:18,21	156:4,5 168:16 180:9,10 188:10 249:13 <hr/> L <hr/> lack 108:11 lady 97:14,23 138:14 lame 174:6,7 landlord 23:19,23 language 98:2 large 63:5 75:15 114:17 120:6 133:6 183:21 184:1 225:5 largest 179:24 last 34:1 38:19 43:12 60:13 74:12 100:8 174:8 218:25 226:3 lasted 39:21 late 42:24 233:13 later 25:1 66:1 211:16 latest 89:14 latter
--	--	---	--	--

148:10	56:12	97:10,14,	levels	188:11
laughter	118:16	17,18,22	85:13,22	lipread
51:14	least 53:16	98:8,15	Lewis 223:5	225:4
launched	64:24	106:11	Liberal	Lisa
163:15	116:3	109:7	66:21	69:10,19
law 83:5,20	146:18	113:9	Liberals	70:5,7,17
173:2,8	163:3	135:15	251:24	list 3:3
232:2	191:2	136:19,25	library	4:1 43:16
lawyer	203:23	137:6	85:17	150:5,15
138:17	204:3,22	139:20	87:9	190:25
lawyers	212:8	142:6,8,1	109:13	listen
136:14	241:6	1,15	119:18	18:14,22
leadership	243:9	143:11,18	licences	240:14
19:7	leave 30:10	,20,24	188:14	listening
leading	161:17	146:4	life 97:19	44:7
141:10	leaving	156:4	143:15	little 5:8
170:4,20	84:25	187:1	153:24	31:14,22
176:7	86:22	Leonard's	154:5	45:1
196:21	led 96:3	108:7	180:6	62:22
Leaf	113:18	149:14	196:24	94:14
21:6,18,2	121:17,24	less 186:21	lift 74:18	101:4
2	127:23	187:18,19	light 122:3	107:2
24:16,22	LEED	200:16	likelihood	109:8
27:4,9,15	85:12,15,	206:25	199:21	117:15
84:18,22	22,25	216:10	likely	122:13
85:2,5	86:13,17,	let's 30:9	102:9	127:25
87:14	25	42:21	149:3	131:2,19
212:13	87:8,12	65:9	180:9	132:22
213:11	239:3,5	119:23	187:24	145:14
214:6,10	LEEDs 86:17	124:20,25	254:3	148:9
222:6	87:10	127:11	likewise	149:16
224:4,7,1	LEED's	135:7	160:8	155:4
7	85:6,10	167:18	Limited	163:9
225:6,17	86:19	184:7	58:11	167:25
learn 21:4	87:9	202:18	line 31:24	175:19
27:3,4,17	203:21	letter	51:7 58:2	179:22
84:21	legal 58:21	125:22	108:14	188:16
85:1	176:2	189:17	135:17,20	190:15
learned	legitimatel	190:16	205:8,10	195:12
59:8,12	y 245:7	191:15	221:15	199:15
87:13	Leonard	level	226:6	208:23
99:16	5:25	115:11	lines 29:4	211:11
118:8	6:2,10	136:9	38:5	232:15
155:3,4,1	58:2	166:9	111:1	236:20
3,23	60:17,22	169:18	linking	241:19
224:4,7	61:2,3,16	171:9		live 164:14
learning	75:7	175:10		lived 56:20
		192:13		60:11
		212:4,20		

lives	39:4,8,24	73:11,15,	112:1,4,1	2,15,20,2
165:20	41:4,8,14	22	2,17	3
Lloyd 3:5	,21 42:8	74:5,8,20	113:10,22	147:1,5,1
5:3,21,22	43:6	,24	114:8	1,21,24
6:16	44:8,19,2	75:11,20	115:5,10,	148:6,16,
7:1,13	3	76:2,16	15	23
8:2,6,17	45:1,12,1	77:24	116:1,7,2	149:3,9,2
9:1,6,23	9,21	78:3,11,2	4	2,25
10:1,5,7,	46:7,9,17	2,24	117:9,20	150:9,22
14,17,23	,23	80:5,11,2	118:10,21	151:1,5,1
11:17,22	47:1,5,13	5	,24	3,19
12:2,8,12	,22	81:8,15,2	119:3,14	152:6,14,
,17 13:10	48:5,10,1	4 82:13	120:7,25	20
14:9,14	4 49:14	83:3,16,2	121:3,9,2	153:11,14
15:5,10,1	50:9	4 84:4,24	0	,20,23
6,21	51:20	85:4,14,2	122:2,6,2	154:3,9,1
16:3,13,1	52:2,10,2	3	1	6,22
9,23,25	1	86:4,9,15	123:15,20	155:9,18,
17:17,24	53:1,3,7,	,19	124:4,7,1	24
18:4,10,1	10,20	87:1,6,18	4,16,18	156:2,6
8 19:21	54:5,11,1	,21	125:12,23	157:23
20:10,17,	6	88:1,3,8,	126:7,11,	158:3
21 21:2,7	55:3,9,17	10,14	15,21	159:4,7,1
22:5,9,14	,22	89:3	127:4,20	2,15
23:4,14,2	56:1,6,10	90:1,4,8,	128:7,15	160:1,4,2
0,24	,15	20	129:4,7,1	1,24
24:4,9,12	57:1,5,13	91:6,11,1	5	161:7,10
,17	,17	9,24	130:6,22	162:18
25:9,13,1	58:13,19	92:4,17	131:17	163:17,24
7	59:5,10,1	93:1,17	132:5,10	164:4,10
26:1,6,11	3,17,21,2	94:11	133:8,14,	165:6,15
,18,23,25	5	95:4,12	20,25	166:2,6,1
27:7,13,2	60:14,19,	96:19	135:1,16,	4
0	25	97:18	21	167:8,12,
28:6,9,22	61:5,10,1	98:1,11,1	136:8,16,	17,24
,24	6	6	20 137:10	168:9,17,
29:4,5,9,	62:10,20	99:3,11,2	138:1,6,1	22
16,17,22	63:20,25	0,23	1,16	169:2,6,1
30:3,13,1	64:4,10,2	100:3,15	139:5,22	4,21
4,19 31:4	0,25	101:1,3	140:2,5,9	170:12,16
32:11,16,	66:8,12,2	102:2,7,1	,14,17,25	,21
20,25	5	1	141:4,13,	171:2,17,
33:5,7,9,	67:2,9,13	103:5,23	17,25	21,22
12 34:4,7	68:20	104:5,9,2	142:3,7,1	172:12,18
35:4,8,21	69:12,14,	2 105:3	2,16,22	173:4,12,
,23	21	106:10,25	143:2,6,1	19,23
36:8,15,1	70:3,7,16	107:10,17	2,16,21	174:2,8,1
9,24	,22	108:4,20	144:1,4,1	7,21
37:5,7,14	71:2,12,1	109:14,24	0,13,17	175:2,11,
,18	8	110:20	145:3	17,22
38:15,24	72:2,8,15	111:8,12	146:1,6,1	176:5,8,2

2	4,16	242:3,6,1	logical	180:23
177:8,17,	211:4,20	3,16,24	44:9	181:19
22	212:10	243:3,7,1	lol 19:15	182:22
178:5,16,	213:9,14,	0,15,18	251:21	187:14
24 179:20	20,25	244:2,6,1	L-O-L 32:9	199:15,16
180:2,7,1	214:8,15,	1,19	51:16	,21
2,16,21	25	245:4,18,	long 97:17	210:11,13
181:1,7,1	215:7,22	24	140:15	222:16
9	216:12	246:2,8,1	156:14	227:23
182:10,21	217:8,13,	7,24	166:19	239:13
183:4,9	16,20	247:14	167:20	lots 26:12
184:4,9,2	218:13,16	248:9,16,	182:13	197:14,17
3 185:8	,23	23	219:23	,18
186:4,23	219:3,10,	249:5,16,	longer	201:13
187:21	15 220:15	21 250:2	91:18	206:8
188:6,13,	221:21	251:10,18	loop 104:20	219:7
25 189:13	222:2,20	252:1,4,9	loose	243:22
190:17	223:4,8,9	,12,16,24	187:18	244:12
191:7,21	,15	,25	losing	loud 82:15
192:5,17,	224:1,5,9	Lloyd's	182:11	Love 98:4
20	,12,18,20	248:2	229:14	lower
193:1,8,1	,25	loaning	losses	153:13
3,24	225:3,13,	83:14	213:23	lucky
194:4,13,	18	loans 84:3	lost 213:12	202:14
15	226:2,4	lobbied	lot 30:17	lunch
195:3,9,1	228:18,25	68:8	35:11	156:20
9	229:5,10	lobby 98:7	86:16	157:1,7,9
196:4,7,1	230:5,8,1	188:4,7,1	87:11	161:23
2,18	1,16	7 194:23	89:4,24	
197:4,9,1	231:6,14,	195:3	95:15,24	<hr/> M <hr/>
3,17,21	20,24	198:16	111:22	Macdonald
198:6	232:8,12,	209:16,21	114:19	111:4,9
199:2,5	14,16,23	211:3	119:9	MacNeil
200:2,12,	233:1,4,7	lobbying	121:11	75:3,5
15,20	,11,15,18	188:17,19	130:17	main
201:8,15,	,23	,20	141:9	174:19,25
20	234:1,5,7	194:17	154:10	183:22
202:14,17	,12,16,20	197:25	162:24	mainly
203:6,25	,25	217:5	169:23,24	105:21
204:6,14,	235:3,6,1	location	170:6	major
19,25	1,16,21	174:24	171:18	146:24
205:9,15,	236:3,7	locations	175:12,22	150:7,19
25	237:5,16	202:21,25	,23	man 29:11
206:6,11,	238:1,6,1	locked	176:8,9,1	138:23
16	2,16,24	152:24	0,11	manage
207:11,13	239:1,8,1	153:4	178:18,25	83:24
,21	7,23	locks 153:5	179:9,25	
208:18	240:6,11,			
209:2,7,1	15,20,24			
9,23	241:3,8,1			
210:1,7,1	1,24			

