



“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

May 2nd, 2019

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| 3 | 97 | TOC0141899 | |
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1 --- Upon commencing at 9:00 a.m.

2

3 RICHARD LLOYD, Previously Sworn

4

5 CONTINUED EXAMINATION-IN-CHIEF BY MR. JOHN MATHER:

6 MR. JOHN MATHER: Welcome back, Mr.
7 Lloyd.

8 MR. RICHARD LLOYD: Thank you very
9 much.

10 MR. JOHN MATHER: As I'm sure you
11 recall, I took you to an email yesterday from March
12 2012 that you sent to Mr. Bonwick and Ms. Cooper about
13 Ms. Wingrove, in which you expressed some frustration
14 about Ms. Wingrove.

15 I wanted to know, did you share those
16 frustrations with anyone else on Council at that time?

17 MR. RICHARD LLOYD: No, I don't
18 believe I did.

19 MR. JOHN MATHER: Did you tell anyone
20 else on Council that you had sent that email to Ms.
21 Cooper and Mr. Bonwick?

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

23 MR. JOHN MATHER: So we left off
24 yesterday and I was asking you some questions about
25 the appointment of Mr. Houghton as acting CAO, and you

1 said that you expected Mr. Houghton to be in the role
2 for three (3) months?

3 MR. RICHARD LLOYD: I think that was
4 Council's -- I believe Ed wanted it only for a maximum
5 of three (3) months.

6 MR. JOHN MATHER: And another thing
7 you said yesterday was that it was important that
8 there is a new CAO in place as soon as possible?

9 MR. RICHARD LLOYD: That's correct.

10 MR. JOHN MATHER: And I was wondering,
11 then, why was it that when Ms. Wingrove was term --
12 why was it that when Ms. Wingrove was terminated,
13 Council didn't take some additional time to put at
14 least a plan in place for having a new CAO?

15 MR. RICHARD LLOYD: I have no idea. I
16 -- I can't answer that. I don't know.

17 MR. JOHN MATHER: Okay. So after Ms.
18 Wingrove was terminated and Mr. Houghton is appointed
19 as acting CAO, what did Council do then to find a
20 permanent CAO?

21 MR. RICHARD LLOYD: I don't know
22 immediately what was -- I can't remember back what
23 exactly we did. There was move of what to try and
24 reach out and find, you know, through consultants and
25 stuff, and I can't remember honestly what process we

1 took when we started the process.

2 I know that -- that as time went on,
3 Mr. Houghton, months later, said that he just couldn't
4 do both jobs for the length -- any longer, and that's
5 when we reached out and felt that Mr. Brown would be a
6 good fit, because he was experienced, retired, until
7 we could find a permanent one.

8 MR. JOHN MATHER: Right. So it's my
9 understanding that when Mr. Brown came in, he was also
10 in an interim capacity?

11 MR. RICHARD LLOYD: That's correct.

12 MR. JOHN MATHER: And so Mr. Houghton
13 stepped down almost pretty much just a year after he
14 took on the acting position in April 2013.

15 Does that sound correct?

16 MR. RICHARD LLOYD: I didn't think it
17 was that long, but you'll have the dates, no doubt.

18 MR. JOHN MATHER: That's what's
19 reflected in the -- in the document.

20 MR. RICHARD LLOYD: Thank you.

21 MR. JOHN MATHER: So why after years,
22 Mr. Houghton as the acting CAO, was there not a
23 permanent CAO? Had -- why hadn't this permanent CAO
24 been appointed at that point?

25 MR. RICHARD LLOYD: I -- I think

1 Council were quite satisfied with the direction it was
2 going, busy. I don't know what to -- to tell you that
3 -- what Council's thoughts were at the time. I know
4 that when Mr. Brown was appointed, Council then
5 decided not to go through the process to hire a -- a
6 full-time CAO; felt that it was important for the next
7 Councillor to do it, because the term was almost up.

8 MR. JOHN MATHER: Okay, so you -- I
9 appreciate you don't know necessarily what all of
10 Council's thoughts were in terms of why no one was --
11 why a year after Mr. Houghton was appointed, there
12 wasn't a permanent replacement.