management 24:23	219:2	142:2,5,9 ,13,20,24	58:21,25 136:10 138:15	255:7,16
manages 84:7	market 21:19 22:3 23:9 203:11	143:4,7,1 3,17,23 144:2,5,1 1,14,18	match 42:14	maybe 61:1 73:18 79:15 96:9
managing 177:6	marks 124:12	145:8,12, 22,23	material 204:23 233:21,25	101:17 115:18 117:21
manner 56:25 109:17 141:8,10 189:12 216:9	Marrocco 1:7 5:11,17 13:18 61:13 71:25	146:2,9,1 3,16,21,2 4 147:2,7,1 2,22,25 148:7,17, 24	Mather 2:4 5:9 250:20,22 253:6,9 256:2,6	120:22,24 122:8,10 175:18 185:14 197:24 206:24,25
manufacture d 63:5	86:6 88:18,22 89:25 90:2,5,9, 13 134:7,11 139:12 145:5,10 156:16,19	149:5,13, 23 150:2,10, 23 151:2,7,1 6,23 152:7,15 153:3,12, 18,21,25 154:6,13, 18 155:2,10, 20,25 156:3,10, 14,18,20, 25 157:5,13, 14 158:2,7 159:6,9,1 3,19 160:2,8,1 8,22 161:2,3,9 ,14,20 166:25	matter 108:10 109:22 117:6 132:2 159:21 166:5,16 222:6 234:18 243:5	219:20 220:6 243:23 245:4 250:4
March 122:19	90:2,5,9, 13 134:7,11 139:12 145:5,10 156:16,19	154:6,13, 18 155:2,10, 20,25 156:3,10, 14,18,20, 25 157:5,13, 14 158:2,7 159:6,9,1 3,19 160:2,8,1 8,22 161:2,3,9 ,14,20 166:25	matters 108:14 127:3 137:22 163:10,16 171:10	mayor 17:8,21 18:1 29:6 33:25 34:10 44:17 51:24 61:17,18, 19 65:1 93:13,18 100:19 116:2,18, 22,25 117:7,8 121:19,24 124:20 125:10 126:6 135:16 136:24 137:2,7,1 3,25 138:4,9 139:21 141:7,15, 19,23 142:14,19 164:11 165:16 176:17 179:23
margin 222:23,24 ,25 223:6,7	157:3 160:16 161:18,22 162:4,8 167:6,10 190:4,7 215:10,14 218:1 245:12,14 ,16,22,25 246:4,10, 13 247:5 252:23 253:3,7,1 0,23 254:2,6,1 2,14,18,2 5 255:9 256:4,8	Marta 118:2 244:23 245:19	may 24:23 29:16 94:22 101:19 102:5 106:17,19 119:13 121:8 124:7 129:7 134:15 138:20,25 153:13 159:21 194:10 211:1 218:17 225:21 228:20 240:8,9	
margins 222:8,9	160:16 161:18,22 162:4,8 167:6,10 190:4,7 215:10,14 218:1 245:12,14 ,16,22,25 246:4,10, 13 247:5 252:23 253:3,7,1 0,23 254:2,6,1 2,14,18,2 5 255:9 256:4,8	Marta's 118:2		
Margory 142:11	161:18,22 162:4,8 167:6,10 190:4,7 215:10,14 218:1 245:12,14 ,16,22,25 246:4,10, 13 247:5 252:23 253:3,7,1 0,23 254:2,6,1 2,14,18,2 5 255:9 256:4,8	Martin 62:20 95:18		
Marjory 61:2,3,16 97:10,14, 17,18,22 98:15 106:11 108:7 109:7 113:8 135:15 136:19,25 137:6 139:20 142:6,7,1 1,15 143:11,18 ,20,24 146:4 149:14 156:4	Marron 2:9 3:9 5:5,14 139:13,14 ,17,18,25 140:3,7,1 1,15,23 141:2,6,1 5,20	Mascarin		
mark 45:5	141:2,6,1 5,20			
Markdale				

183:17	23:5,18,2	57:3,9,15	240:8	90:23
188:9	2	,24 58:15	241:18	93:24
193:6,16	24:2,6,10	59:1,7,11	242:9	201:6
194:9	,14,18	,14,18,22	246:6	202:5
226:25	25:10,15,	60:13,21	249:8	205:4,21
227:2	24	61:3,7,11	252:21	meeting
230:15	26:3,9,15	,22,23	McGrann's	15:20
231:9	,20,24	62:6,12	199:11	17:23
mayors	27:2,10,1	63:17,22	219:13	24:21
154:11	7,24	64:1,6,18	McLellan	25:5,11,1
mayor's	28:7,18,2	,22	83:4,17	4,16,17,2
51:18,22	4 29:8	65:9,14	McNalty	5 26:22
137:17	30:9,14,2	66:10,22	6:11 75:8	28:4,13,1
157:15	4 31:8,13	67:1,7,11	101:16,22	9 31:19
McDowell	32:12,17,	,22 68:1	102:5	32:3,4,15
2:13	24	69:2,7,13	103:5	34:1,8
157:6,8	33:6,10,1	,16,22	113:11	37:13
254:23,24	4,19	70:4,12,2	mean 54:2	39:15,23
255:2	34:5,25	0,24	123:7	44:18,22
McGrann 2:3	35:5,13,2	71:7,16,2	134:12	49:25
3:7	2	2	147:23	50:1,3,8
5:19,20,2	36:1,12,1	72:7,8,16	148:10	61:8 68:3
3	7,22	,23	149:5	75:6
6:9,18,23	37:2,6,9,	73:12,20	150:5	78:15
7:4,16	15,19,24	74:1,7,15	155:8	79:19
8:3,7,19	38:16,25	,21,25	157:16	80:16,24
9:2,8,13,	39:5,9	75:17,22	158:14	92:8,12
24	40:1,6	76:3,24	188:18	103:17
10:2,6,11	41:6,11,1	77:3,8	190:21	107:15
,15,19,25	8,23	78:1,8,12	198:1	109:13
11:7,18,2	43:1,20	,23	224:11	113:7,17,
3	44:15,25	79:4,9	236:5	21
12:5,9,13	45:13,20	80:7,13	239:15	115:2,8,2
13:5,16,1	46:4,8,10	81:2,11,2	meaningful	1
7,21,22	,20,24	0	152:11	116:16,21
14:10,24	47:3,8,18	82:1,6,14	means 17:10	,23 118:3
15:6,13,1	48:2,6,11	83:12,21	208:17	119:18
7,24	49:10,19,	84:1,12,1	meant 107:3	121:18
16:6,15,2	24	7,25	256:9	127:19
0,24	50:13,18,	85:9,20	meantime	129:22
17:3,19,2	25 51:23	86:2,8,11	54:25	132:8,9
5	52:6,15,2	,12,22	media	140:20
18:7,12,2	3	87:3,13,1	163:20	141:19
3	53:2,4,9,	9,24	165:23	142:4
20:7,14,1	14	88:2,4,9,	166:10,16	148:11
8,23	54:2,8,12	12,16	226:8	152:5,8
21:4,10,1	,23	196:19	meet 25:2	157:15
5	55:6,11,1	223:17	60:17	158:8,16,
22:6,11,2	9,23	236:21		18 163:6
5	56:2,7,11	237:18		190:20,24
	,22	239:4		192:6,7

194:5	236:2	181:24	,23,25	220:10
195:17,20	member's	micro-	230:3,15	model
198:25	232:2	manage	231:10	196:1,2,1
199:1,9	membrane	42:9	237:9,14	1
207:17	8:13	micro-	millions	modern
234:15	11:11,21	managing	177:23	178:13
235:20	237:3	221:8,11	mind 10:20	216:8
236:16	membranes	microphone	47:19	moment
241:21	114:5	90:12	80:8	44:12,13
242:5,7	memory	mid 94:16	100:14	240:1
meetings	29:15	mil 147:16	112:16	momentarily
79:22	92:22	Milanovic	157:17	190:10
92:16	93:3 96:9	253:6,8,1	170:6	Monaco
113:14	117:14,15	1 255:15	176:4	176:12
122:14	138:22	million	226:16	Monday
157:25	161:11	43:15,16	229:1,13,	40:23
171:11	mention	54:21	15 243:17	41:25
189:23	126:23	58:6	mine 90:14	42:7
190:18,19	mentioned	66:16	minor	79:19
191:1,6	115:1,17	79:19	128:18	234:10
193:15	123:24	80:3	minute	242:21
195:14	192:22	89:16,19	246:11	243:1,20,
196:15	211:23	122:1	minuted	21,22
213:7	239:3	130:16	92:7,8,20	Mondays
233:3	merely	136:1	minutes	233:3
Mel	40:21	146:11	32:2	Monday's
253:9,10	merits	147:15,17	38:19	235:20
member	199:20	148:14	49:25	money 9:4
23:15	mesh	151:8,15,	72:1	42:12
43:23	133:1,10,	18 191:18	80:15	52:9
165:16	11	192:15	157:2	79:15
168:20	meshed	194:12	166:22	83:15,19,
193:6	123:13	199:17,23	173:16	22,25
234:9	meshing	200:17	195:11	84:5,7,10
235:9,18,	133:17	206:22,23	218:3	89:4,22,2
25 251:6	mess 97:1	207:9	miscellaneo	4
members	message	208:12,13	us 11:10	110:4,16
23:25	51:4	,14,16,18	misinterpre	123:5
24:3	152:11	,19 215:1	ted 102:5	130:17
43:21	met 28:1,9	216:11	missed	138:15
101:5	M-hm 78:23	220:5	234:21	147:23
148:1	248:19	222:16	misstate	148:4,18
167:1	mic 164:17	226:9,15	187:24	149:19
170:9	micromanage	227:2,9,2	mistake	153:9
178:25		5	11:3 77:4	182:11
186:15		228:6,13,	mixed	213:12
187:16		15,22,23		218:21
194:17		229:11,20		
217:1				

230:20	12:23	169:11,18	219:22	nine 38:19
monies	26:13	171:4,9	necessarily	199:8
149:7	71:23	186:6	48:14	202:13
month 44:2	80:25	188:1	necessary	ninety
months 19:8	92:14,24	189:1	99:12	82:17
42:5	125:2	198:22	negating	203:18,23
43:13	131:22	230:18	122:18	204:3
78:15	132:3,12	municipalit	negative	ninety-nine
91:15	172:20	ies	217:7	58:6
164:2	185:14	171:19	negatives	ninety-two
174:9	208:13	186:14	189:4	237:10
190:24	210:8	231:1	negativity	nobody
202:13	216:3,4	municipalit	176:10	156:7
216:22	moved 81:9	y 156:9	negotiate	nodded
Montreal	movement	183:8	45:16	160:19
184:20	207:7	184:2,6	46:15	noise 42:18
Monument	moving	186:10	63:19,23	54:20
82:8	112:20	188:2	64:3,8	nondisclosu
mood 20:24	121:2	191:17	negotiated	re 67:20
morning	133:5	207:19	46:18	non-
5:6,20,22	212:14	218:18	222:6	disclosur
39:13	MPP 170:10	230:21,24	negotiation	e 159:3
44:20	Mt 184:15	MURF 201:1	45:17	none 33:5
137:8,25	mull 255:14	murmurs	46:21	56:1
138:5	multi-	120:5	negotiation	206:11
150:17	faceted	myself	47:4	217:13
224:3	203:15	93:18	Neubauer	231:4
249:8	multi-	101:5	2:18	nonsense
mortgage	recreatio	167:1,23	news 166:19	66:15,20
83:5,7,13	nal	169:18	246:21	68:24
84:5,6,10	133:18	170:10	newspaper	73:17
152:25	multitude	<hr/> N <hr/>	203:10	76:19
mostly	187:13	namely	nice 51:16	noon 6:11
96:19	multi-use	216:11	64:15	19:1
151:20	122:25	narrative	149:10	60:15,17,
178:5	123:7	170:2	151:14	22 61:8
mother	133:23	nature	152:22	137:9
154:4	172:5	94:23	179:5	norm 105:13
motion	177:15	110:11	nicer 157:1	184:1
80:20	191:18	115:25	night 33:21	139:3
81:8,17	192:16	127:1	79:20	198:20
Motors	199:18	165:23	234:10	Norris
223:6	201:23	176:3	242:21	187:12
mouth 30:12	208:9	179:19	243:1	nose 183:2
209:16	209:11	198:7		
move 8:23	municipal	203:15		
	168:7,13	nearly		

note 21:21 100:7 122:6	188:9	92:12 157:15 165:2,4	190:5,6,1 0 198:6 202:14 215:7 256:4	old 184:15 214:24 216:2
notes 156:22 218:4,11	observation 123:10 165:12 166:9 176:18	o'clock 38:19 39:13 44:19	okay 5:17 12:12 23:4 30:9,14 41:11,17 46:10 51:5 63:25 72:16 73:20 74:1 80:7 82:14 84:12,25 88:18 89:25 90:4 103:5 138:18 144:18 146:1,13 150:23 151:2,23 154:6 156:10 158:13,24 159:6,9 161:9 180:23 190:5 225:3 228:7 231:4 232:8,13 233:2,3 234:17 236:9,20 237:17 238:2,13 239:2,14, 24 240:21,25 242:17,25 243:11,24 252:5 254:13	older 167:4,22
nothing 36:20 42:25 43:9,17 66:16 73:23 76:18 91:22 104:25 151:20	observer 170:23	October 1:23 82:7		oldest 167:13
notice 80:19,23 81:6,13,2 2	obtain 149:21	offence 227:6		O-M-G 51:4
noticed 194:17	obtained 69:23	offer 192:9 202:10,24		onboard 17:12
notificatio n 25:5	obtaining 149:17	office 25:6 28:2 83:20 99:13,14 101:9 119:8 137:3,14, 17 157:15 158:9 168:25 183:19 184:3 197:8,12 205:21		onerous 114:4
Nottawasaga 111:20 205:16	obvious 53:22 80:12 103:12 104:12 136:13 140:21 141:25 194:5 212:23 237:22	offices 23:17 25:12 28:20		ongoing 107:6 129:11
November 72:24 77:9 177:4	obviously 44:24 58:14 59:6 80:6 94:25 125:17 136:3,18 157:6 158:5 161:11 212:24 222:15 231:2	official 171:8 175:6		online 182:8
nowadays 186:12	occasion 90:23 92:25 131:16	officials 169:18 171:8		Ontario 1:20 189:22 230:18
np 2:15	occasions 171:6 177:16	oh 19:13 35:21 59:5 66:20 69:16 125:7 126:25 147:11 180:23 185:8 186:23		onto 55:1
numerous 126:8 177:16,20 248:17	occur 38:6			onus 114:4
<hr/> o <hr/>	occurred			open 26:17 67:15 247:4,8
objected 103:17				opened 168:24 170:14
objection 104:2 255:7				opening 26:13
obliged				operate 181:16
				operating 182:19
				operation 200:10,14
				operational 131:13
				Operator 250:12,23
				opinion 40:14 51:21

64:15	organizatio	over-	140:16	84:13,17
68:23	n 187:18	reaching	paid	102:18
101:9	188:12	199:24	84:18,22	106:15
110:16	organizatio	overseeing	85:2,8	112:21
143:19	ns 218:22	95:23	87:14	122:7,8
165:12	orient	overview	89:5	130:5,7,1
178:1,2	39:14	162:21	159:25	2
OPP 21:9	223:19	overwhelmin	160:3	131:3,8,2
27:20	originally	g	183:7	0,21
53:21	91:14	165:4,23	212:3	132:23
73:16	others	owing 82:17	213:4	136:23
84:24	164:22	owned	224:4	137:19
114:22	165:12	22:10,23	225:10,17	145:13
163:14,15	172:19	224:15	227:23	160:9
,23	191:25		228:6,13,	236:24
164:20	196:17		14,22	246:6
211:18	238:4		painted	paragraphs
225:17	243:23	<hr/>	97:23	96:5
opportunity	246:24	P	Palmer	120:12
119:9	249:13	p.m 32:1	191:25	135:7
149:17	otherwise	50:1,2	193:10,12	161:15
169:8	8:1 39:7	127:18	,25 194:1	paraphrase
173:7	234:18	161:25	Pam 158:10	249:8
197:14,18	235:2	162:1	panel	pardon
200:5	outdated	218:6,7	219:14	69:12
201:2	89:22	256:11	paper 163:7	228:3
230:24	outdoor	package	paragraph	Park 8:11
231:2	31:21	77:11	6:4,9	19:23
OPP's	121:12	235:10	17:4,5,7	20:19
223:25	208:14	pad 15:1,2	18:24	30:7
opt 153:6	outlined	131:11	19:13,16	34:14
option	189:22	pads 120:20	24:19,20	36:10
40:13	outset	page 3:2	33:15	42:19
45:11	143:8	4:2 6:24	40:2,8	69:1
47:23	147:13	7:17 8:8	41:19	76:21
48:7	outside	9:8	44:16,17	81:18
75:23	51:6	11:1,3,7	49:20	96:21
76:1	189:8	13:22	50:14,18,	112:4
200:9,22	199:5	38:4	21 51:2	115:8
206:23	217:2	39:10	54:24	125:20
207:10	overall	62:1	57:25	147:14
options	133:18	72:25	65:10,23	201:24
9:17	overhead	130:4	67:23	207:8
128:6	220:1,2	132:13	69:3,18	208:21
order 8:19	overheard	191:3,9	74:16	209:1,17
198:25	242:19	225:22	76:4,8	parking
202:2		226:5	79:5	7:20
204:4		227:5	80:14,15	parks
		236:13		178:10
		pages		

187:5	partnership	162:13,16	4,22	6:7,21
195:13	40:20	,17,18	195:5,16,	9:11 11:5
Parliament	192:24	163:18,25	21	14:22
168:20,21	partnership	164:5	196:5,8,1	21:13
169:5	s 40:15	165:1,10,	3,19	27:22
partially	part-time	18	197:5,10,	30:22
23:3	186:15,16	166:4,7,2	14,18,22	31:6,11
participant	partway	1	198:21	32:22
162:19	17:7	167:15,16	199:3,10	33:17
participant	party 66:21	,18	200:3,13,	37:22
s 72:17	101:18	168:2,11,	22	40:4
190:20	169:16,22	18,23	201:9,16,	49:8,17,2
participate	past 84:5	169:3,7,1	21	2
23:9	128:16,17	5	202:16,18	50:11,16,
201:4,5	231:1	170:1,13,	203:7	23 52:13
participate	path 200:24	17,22	204:2,7,1	57:22
d 195:17	201:10	171:5,20	5,20	62:4
202:1	202:11,21	172:17,20	205:1,12,	63:15
participati	203:17	173:6,15,	19	65:12
ng 191:5	206:14	20,24	206:1,7,1	67:25
particular	Patterson	174:3,10,	2,19	69:5
26:15	33:25	18,23	207:12,15	72:21
110:9	34:9	175:4,15,	,22	77:1,6
138:21	35:1,6	18	208:1,19	79:7 82:4
163:5,6	211:23	176:2,6,1	209:4,9,2	84:15
171:1	241:23	6	0,24	88:20
173:8,9	248:18	177:2,9,1	210:6,11,	98:20
188:12	Paul 2:7	8,25	15,22	102:14,21
189:12	3:10	178:6,17	211:9,15,	103:3,9
215:11	17:13	179:10,21	25 212:14	112:24
particularl	20:13	180:3,8,1	213:2,10,	116:13
y 231:17	25:3	3,17,23	15,22	120:1
particulars	29:21	181:2,10	214:2,9,1	124:23
137:18	35:24	182:4,16,	6	125:5,14
140:4,8	36:12	23	215:4,9,1	127:7,14
parties	51:5,12	183:5,15	3,17,20,2	128:1
83:23	65:16	184:7,11	1 216:24	130:1,9
84:3 99:7	68:12	185:3,21	217:10,14	131:5
160:12	69:25	186:17	,17,24	132:15,19
161:5	70:3,5	187:17,23	218:9,15,	134:3
217:2,18	82:20	188:7,15	16,24	135:4,11
partisan	83:1,4	189:3,17	219:4,11,	153:16
169:9	84:6,11	190:2,6,1	16	156:12
partnering	88:11	3,14	221:14,22	157:11
192:3	153:22	191:8,13,	222:3,21	159:17
	154:2	22	223:8	160:6,14
	155:4,14,	192:12,18	247:3	162:11
	22 159:1	,21	251:8	183:13
		193:5,9,1	254:1,3,8	189:15,25
		4	,13,16	191:11
		194:2,8,1	PAUSE	193:3

207:25	46:22	224:14,15	99:2	163:5
210:20	54:21	perception	100:9	171:24
211:7	66:15	44:11	101:6	210:8
217:22	68:11,25	73:24	105:16	phonetic
223:12,21	71:10	74:3	143:24	247:19
225:24	75:5	perfect	153:8	phrase
229:3,8	99:16,17	49:6	154:10	106:18
236:11	101:6	145:18	182:3	pick 18:19
241:15	114:23	perfectly	217:4	picked
247:1,12, 24	131:9	100:20	personally	49:11
250:8,16, 25	165:25	perform	76:11	160:20
pay 186:16	166:8	56:16	83:14	perspective
payable	173:13	95:16	perspective	picketers
153:5	175:1	performance	70:11	210:3
paying 45:5	176:24	56:8,13,1	163:9	picking
152:23	181:25	8 62:16	180:14	51:7
153:6	182:17,24	performed	181:11	pie 147:19
215:5	183:7	238:23	182:9	piece
payment	186:17	perhaps 5:8	184:19	102:24
54:25	187:18	120:17	201:10	163:6
55:7,14,2	188:8	181:12	203:18	pitching
0,25	189:7	193:23	perspective	s 196:25
61:25	199:7	203:9	pertains	plains
62:7,17	207:8	220:2	144:2	205:18
63:19,24	224:22	period	Peter 187:8	plan 122:19
64:3,8,13	244:18	78:20	phase	133:1,22
,22 136:7	254:20	80:23	123:13	136:7
137:21	people's	93:15	148:20,21	178:12
138:3,9,2	166:12	94:22	225:10,21	199:22,24
1 139:1,3	per 60:10	170:11	229:16,22	201:23
161:12	214:4	177:10	phased 15:2	202:8
payments	percent	194:24	31:20	243:4,13
55:14	9:16	206:21	122:11	planned
peach 210:5	11:8,9,12	207:5	130:17	76:12,15
penalties	12:20	209:22	phasing	255:19
152:25	55:14,15	219:7	122:9	planning
penalty	58:5	peripheral	130:21	121:18
153:7,13	62:25	184:12	133:7,16	123:1
penultimate	63:7	permits	phenomenal	150:18
128:10	98:11	11:9	95:22	172:21
people	135:25	205:13	philanthrop	173:2,9
26:12	136:5,7	perplexed	ic 219:6	176:9
29:11	184:10	241:20	phone 28:25	187:2
30:17	214:5	person	37:24	plans
34:15	215:6	71:9,13	38:10,12,	133:10,11
	216:13	83:14	17 51:8	205:20
	222:23,24			242:20
	,25			
	percentage			
	64:14			

243:9	226:6,18	161:3	population	255:15
244:16	227:4	179:17	203:9	possibly
248:6	228:11	182:7	portion	108:17
platform	236:9,19,	183:23	80:15	132:4
128:21	20 241:13	215:16,21	112:15	149:20
176:18,20	247:22	,25	portions	posted
177:3,5	251:3,12	229:24	186:8	233:18,22
179:12	pleased	249:18	portrait	234:24
platforms	36:21	pointed	97:22	potential
176:18	plow 220:19	224:23	portrayal	52:18
play 153:8	plus 130:16	226:7	97:8	109:22
185:25	180:20	points	posed	221:25
played	191:18	208:6	166:24	potentially
42:11	192:15	218:10,12	position	49:12
228:2	199:18,23	Police	62:14	powered
playing	208:12,13	189:22	255:1	21:24
192:15	,14	policing	positive	22:12
193:19	pocket	179:8	54:18,19	powers
194:12	200:4	political	185:19	174:15
plays	point 9:24	164:22	216:16	PowerStream
205:17	20:1 22:6	178:18	positively	52:17,25
please 9:9	23:15,17	politically	29:18	79:2
11:1	24:14	218:18	168:10	91:4,10
13:23	29:24	politics	179:20	225:13,15
17:4	42:13	168:8	180:7	232:1,3,6
21:11	47:12,19	178:3,5	183:4,11	preceding
24:19	53:14	197:7	192:17	174:16
40:2	57:19,20	pool	207:11	233:10
41:12	58:18	9:14,15,1	positives	preclude
44:16	59:2,6	9 10:4	189:4	122:23
50:14	66:4,24	12:19	possibility	230:20
79:5,10	68:17	31:21	45:2	precluding
82:2	70:6,15	70:19	possible	122:18
84:13	71:4,6	74:17,18,	16:20	133:23
103:7	73:16	23 75:24	26:14	pre-
112:22	80:9,12	77:21	34:23	engineere
119:15,16	97:1	81:19	102:6,7	d 8:12
124:21	99:3,9,24	85:12,22	118:7	11:10,15
125:1	100:1,8	114:17	125:3	237:12
137:5	101:10	120:19	131:23	239:21
145:14	118:19	121:11	138:25	preparation
178:1	119:5	122:16	139:6	55:15
190:15	122:4	128:23	203:20,25	110:13
191:9,24	134:15	129:2	204:2	prepare
195:22	142:21	131:11	206:2	157:6
206:19	149:6	178:7	216:6	prepared
207:3	156:18,21	208:12	247:4	
225:22	157:19	216:9,23		
	159:1			

109:7	178:25	56:17	232:18	32:14
131:12	210:12,13	91:8	Proctor	40:22
150:24	Presumably	94:12	207:16	41:24
161:17	239:20,23	101:19	244:23	43:16,24
205:7	presume	116:9	245:19	45:24
207:19	238:8,9	121:17	246:21	54:22
253:12	pretty	149:21	Proctor's	62:24
presence	147:13,18	156:8	118:2	66:16
67:14	165:9	194:20	produce	67:4 69:1
188:10	174:25	213:25	253:19	94:4
present	236:17	220:15	254:20	104:14
116:22,25	previous	221:4	product	115:3
139:20	42:16	problem	204:11,13	120:6
248:6	68:3	90:15	221:17	121:2
presentatio	177:19	procedural	222:10,13	122:15
n 22:22	179:14	80:20	238:19	130:20,21
34:11	206:16	proceed	239:16	133:17
35:2,3,7,	previously	18:2	products	134:22,23
17,19	5:3 12:3	27:12	13:8	209:18
36:14	60:2	39:16	213:18	232:20
66:5	price 45:22	40:11,23	223:5	240:5
222:4	46:6,18	41:25	profit	241:7
223:1	77:14	42:6 43:4	222:8,23,	243:12,14
presented	151:8	47:9	24,25	projects
173:7	203:19	78:16	223:6,7	14:13
196:2	204:11	94:5	profitable	27:6,12,1
200:15	prices	244:16	182:14	9 31:2
221:16,17	45:16	proceeding	profiting	33:3 37:4
248:18	119:19,22	14:12	68:11	47:20
presenting	124:1	proceeds	profits	48:9
25:21	principal	148:14	222:9	53:19
36:25	153:6	process	program	54:3
65:1	prior 47:16	29:2	21:25	66:24
presently	70:17	46:21	22:8,13	67:8,12
173:13	100:22	54:19	23:3	68:16
president	244:6,7	85:6,10,1	24:23	84:23
128:17	245:5	6,17	145:20	85:3
press	priorities	123:1	148:22,25	87:16
117:14	184:8	165:13	194:24	106:8
pressing	private	178:3	progress	183:21
101:14	40:14,20	196:21	128:4,13	184:2
pressure	188:21	199:11	prohibited	185:6
19:23	197:15	203:2	44:2	187:2
20:25	pro 131:19	204:8	project	198:17
95:3,7,11	probably	205:22	10:22	promptly
,13,24	7:1 12:25	207:2	29:12	129:19
96:17		209:12		proof 49:4
		211:2		proof's
		226:22		56:15

63:9	21:24	74:2	119:15	
proper	137:4	78:13,14	124:21	<u>Q</u>
131:11	185:25	79:18,22	127:11	quagmire
properly	204:4	81:3,13,2	pulled	122:1
185:4	238:14	1 105:10	54:24	qualified
203:2	240:17,22	110:25	112:22	162:24
210:23	241:1	111:3,7	119:16	201:5
proposal	provided	148:11	purchase	203:24
199:18	6:1 7:22	149:17	45:8 73:1	qualify
201:18	12:10	150:3	purchased	167:9
244:5	13:7,9	151:3	113:16	question
proposals	14:8	152:5,7,1	purporting	8:21
200:25	15:8,14	0,12,18	141:7	15:1,7
201:4	16:9,12	154:20,21	purpose	32:5
206:24	45:17	186:1	122:18	35:11
proposed	48:12	209:24	141:18	41:5,19
38:12	137:7	210:1	142:4	42:3
55:8,21	162:23	220:18	purposes	46:12
192:19	168:12	231:17,21	186:2	54:11
242:21	178:21	232:4,10	pursuant	60:20
proposition	provides	233:17	91:1	68:5,18
92:24	246:21	234:9	pursue	80:18
prospect	providing	235:9,18	122:13	81:16,21
130:21	163:21	236:1	128:6	95:5
protect	183:1	243:21	pursued	112:12
62:18	191:17	244:17	122:15	113:19
64:8	216:7	publically	213:11	119:4
protected	province	234:19	push 42:9	132:1
63:9	186:10,11	publication	71:14	135:18
protections	196:3,11	234:3	98:8	141:21
56:4	198:14	publicity	182:6	142:10
protocol	provincial	71:6	pushed	143:22
65:7	42:12	public's	97:15	145:23
protracted	149:1,7,2	186:3	144:7	147:6
178:3	1 171:10	published	216:4	160:24
prove	177:24	223:24	pushing	166:2,24
114:10	189:22	235:2	43:18	167:2
228:5	216:20	244:1	69:1 94:5	169:21
proved	Provincial/ Federal	pudding	104:14	192:22
100:4	prudent	56:16	170:3	193:17,23
Provement	177:7	63:10	pull	219:13
168:14	public 8:1	pull	6:14,18	220:8
provide	19:24	37:19	37:19	225:20
14:2	20:12	61:11	61:11	231:7
15:11	44:11	62:1	76:24	245:7
	73:24	96:7	96:7	249:3
			putting	questioned
			48:25	141:9,11
			92:23	154:19
			108:16	
			110:25	
			111:1	

166:4	199:1	react	188:18	30:24
questioning	quote 40:18	183:10	189:6	32:12
189:21	69:23	reaction	192:8	47:18
199:11	77:19,23	33:7	194:15	53:2
221:15	78:7	56:12	199:24	58:16
247:10	232:19	87:17,20	205:17	96:9,10
questions	quoting	reading	220:12	106:17,19
8:4 35:18	77:13	16:5	221:16	110:2,23
38:13		69:14	253:11	111:2
61:25	R	136:9	reason	118:6
78:12	raise	211:17	15:18	140:3,7
87:25	115:20,23	227:20	18:15,18	142:25
88:5,17	194:8	ready 15:20	26:16,18	145:4
107:22	217:4,11,	real 40:15	42:4 43:1	146:3
139:10	15,18	164:15	52:7,10	157:21,22
141:10	221:19	214:3	73:19,21	166:1,10
161:21	raised	realistic	104:8	175:9
162:5	117:7	204:3	158:20,21	178:15
164:18	136:18	206:3	178:19	184:14
196:20	138:10	reality	reasonable	191:5
223:16	184:9	115:13,21	165:2	215:25
236:21	208:7	166:20	170:5	219:23
237:18	raising	realize	172:25	220:7
240:2	208:12	131:9	181:4	240:4
252:20,22	218:21	211:15	183:5	recalled
254:21	rally 96:21	realized	188:16	113:13
quick	ran 164:1	89:1	194:23	171:24
218:12	172:22	159:1	195:6	172:1
quickly	174:18	215:2	201:22	receive
41:10	176:16	realizing	202:12	254:4
131:23	177:2	128:19	203:16,22	received
132:3,12	187:3,4,6	really	204:21,25	122:10
208:3	rates	12:24	207:6	195:19
212:15	14:7,17	45:19	212:8	200:1
219:11	153:12	87:11	247:8	receives
quite 8:10	rather	91:21	reasons	202:23
38:1 52:9	33:23	92:7 95:9	13:12	receiving
62:24	167:22	98:23	44:9	16:8
63:7	re 15:11	103:13	205:22	17:15,20
85:18	100:25	133:6	219:7,9	22:4
91:22	157:24	134:14	249:10	58:12
97:1	reached	150:16	rebuild	recent
105:8,14	118:4	157:20,21	208:13	151:10
116:25	239:7	166:12	rec 87:16	recessing
139:6	reaching	168:4	178:11	72:4
150:24	127:2	182:6	recall	161:25
221:7		186:16	6:13,16	218:6
quorum			7:24	recognize
			28:4,19	

197:23	192:16	177:10	170:15	19:19
recognizing	199:18	219:18	relationshi	21:2
165:18	red 40:15	reflection	p 143:10	22:3,15
recollectio	redacted	164:6	166:22,25	23:12
n 24:7	38:1,7,10	reflects	167:21	25:8,10,1
144:23	82:10	84:18	168:5	4 28:23
212:1	redevelopme	refresh	169:20	29:3,22
recommend	nt 81:19	161:10	173:9	32:10,20
172:14,19	148:22,25	refurbish	193:10,11	34:3
173:7	redone	178:12	194:11	37:12,14, 15
recommendat	89:23	refurbishin	relationshi	38:22,25
ions	refer	g 177:15	ps 186:19	39:20,21, 25 44:22
205:11	101:14	regarded	relax 157:9	50:6,9
244:18	102:17	91:3	release	55:17,19, 23 56:2
recommended	reference	regarding	246:22	58:12
191:19	16:5	240:18	released	59:1,8,11 ,14
record 8:20	92:7,8,20	regardless	71:3	60:16,21
15:25	96:10	76:10	235:23	61:8
39:11	106:16,23	regards	reliance	62:8,10
92:9	139:19	217:18	144:15	70:1
124:6	146:5,22	region	238:21	72:9,10,1
162:17	152:12	173:3	239:7	5 73:10
167:3	161:4	registratio	rely 144:12	74:17,21
214:18	189:20	n	220:12	75:9,12,1
records	243:1	188:4,8,1	238:21	5,17,21
15:13	referenced	7 194:24	relying	77:22
recreation	145:12	195:4	238:14	80:4,8,22
17:21	165:11	relate	remarkable	86:2,24
18:3 29:2	183:15	24:23	253:11	87:4
44:4,20	referred	related	remarks	92:15,23
51:25	96:5	76:21	130:6	93:5,11,1
52:8	103:16	77:20	132:13	2,16,23
149:6	144:21	169:12	remedial	106:23
179:9	160:9,10	171:10	111:22	111:14,15
187:6	179:18	207:17	112:5	116:8
195:14	183:20	208:7	remem	117:1,18, 21
recreational	referring	211:13	225:11	118:23,24
l 73:2	24:8 70:1	relates	remember	124:8,13
133:23	83:1	164:7	7:2,9	139:6,7,2
148:20	158:1,4	204:11	9:2,6	4
149:11,16	208:21	relation	11:23,24	140:1,2,1
,18 150:3	229:17	9:18	15:15,21	9,20
151:25	252:3	relations	16:15	142:12
172:5	256:7	168:25	17:15,19, 25 18:5	143:3,6
177:14	reflect			157:24
179:4	175:9			163:4
191:19	reflected			

172:13	6:11,14	106:1	202:3	65:23
190:23	7:2,5,6,1	107:16,20	required	77:15
194:4	2 8:14	226:8	55:14	80:1 95:7
210:3	9:9,17	234:14,18	185:18	96:22
225:12	10:3	,23	202:6	166:8
226:2	11:25	235:2,19,	requirement	248:7,17
232:25	12:1,3,4	23 238:11	81:6	responded
250:1	13:7,23	representat	requirement	66:18
251:9	14:5,8,20	ion	s 6:25	219:20
remembered	15:8,12,1	163:14	80:19	251:13
17:1	4,15,18,2	188:11	81:14	252:15
reminder	5	representat	res 131:19	responding
46:11	16:1,8,22	ions	rescheduled	76:6
remuneratio	21:9	189:8	158:17	responds
n 189:11	44:21	representat	residents	50:5 51:1
193:21	89:18,22	ive 169:9	185:7	101:12
Renewal	93:8	representat	216:7	251:20
145:19	94:23	ives	respect	response
Rennie	95:9,10	180:1	9:13 37:3	51:3,15,1
69:10,19,	103:22	195:18	53:16	8 58:24
23	104:3	196:1	56:5,13	66:14,19
70:6,8,17	105:9,20,	represented	72:12	67:5
71:1	21,23	8:15	80:21	77:12
reno 208:14	106:12	170:24	85:9	127:24
renovations	107:7,18,	representin	92:21	129:8
95:20	23	g	93:15	174:12
rent 214:12	108:2,8	193:18,25	97:10	178:19
repairs	109:6	reps 195:13	98:24	189:21
79:14,16	122:9	repurposed	99:7,9	219:12
repayments	123:14	123:4	101:15	224:22
14:1	146:8	reputation	108:9,13	226:12
repeat 44:7	202:23	164:25	113:17	227:4
60:19	204:23	request	120:6	252:3
67:9 98:2	217:9	22:4	121:7	responses
143:21	219:25	24:21	123:19	52:5
147:5	225:17	79:13	125:10	204:21
replaced	235:9	92:21	138:8	responsibil
91:23	236:1,14,	95:8	139:1	ities
replied	16,22	200:25	154:23	189:10
124:7	237:21	201:3,18	182:22	214:11
replies	243:25	206:24	190:22	responsibil
123:25	244:17	requested	217:15	ity 116:2
reply 79:17	reporter	44:18	232:6	117:10
124:11	8:20	requests	241:6	responsible
report 5:24	reporting	220:5	242:15	120:9
	195:7	require	respond	148:2
	reports		23:6 25:1	197:3,23
	89:8		32:7 51:5	204:4
	103:13			
	105:7			

222:12	60:24	7:1,13	46:7,9,17	5
rest 42:20	93:19	8:2,6,17	,23	81:8,15,2
59:19	105:9	9:1,6,23	47:1,5,13	4 82:13
254:3	120:10	10:1,5,7,	,22	83:3,16,2
restoration	136:11	14,17,23	48:5,10,1	4 84:4,24
82:9	137:3,14	11:17,22	4 49:14	85:4,14,2
restrain	140:22	12:2,8,12	50:9	3
179:12	141:7,13,	,17 13:10	51:20	86:4,9,15
restrained	18,19	14:9,14	52:2,10,2	87:1,6,18
200:8	142:6,10,	15:5,10,1	1	,21
restraint	11,17	6,21	53:1,3,7,	88:1,3,8,
176:23	143:19	16:3,13,1	10,20	10,14
restricted	218:11	9,23,25	54:5,11,1	89:3
174:15	237:21	17:17,24	6	90:1,4,8
result 23:3	reviewed	18:4,10,1	55:3,9,17	91:6,11,1
53:11	15:18	8 19:21	,22	9,24
91:8,21	86:16	20:10,17,	56:1,6,10	92:4,17
102:10	139:19,21	21 21:2,7	,15	93:1,17
110:14	140:10	22:5,9,14	57:1,5,13	94:11
112:6,18	141:12,16	23:4,14,2	,17	95:4,12
123:3	,22,24	0,24	58:13,19	96:19
152:4	142:1,15	24:4,9,12	59:5,10,1	97:18
158:9	159:20	,17	3,17,21,2	98:1,11,1
178:3	208:4	25:9,13,1	5	6
184:17,22	238:11	7	60:19,25	99:3,11,2
210:17	reviewing	26:1,6,11	61:5,10,1	0,23
211:17	15:15	,18,23,25	6	100:3,15
resulting	143:8	27:7,13,2	62:10,20	101:1,3
74:22	161:15	0	63:20,25	102:2,7,1
results	Rexall	28:6,9,22	64:4,10,2	1
19:5 49:5	184:20	29:5,17	0,25	103:5,23
resuming	RFP 40:21	30:13,19	66:8,12,2	104:5,9,2
72:5	52:25	31:4	5	2 105:3
162:1	74:4	32:11,16,	67:2,9,13	106:10,25
218:7	202:1,2,3	20	68:20	107:10,17
retail	203:5,8,1	33:5,9,12	69:12,14,	108:4,20
174:24	2,13	34:4,7	21	109:14,24
retained	206:4,14	35:4,8,21	70:3,7,16	110:20
14:25	209:12	,23	,22	111:8,12
16:12	222:18	36:8,15,1	71:2,12,1	112:1,4,1
retirement	RFPs 72:13	9,24	8 72:2,15	2,17
255:25	73:5,14,1	37:5,7,14	73:11,15,	113:22
Revenue	8,25	,18	22	114:8
216:2	201:13	38:15,24	74:5,8,20	115:5,10,
review	RFQ 40:21	39:4,8,24	,24	15
	RICHARD 3:5	41:4,8,14	75:11,20	116:1,7,2
	5:3,22	42:8	76:2,16	4
	6:16	43:6	77:24	117:9,20
		44:8,23	78:3,11,2	118:10,21
		45:12,19,	2,24	,24 119:3
		21	80:5,11,2	121:3,9,2

0	155:9,18,	20	18 226:4	ridiculous
122:2,21	24	193:1,8,1	228:18,25	89:13
123:15,20	156:2,6	3,24	229:5,10	114:16
124:4,14,	157:23	194:4,13,	230:5,8,1	175:24
18	158:3	15	1,16	riding
125:12,23	159:4,7,1	195:3,9,1	231:6,14,	168:21
126:7,11,	2,15	9	20,24	169:10,13
15,21	160:1,4,2	196:4,7,1	232:8,12	,25
127:4,20	1,24	2,18	233:1,4,7	171:18
128:7,15	161:7,10	197:4,9,1	,11,15,18	rightly
129:4,15	163:17,24	3,17,21	,23	205:22
130:22	164:4,10	198:6	234:1,5,7	right-sided
131:17	165:6,15	199:2,5	,12,16,20	182:5
132:5,10	166:2,6,1	200:2,12,	,25	rigorous
133:8,14,	4	20	235:3,6,1	85:18
20,25	167:8,12,	201:8,15,	1,16,21	ring 58:16
135:1,21	17,24	20	236:3,7	172:10
136:8,16,	168:9,17,	202:14,17	237:5,16	rink 121:13
20 137:10	22	203:6,25	238:1,6,1	128:22
138:1,6,1	169:2,6,1	204:6,14,	2,16,24	129:2
1,16	4,21	19,25	239:1,8,1	208:14
139:5,22	170:12,16	205:9,15,	7,23	risk
140:2,5,9	,21	25	240:6,11,	57:4,6,7
,14,17,25	171:2,17	206:6,11,	15,20,24	road 47:15
141:4,13,	172:12,18	16	241:3,8,1	79:14
17,25	173:4,12,	207:11,13	1,24	108:25
142:3,7,1	19,23	,21	242:3,6,1	114:13
2,16,22	174:2,8,1	208:18	3,16,24	123:1
143:2,6,1	7,21	209:2,7,1	243:3,7,1	148:9
2,16,21	175:2,11,	9,23	0,15,18	150:25
144:1,4,1	17,22	210:1,7,1	244:2,6,1	206:3,4
0,13,17	176:5,8,2	4,16	1,19	roads
145:3	2	211:4,20	245:4,18,	149:12
146:1,6,1	177:8,17,	212:10	24	151:20
2,15,20,2	22	213:9,14,	246:2,8,1	179:7
3	178:5,16,	20,25	7,24	197:11
147:1,5,1	24 179:20	214:8,15,	247:14	206:17
1,21,24	180:2,7,1	25 215:7	248:16,23	role 8:1
148:6,16,	2,16,21	216:12	249:5,16,	143:9
23	181:1,7,1	217:8,13,	21 250:2	191:18
149:3,9,2	9	16,20	251:10,18	192:15
2,25	182:10,21	218:23	252:1,4,9	193:19,20
150:9,22	183:4,9	219:3,10,	,12,16,25	194:12
151:1,5,1	184:4,9,2	15 220:15	Rick 60:14	205:17
3,19	3 185:8	221:21	77:10	212:3
152:6,14,	186:4,23	222:2,20	113:10	roles
20	187:21	223:4	130:6	
153:11,14	188:6,13,	224:1,5,9	rid 68:9	
,20,23	25 189:13	,12,18,20	153:6	
154:3,9,1	191:7,21	,25	ride 186:25	
6,22	192:5,17,	225:3,13,		

185:24	235:1,5,8	136:25	54:25	228:11,25
roll	,13,17,25	153:19	55:7,14,2	236:19
129:14,15	236:5,8,1	154:1,7,2	1,25	241:17
	3	3	61:25	251:2,11
rolling	237:6,17	155:13,17	62:7,17	scrolled
44:3	238:2,8,1	,19,21	63:19,24	41:9
Ron 62:20	3,17,25	158:13	64:3,8,23	scrutiny
	239:2,10,	167:17	137:21	165:24
roofs	14,19,24	sanitarium	138:4,9,2	se 214:4
203:20	240:7,13,	110:25	1 139:2,3	seating
room 90:24	16,21,25	sanitary	205:5	185:17
178:8	241:4,9,1	7:20	school	
row 205:3	2,17	Sara 156:3	167:3,13	second
rule 233:13	242:1,4,8	Saskatchewan	scissor	68:14
	,14,17,25	n 54:6	74:18	148:21
rumbles	243:4,8,1	sat 168:13	score	150:11,14
121:1	1,16,24	171:15	29:12,13	158:16,22
rumblings	244:3,9,1	201:11	Scouts	200:5,9
121:23	4	219:22	188:20	216:8
run 44:10	245:1,8,1	satisfactor	screen	217:25
164:10,11	3,15	y 119:2	54:24	229:16,22
,23 175:7	246:12,15	satisfied	57:25	242:18
	,19,20	152:17	72:19	245:23
running	247:16,17	Saunderson	120:12	secondly
66:21	248:1,19	34:19	122:7	204:11
111:12	249:2,7,1	42:19	190:10	secret
176:20	7,23	244:21	226:13	71:8,11
251:24	250:3,10,	245:17,19	scroll 6:24	section
Ryan 2:14	13,18,21	246:22	7:17 8:8	41:20
3:11	251:1,2,1	save 9:4	11:1	71:24
223:14,15	1,19	110:4,16	13:25	sector
,23	252:2,5,1	saved 56:17	19:12	180:19
224:2,6,1	0,13,19	112:18	21:15	197:15
0,16,19,2		saw 6:13	23:5,10	sectors
1	<hr/>	10:3	31:13,22	179:16
225:2,9,1	safe 168:5	36:12	32:6,8	security
5,19	195:22,23	52:15	39:10	219:13
226:1,5	222:7	62:8	41:14,16	seeing
228:19	sale 52:18	104:25	50:20	11:24
230:1,7,1	67:15	225:10	68:4	58:15
0,13	81:18	238:19	77:3,15	63:12
231:4,7,1	148:14	251:13	82:6,19	74:8
6,21	231:22	scale 184:1	103:6	122:7
232:4,9,1	232:6	scenario	119:23	seek 218:13
3	sander	120:14	127:23	seeking
233:2,5,8	220:20,21	schedule	145:14	56:4
,12,16,20	Sandra 2:9		191:24	
,24	17:11		207:3	
234:2,6,8	52:4		226:5,18	
,13,17,22	68:12			

seem 81:2,11 118:1 172:25 212:7	248:11	242:5 248:23 249:1	157:24 163:1,2 165:3,19 168:19 170:11 190:22,24 199:7 212:2 214:20,22 215:22 216:1 237:9	213:24
seemed 126:23 127:1 161:4	sending 31:23 34:3 50:7 126:4	sentence 76:7 100:18 242:18	seventy 215:24	she'll 97:11
seemingly 248:6	sends 25:4 50:19 65:15	separate 28:19 71:19 202:5,7,2 0	several 169:4	shelved 43:15 176:13
seems 209:1 252:6,10	sense 30:15 32:18 33:4 48:19,22 60:8 71:8 94:7 108:21 109:21 144:15 153:1 166:11 239:13 255:16	September 65:14 68:1 69:9	sewer 7:20 145:19	shelves 89:7
seen 6:17,25 7:1 12:3 15:24 16:6,14 35:24 43:11,22 54:6 62:11 65:8 70:13 89:7,13 94:8 107:19 123:12 127:22 154:12 159:8 164:14 185:24 199:16 213:23 226:10 227:20 236:14 244:25	sensible 44:9	series 189:23	Seymour 99:17 118:3,11, 12,16	she's 69:10,19 71:9 125:16 154:9,14, 25
sell 223:6	sent 6:10 19:19 31:17 37:11,17 42:13 55:5 58:1 61:1 66:17 67:4 72:16 75:2 77:18 101:16 103:12 105:6 119:13 121:16 123:22 125:22 135:15 136:10,13 145:25 177:23 207:16 221:2 233:20	serious 207:17	severe 152:25	shield 74:23 75:2,10,1 2,19,23 113:6,15, 19 114:1 219:15,16 220:24
send 18:25 21:21 33:21 34:5 50:1 69:8 106:1 126:3 214:20		serve 173:17	Seymour's 118:9	Shifting 44:25
		served 168:19 173:25	shape 165:20 202:9 212:22	shone 122:3
		service 91:9	share 66:6,11 67:15 70:20 81:18 163:8 175:9 176:20 197:25	shop 174:24
		services 58:11,17 111:13 202:9 204:12 214:19	shared 162:22 171:21	short 91:16 93:8 94:22 109:1 185:3 200:18 218:3
		servicing 111:2,5	Shaw 83:4,17 84:6,11	shortly 25:4 101:25 137:8
		serving 43:10 169:4	sheet	shovels 34:21 42:22 207:14
		sets 158:15		showed 175:13 224:14
		seven 39:25 58:7 84:18 87:14,22 88:6 93:4 140:18		shown 72:19 106:24

shows 55:4 89:15 145:18 shuf 36:20 sic 29:23 159:23 166:17,18 189:20 192:25 246:1 sided 164:19 sides 189:4 201:19 sign 143:4 210:3 signed 55:1,2,13 56:24 57:12 59:16 60:18,23 62:9 67:20 142:21 143:1 159:2 significant 122:8 150:18 151:12 152:9 174:12 185:6 significant ly 165:4 216:10 signs 61:14,15, 19 sil 214:10 silver 85:12,22 86:20,25 239:5 Simcoe	24:23 similar 39:11 165:12 182:18 183:6 249:14 Similarly 8:7 simply 65:24 101:20 108:12,13 ,16 124:11 145:24 215:22 simultaneou sly 38:6 sincere 154:25 single 15:1 208:15 single-pad 31:20 sir 135:1 248:4 sister 167:22 sisters 230:20 sit 196:14 212:2 213:6 255:23,24 site 7:17,19,2 5 8:4,11,15 ,16,25 9:4 110:5,12, 17,23,24 111:13 112:16 180:24	sites 182:11 sitting 12:13,17 13:5 170:23 185:22 256:3 situation 166:5 six 82:16 190:24 202:12 214:19,23 215:24 229:22 sixty 215:2,24 size 202:9 skaters 216:19 239:18 skelter 119:6 skills 154:24 181:12 sky 147:19 slide 179:1 sluffed 36:20 small 8:10 172:24 180:8 smaller 172:24 186:17 Smart's 174:20 snotty 167:25 Snowhawks 219:1 soil 12:18	173:14 solar 21:24 22:8,12,1 6,19,22 23:2 213:17 sole 201:2,25 solution 172:4 194:12 200:15 206:22,23 somebody 48:3,24 71:14 76:21,22 145:6 188:18,19 194:10,11 214:18 someone 64:19 74:17 114:10 115:2 143:14 144:6,7,8 154:1 155:5,14, 15 someone's 68:14 sometime 100:22 177:4 211:16 somewhat 63:2 108:22 123:12 somewhere 163:13 174:7 sooner 5:8 sophisticat	ed 207:7 sorry 12:8 19:13 40:6 41:5 46:9 47:2 52:22 64:21 66:9 67:10 86:8,9 88:3 97:2 102:3 108:12 111:24 112:2 125:9 140:6 143:22 158:23 160:19 168:1 171:21 190:6 195:1 199:16 206:12 207:23 208:19 210:12 211:18 223:9 225:3 229:6 230:10 231:6 234:21 246:10 250:22 254:8 sort 126:1 163:7 164:6 174:3 175:9 181:16 183:2 200:3 211:10 212:8 sorts 180:5
--	---	---	--	---

sought 139:2	spelled 210:5	28:2,5,11 ,21,25	137:3,8,1 4	103:13,21 104:17
Sounds 210:6	spend 166:21 211:11	29:25 32:14,25 34:2	155:6,15 160:2,10, 11 161:6	105:5,6,2 0,21,22 106:1,12
source 201:2,25	spending 52:9 120:8 122:3	35:4,7,20 36:6,14,2 3 37:1,3 39:2,3,16	195:18 200:9 211:22 216:15	107:7,16, 18,20,23 108:2,8,1 2 110:5
south 122:22	spe 27:7 175:16,20 ,23	40:11 42:6 45:1,3,6, 9,11 46:5	219:15,16 220:24 222:9,24 225:8	112:10,15 126:25 165:16 181:20
spe 27:7	spent 45:25 79:16 154:1	47:9,24 48:1,3,15 ,20 53:16,18	232:21 237:8 238:19 239:4,12	183:10 187:8,10, 15 189:1 201:6 202:4,23
speak 17:11 18:5 69:25 70:5 171:16 172:7 206:7 210:23	spinning 42:10	54:3,14 59:4,9,20 60:9 66:5,23 68:7,9 69:24 72:12 73:1 74:23	240:4,14 241:6 242:11,15 ,21 243:13 244:4,17 248:7,14	203:4,7 204:8,15, 22 210:9,12 216:5 217:1,3,4 ,9 219:24 220:12 221:10,12 222:14,15 234:14,18 ,23
speaking 69:9,18 179:5 198:4 205:6 235:24 242:20	spinoffs 185:19	75:2,3,10 ,12,18,23 79:23 85:15,25 86:13,19 87:7 94:4,13 99:2,8,10 ,18 100:10,12 ,25 101:6,23 102:10 113:14,15 ,19,24 114:1,11 115:2,14, 22 116:17,20 117:4,16 118:4,9,1 1,13,19 121:10 122:16 123:3	Sprung/BLT 58:3 135:17 141:1,2 161:5 staff 5:24 6:11,14 7:2,5,6,1 1 9:17 10:3 11:24 12:4 13:7 14:4,8,19 ,20 15:19 16:10,22 31:19 44:21 46:14,21 65:1,5,6 68:7 93:7 94:21 95:2,15,1 6,21 96:16,22 97:3,4,5 101:6	204:8,15, 22 210:9,12 216:5 217:1,3,4 ,9 219:24 220:12 221:10,12 222:14,15 234:14,18 ,23 235:2,9,1 9,23 236:1,14, 16,22 238:14 243:25 244:17
speaks 134:12 181:11	spirits 19:18			
spec 220:19	spite 17:13			
specific 24:7 95:8 167:2 171:14 180:18 198:1	splitting 49:15			
speaks 134:12 181:11	spoke 18:20,21, 22 25:2 29:21 35:10 83:3 108:19 179:22			
spec 220:19	spoken 38:7 180:18			
specific 24:7 95:8 167:2 171:14 180:18 198:1	spokesperso n 71:20			
specificall y 18:19 27:8 163:21 218:24 240:5 245:11	spring 173:21,22			
specifics 157:25	Spring/BLT 159:22			
specs 221:1	Sprung 10:8,12 11:25 12:16 18:8,13 27:5,19			
speculative 228:9				
				stages 120:15 stakeholder s 202:6,19 stall 40:21 standard 178:13 stands 98:3 253:1 start 5:10,15

38:18	98:8	store 83:13	123:3,4	213:4
120:18	stayed	168:6	146:25	subsequentl
122:25	91:17	storm 7:20	struggling	y 164:2
162:20	Steam	story 164:1	211:12	178:21
171:22	129:16	166:19	stuck 49:1	substance
187:10	Stec 21:18	211:19	164:17	227:15,16
221:1,10	22:10	straight	studies	substantial
226:2,6	23:16	97:11,24	89:12	192:15
started	24:21	167:4	studios	succeed
62:15	25:5,11,1	strategic	178:8	54:3
168:6	6 26:17	121:18	stuff 19:22	success
176:13	27:24	192:3	28:16	170:25
244:7	28:5,20	street 1:19	34:13	successful
245:2	224:15	18:21	42:9 74:9	26:13
starting	Stec's	20:12	88:11	88:13
39:12	23:19	148:22,24	89:12	169:12,19
47:6	steel 8:12	149:20	94:18	176:19
127:2	11:10,15	150:6	98:4	177:1
131:8	63:1,3,5	174:20,25	108:25	198:8
starts	237:12	183:22	151:22	215:3
79:12	239:21	stress	175:25	successfull
131:3	steering	95:24	185:19,20	y 177:4
132:23	122:20	striking	189:2	succinct
236:25	123:13	224:24	209:1	107:15
244:5	133:19,24	225:2	212:24	sudden
state 98:9	147:14	254:10	style	34:12,15
101:20	191:19	strong	107:25	43:12
183:6	193:7,18,	169:19	108:18	48:23
stated	19	structure	subcontract	49:1
29:24	194:6,10	8:13 10:9	or 112:11	187:9
104:15	step 72:14	11:21	subdivision	suddenly
statement	73:8,21	85:25	22:18	153:9
100:23	stepping	114:11	subject	sufficient
107:2	209:21	155:7	21:19	43:2
180:11	steps 59:15	222:5	31:24	suggest
187:20,22	stop 7:18	237:9,13	58:2	58:20
219:12	122:23	239:21	79:18,22	100:11
223:3	132:17	structured	82:8	118:2
227:8	190:16	186:22	135:16,20	152:23
229:11	236:20	187:18	249:25	169:15
statements	244:23	structures	submit	170:5,23,
227:7	stopped	12:1 42:7	203:8	24 183:25
stating	97:2	63:1	submitting	207:6
211:14	137:16	72:12	77:14	220:1
statute	stopping	73:2	subsequent	248:12
174:5	137:2,13	85:15	165:3	suggested
stay 97:4		86:13		

30:25	125:21	250:14	tag 151:8	taxpayers
97:14	126:23	254:12,14	taking 9:4	52:5
110:3	supports	surfaces	11:15	team 19:11
171:23	44:12	180:25	47:19	120:24
172:2,7	151:10	surprise	84:3	185:16,18
suggesting	suppose	45:18	175:20	216:19
64:12,13	93:3	53:25	255:5	tearing
93:10	236:8	63:8,11	talk 18:13	221:10
118:18	248:25	64:1	28:2,5,20	teens
122:8	supposed	surprised	82:20	167:25
228:12	122:24	10:2	112:20	teleconfere
suggestion	sure 7:2,14	33:24	172:14	nce
28:3	14:15	34:24	239:25	158:12
122:10	15:7	51:22	talked	telephone
suggests	17:10	63:17	18:16	38:6
100:14	18:4,6	64:4	37:17	158:12
120:22	26:11	Susan	45:2 75:6	temper
128:9	27:14	82:8,11,1	113:7	229:14
summary	29:24	2	133:12	ten 72:1
50:14	30:4,19	suspect	137:21	120:17
summer 15:4	34:18	224:16	196:23	122:11
18:9 22:1	37:18	swim 216:19	talking	130:15,25
51:25	55:11	swimmers	18:1 36:3	146:17
78:17	57:10	239:18	101:15	174:8
173:22	58:21,23	Sworn 3:5	116:21,22	218:3
174:16	67:3,7,11	5:3	133:7	tender
177:3	68:21	system	156:6	47:21
Sunday	73:11	188:8	164:19	48:9,23
39:15	85:16	systems	166:22	term 42:25
supercede	91:15	221:23,24	170:8	43:5,13
186:10	92:11	<hr/>	203:19	72:11
supply	112:18	<hr/>	240:13	94:16,17
237:1	116:25	T	245:9	174:4,5,9
support	128:22	TOC 207:23	talks 136:2	183:19
23:15,25	151:3	table 3:1	159:22	184:2,5
105:17	167:7	6:24,25	task 114:4	200:18
123:25	181:22,25	7:7,10	Tatham 30:5	206:5
124:2	190:10	8:9 11:2	172:19	209:14
126:20	198:10	43:10	tax 184:10	termology
127:1	203:24	105:15,16	215:4,7	29:23
131:12	216:13	144:16	tax-base	terms 98:1
198:17	223:5	147:4,9	183:7	163:9,21
220:14	226:1	180:14	taxed 96:25	164:6
supported	234:22	181:12,13	taxes	165:4,25
126:6,8,1	235:22	tactics	176:23	166:9,12,
3	236:14,18	40:21	184:25	25 167:21
supporting	239:23			170:4,7,2
	244:9			
	245:9			
	247:5,20			

5	11,21	thanks 5:12	194:18	thoughts
171:11,12	91:12	255:18	214:14	18:2 37:8
172:8	92:19	themselves	216:1	162:21
174:15	93:2 94:2	166:12	219:5	thousand
175:6,19	96:2 97:7	188:11	221:16	56:17
177:14	98:13	theorists	233:24	58:6
180:14	99:5,15	68:10	234:2	70:14
181:3,15	100:17	therapeutic	248:24	82:16
183:1,2	101:11	178:7	254:8,9	84:19
184:1	102:12	216:9	255:6,21,	87:15,23
185:6	103:7	there'd	23	88:6
186:18	104:25	121:11	they'll	215:2
188:10,24	106:15	therein	63:4	227:18,22
189:7,9	107:1	203:1	they're	,24
192:13	109:3	there'll	56:16	229:19,23
195:7	112:3,13,	108:25	63:6	237:10
196:10	19,22	there's	83:17	thousands
198:4,24	117:12	7:21 8:11	182:1,7,8	89:10
200:8	118:15	9:16	,11,12	112:18
202:8	119:12	11:8,12	189:11	213:17
204:11	121:6,22	16:4	200:8	threatens
206:13,15	122:5	18:18,19	216:20	43:23
208:7	123:21	38:1,18	254:19	three-
215:5	125:8	57:5,7	they've	quarters
216:7,25	127:5	62:16	63:10	215:1
218:21	128:8	86:16,18	89:9	throughout
220:10	129:5,18	105:24	186:9	51:24
222:9	131:21	111:22	191:2	98:14
Terry 192:6	132:6	112:5	Thi 157:14	100:2
test 93:3	136:13	119:5	thick 32:7	111:21
testified	138:2,7	121:10	107:7	148:13
224:3	139:9,11,	126:8	third 83:23	173:3
232:16,23	12,14	128:19	84:3	198:18
249:24	145:17	129:19	120:11	throw 75:13
testify	161:20,21	133:11	122:6,7	thrust
255:16	162:7,13	134:16	150:14	126:24
testimony	167:12,16	149:16	158:23	Thursday
29:7	187:17	153:4,7	200:16,22	93:18
62:21	215:17	157:16	217:18	235:19
168:12	218:9,11	164:20,23	Thirteen	256:7,9
199:17,25	219:17	166:19	215:5	tight 93:22
text 8:10	223:9,10	174:4	thirty	til 115:24
thank	233:2	184:21	204:22	timeframe
5:5,12,16	246:16	185:18	205:2,3,8	93:22
72:2	250:21	187:14,25	220:8	timely
77:16	252:19,23	188:1	thorough	103:22
88:15	,25	189:3,6	212:15	
90:4,8,9,	254:13	191:3		
	thanking			
	68:2			

134:24	TOC203551	192:6	76:14	226:16
TOC0154798	6:19	193:16	78:10,20	227:10
4:7	TOC207516	256:1	79:3	228:7
119:15	61:12	total 71:3	89:15,19	229:12,24
TOC0170467	TOC236839	145:18	91:2,9,21	231:18
4:11	82:2	146:19	92:2,25	232:11
206:20	today 6:1	totally	94:14	252:8
TOC0170540	10:18	76:16	96:21	transaction
4:12	12:13,18	164:25	106:9	s 226:10
207:23	13:5	209:19	109:19	228:24
TOC0172262	17:12	touch 71:1	110:4,24	230:3
4:8	48:15,21	99:18	112:10,15	transcript
124:20	56:12	219:12	113:6	3:18
TOC0172287	74:6	touchdown	116:18	129:21
126:18	123:2	29:12,13,	141:1	134:8
TOC0180767	131:25	19 30:10	146:10,18	225:21
4:14	143:20	touched	148:1,13	transparent
TOC0185584.	166:1	179:23	150:8	67:16
0001 4:3	168:3	tough 165:9	151:12	transpire
TOC0185611	185:15	towards	155:5,14	213:7
4:9	186:3,6,8	129:2	156:8	transpired
127:12	,22 216:6	185:2	172:24	179:13
TOC0189964	229:21	town 1:2,17	180:9	treasurer
98:18	240:3	2:13 9:4	186:17	14:16
TOC0207141	241:19	10:13	187:5	61:17
4:10	Tom 29:16	11:14,20	192:9	136:25
145:14	32:25	12:14	210:2	138:12,14
TOC0210652.	45:1	13:24,25	223:5	,17 144:3
0001 4:15	86:19	14:25	227:3	187:13
TOC0210652.	171:22	15:8	230:15	treasurer's
1 250:20	232:14,16	16:10,12	231:10,25	105:8
TOC021652	248:9	19:25	235:12,14	146:7
250:6	tomorrow	34:9 37:4	251:22	treating
TOC021652.0	19:4	40:14	Town's	175:8
001	253:4	45:4,11,1	10:21	trench
250:11	255:16,24	6,17	17:21	182:1
TOC0236839	256:3,5	46:13,21	62:17	trenches
4:6	toned-down	48:7 52:9	64:9	182:19
TOC0512117	201:25	54:4	175:1	tried 64:2
92:9	top 176:4	55:1,8,13	240:18,23	88:10
TOC168671	179:4	56:4,17	241:2	135:8
21:11	181:22	59:2,8	244:16	177:13
TOC185584.1	191:9,13	61:24	255:1	208:22
31:9	215:8	63:9,18	track 82:25	troubling
	227:5	64:2,7,19	190:15	248:4
	topic 43:14	72:13	traffic	truck 187:1
	111:7,8	73:13	184:19	
	Toronto	75:6	train 206:2	
			transaction	

220:19	McLeod	58:8	85:10	175:6
trucks	246:1	twenty-one	86:12	unfortunate
220:5	Tucker-Reid	177:12	109:11	ly 255:24
223:6	246:22	twice 27:1	185:4	unique
Trudell	turn 10:19	type 114:15	203:2	104:25
2:17	31:8 82:1	149:8	204:8	180:14
162:5,6	90:14	175:20	208:23	181:11,12
true 226:22	129:23	182:3	209:12	unit 141:3
trust	223:18	220:3,21	210:22	unless
123:18	232:14	228:1	213:7	233:24
trusted	241:13	typical	214:5,7	unlike
173:1	243:17	64:14	233:9	53:12
truthful	turnaround	typically	245:1	94:18
252:14	175:14	174:6,7	251:6	172:18
try 20:15	turned 78:6	204:10	understandi	232:1
30:7	90:12	223:1	ng 69:19	unstructure
45:16	166:18		84:2	d 189:6
46:11	182:13		85:11,21	unsuccessfu
62:14	247:19		99:6	l 177:20
76:13	250:4		106:7	unsuccessfu
91:22	turning		166:23	lly
95:7	47:19		176:20	213:19
122:25	255:6		178:9,22	unusual
129:18	turnkey		179:11,13	13:11
135:7	10:9 13:2		180:4	63:13
166:17	200:10,13		181:5	64:17
182:6	201:2		200:19,21	65:3
250:20	239:11,15		202:22	105:23
253:12,24	twelve		218:19	172:14
255:14	43:12		223:2	198:15
trying 20:4	208:18		understands	226:24
23:25	216:21		38:3	230:14
26:16	twenty		understood	231:8,13,
34:16	38:19		23:1,18	15,17
42:22	43:17		85:14	236:6
70:18	173:25		91:14	unveiling
90:14	179:14		109:21	22:19
107:3	183:23		141:8,10	upcoming
166:11	184:6		240:3	36:2
170:3	201:11		242:10	Update
187:19	twenty-five		undertaken	31:24
192:9,13	43:11		163:23	32:4
198:4	58:7		177:21	undertaking
245:20	177:11		underway	55:15
254:22	185:21		unelected	58:5
t's 245:12	186:2			
Tucker-	twenty-four			
		70:25		

up-front 135:25 136:5,7	various 178:2 213:18 218:20	197:3,24 204:17 221:19 238:20	13:3 14:15,19 15:14 20:11 22:15 30:2 35:8 36:21 37:8 42:20 45:23 48:10 57:18 67:3,6,8, 12,16 75:21 78:6 81:10 101:23 105:19,23 110:21 119:6 122:18,23 126:1,25 142:10 147:19,23 156:9 158:21 159:13 160:2 166:19 187:8 194:6 198:15 212:21 221:5 231:21,25 232:4,9 243:12 252:14	ways 148:9 weakness 154:23,24 website 203:9 233:19,22 234:11,24 we'd 108:25 115:23 121:24 Wednesday 100:23 235:18 week 34:1 44:1 199:11 255:17,20 weekend 100:21 101:25 244:4 weeks 42:5 62:21 158:19 205:4 weighed 113:20 weighing 115:13 weight 178:7 welcome 236:17 247:18 we'll 62:1 71:25 122:13 156:23 161:23 163:10 190:8 226:6 246:11 253:15,24 255:10,11 ,13
upgrading 120:19,23	vent 22:8,13,1 6 23:2	voted 47:9 78:16		
upon 5:1 55:15 72:4,5 161:25 162:1 193:17 218:6,7 256:11	vents 22:19,22 213:18	votes 80:16,19 198:10		
upper 209:1	verificatio n 227:14	<hr/> W <hr/>		
upset 155:4,10	verify 227:7,8 229:11	wa 55:3 153:25 158:20		
upstaged 121:4	Veronik 247:19	wait 190:8		
useful 14:11 59:23 90:17 100:2 106:8 123:24	version 7:23 201:25 236:15 251:4	waited 78:19		
usual 116:8 231:12	versus 107:15 108:12 166:1,10 207:18 220:3	waiting 83:9 190:2		
<hr/> V <hr/>	via 72:18	waive 80:19,23 81:5,13		
Valley 111:20 205:16	viable 40:13	walks 180:5 196:24		
value 45:23,25 120:10 220:13	view 8:4 94:8 130:24 131:15 132:3 151:11 184:15	wall 219:13,14		
van 114:15	views 132:7 253:25	walls 185:11		
vandalism 113:25 114:15 221:25	virtue 153:8	warden 34:9 241:25		
vandal- proof 219:14	volunteers 187:7	warm 126:20		
variables 181:18	vote 80:23 81:14	Wasaga 33:25 34:9 36:14,25 53:16 66:6 155:6,15 156:7 196:16 211:23 212:7 242:11		
		wasn't 10:5,7		
			waste 24:23 123:5 water 7:20 111:1 179:17 200:7 201:24 216:21 waterfront 89:15,20 185:1,2	

well-	133:2,12	117:4	221:9,13	103:21
coordinat	134:8	124:8	window	110:5,17,
ed 207:7	165:20	130:17	114:6,13	23
Wendy	176:17	139:2	203:10	111:13,23
256:19	179:21	140:1	wing 220:21	112:6,16
we're 6:1	187:23	142:25	wise 154:10	170:7
20:10	195:12	150:14	wish 43:16	173:13
34:16	196:23	161:5,6	73:12	180:24
38:16	199:15,16	169:23	134:14	181:20
45:22	200:1,6,7	172:21	wished	182:12,17
49:1	,14,17	221:23	72:13	,25 183:8
95:14	209:9,11,	222:21,23	99:1	184:13
112:20	15 212:15	,24	103:20	199:22
122:7	221:15	226:22	104:15	219:5
127:24	WGD 14:24	230:2	wishes 95:1	222:16
128:25	15:22	232:20	104:1	230:24
148:9	16:8,9,22	237:22,23	witness	worked 49:5
149:14	101:16,22	251:7	142:25	170:20
163:2	102:9	253:16	253:1,5,2	231:3
190:2	whatever	whoever	0	232:2
203:19	23:25	112:14	254:19,20	working
226:20	105:22	230:25	255:12	21:23
229:21	158:20	whole 51:3	witnesses	23:16
243:21	169:24	54:19	162:25	36:23
west 40:9	171:1	76:14	255:19	52:17,25
41:21	172:16	97:19	wonder	53:15,18
65:15,24	221:12	114:9,21	223:18	54:13
66:7,11	254:21	122:22	241:12	66:23
127:11,17	whatsoever	130:20	wondered	67:3,8,12
,22	33:5	153:24	25:22	79:2
128:9,12,	Wheeler	154:4	wonderful	157:7
15 129:12	2:15	169:25	125:18	169:19
164:14	wherever	205:4	wondering	181:13
194:19	203:10	whomever	173:17	186:19
251:6,14	whether	188:10	176:19	193:11
West's	9:3,21	who's 71:9	189:18	230:25
65:19	10:12,20	82:11	219:24	231:25
we've	14:7	83:14	works	232:1,5
16:6,7	16:16	widening	242:14	241:5
38:7,10	46:5,14	150:7	Woodworth	242:14
39:17	57:19	wife 82:13	256:19	7:17,19,2
43:22	58:16	174:20	work 8:25	5
70:13	68:18	William	15:4,19	8:1,4,15
90:23	77:19	2:13	19:3 30:6	9:5
101:17	91:15	157:8	37:3 39:2	105:11
127:22,24	93:11	254:24	47:6,11	110:24,25
128:10,25	107:13	255:2	78:5 89:4	111:3,7
129:7,9,1	110:22	win	90:14	186:1,3,2
1,18	113:15			4 187:1

219:25	51:8,12	190:25	161:13
220:19	73:23	191:15,24	165:10,11
221:23,25	76:17	192:2	167:20
251:22	110:18,21	198:10,12	170:13
world 48:22	195:22	208:1	172:23
199:13	228:10	214:9,13	180:18,19
201:13,18	245:5	220:9	181:2,20,
	249:9	223:23	21 185:24
worry 255:4	wrongdoing	226:1,7,1	192:21
worth 74:13	163:14,22	2 227:5	197:7,10
worthwhile	wrote 51:5	230:14	201:13,17
253:19,22	79:14,21	236:24	,22,24
would've	124:7	242:17	202:2
43:7	126:19	yourself	205:12,21
wow		38:8,21	206:22
87:18,20	<hr/>	39:18	208:4
88:23,25	Y	44:7,19	216:3
89:5,23	year-round	62:14	220:4
90:7	125:19	68:12	222:4
213:3,22	yell 50:4	75:7 82:8	231:10
224:23	yesterday	93:13	232:17,22
write	5:23	94:24	236:14
19:2,17	12:6,10	113:10	238:18
21:20	15:7	127:11	239:3
33:22	18:12	137:24	
41:3,6,19	29:6 83:4	138:20	<hr/>
51:9 66:1	142:14	171:7	Z
69:24	144:21	174:24,25	Zambonis
82:23	157:20	193:17,20	203:20
242:18	183:17	197:19	
writers	189:18	249:13	
108:2	yet 70:14	you've	
writer's	140:3	28:15	
108:18	YMCA 69:1	38:9	
writes 17:9	178:25	43:25	
32:4 51:6	179:2	44:6	
60:14	207:18	46:8,11	
65:22	208:9	63:10	
68:2	you'll	69:9	
82:14	37:25	86:23	
writing	44:10	94:3,24	
40:7	56:22	98:14,15	
51:15,18	64:15	104:13	
58:3 66:2	89:13	110:7	
107:25	96:9	117:8	
137:1	156:22	125:9	
wrong	164:1	129:1	
	168:23	135:14	
	184:14	143:18,23	
		153:18,21	