13 What were your thoughts?

14 MR. RICHARD LLOYD: I never gave a
15 second thought, other than things were going well.
16 Again, Council members are part-time. We had
17 administrative staff that were doing a great job. We
18 had this task force, and I guess management team that
19 we put together.

20 I felt it was a great idea, the way it
21 was going. I think they were doing brilliant things,
22 being a -- a team working on it. So it was a lot more
23 than just the CAO. We had a -- a complete team
24 working together for the longest time, and I thought
25 it was working quite well, the synergies.

1 The other thing is Mr. Houghton had
2 mentioned several times that he had thought that with
3 this management team put together, that perhaps there
4 could be promotion within. He thought that the clerk
5 was in a great position to perhaps take on the
6 position of CAO down the road with -- with mentoring
7 and with this team put together.

8 That didn't happen, but I think that
9 was kind of the direction that we're all sitting back
10 watching.

11 MR. JOHN MATHER: So I take it from
12 your answer that, although Mr. Houghton was initially
13 appointed with a view of three (3) months as an acting
14 CAO, it came to the point where you were content with
15 the -- with him continuing to act with the executive
16 management team?

17 MR. RICHARD LLOYD: Exactly. It was -
18 - it was -- thank you, yes.

19 MR. JOHN MATHER: And you suggested
20 that there may have been some consideration about
21 appointing someone on the executive management team to
22 replace Mr. Houghton.

23 Was that consideration discussed at
24 Council?

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

1 remember. I don't know if it was not, but I know that
2 there was thoughts that it would be nice to promote
3 within, and I still believe that today, that it would
4 be nice to promote within.

5 MR. JOHN MATHER: Okay. And were you
6 having those discussions with anyone yourself?

7 MR. RICHARD LLOYD: No. No.

8 MR. JOHN MATHER: So this is just what
9 you were thinking at the time?

10 MR. RICHARD LLOYD: No, I know that
11 Mr. Houghton had mentioned it, and I don't know if he
12 had mentioned it to others, I'm sure he did, that he
13 thought this management team was a great fit, it was a
14 great way to mentor others to be able to go into the
15 position.

16 MR. JOHN MATHER: So you had
17 conversations with Mr. Houghton about this?

18 MR. RICHARD LLOYD: I had confidence
19 with Mr. Houghton and the management team.

20 MR. JOHN MATHER: Sorry, and I maybe
21 wasn't clear. I said you had conversations with Mr.
22 Houghton about his views on who should replace him?

23 MR. RICHARD LLOYD: I don't know if
24 that's the proper way to term it. There -- the --
25 yes, there was discussion between Ed and I. He had

1 said that the management team, one (1) of the reasons
2 the management team was put together was he thought
3 that there was a great opportunity to promote within.
4 He thought that the clerk, perhaps, with some
5 mentoring, could -- could perhaps be the next CAO.

6 So there wasn't a one-on-one. I think
7 -- I even think that it might have been discussed
8 Council-wise in camera. I don't know where.

9 MR. JOHN MATHER: Okay. So if we
10 could pull up document TOC141899.

11

12 (BRIEF PAUSE)

13

14 MR. JOHN MATHER: So what we're
15 looking at is a news release dated April 10th, 2012,
16 and the news release announces Ms. Wingrove's
17 departure.

18 Do you see that?

19 MR. RICHARD LLOYD: Yes, I do. Yeah.

20 MR. JOHN MATHER: So if we could go to
21 paragraph 588 of the Foundation Document.

22

23 (BRIEF PAUSE)

24

25 MR. JOHN MATHER: And so in this

1 paragraph, it describes the news release we were just
2 looking at, and then it says that you forwarded a copy
3 to Mr. Bonwick who remarked, quote, "That's not a news
4 release."

5 Do you know what Mr. Bonwick meant by
6 that?

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

8 MR. JOHN MATHER: So on April 10th,
9 2012, it's -- it's publicly released that Ms. Wingrove
10 is departing as CAO. What do you recall about the
11 public reaction to Ms. Wingrove's departure?

12 MR. RICHARD LLOYD: I didn't see any
13 public reaction. I don't remember any concerns at
14 all. I don't remember that there was any -- there was
15 staff come and go, administration comes and goes, and
16 I don't see any reaction at all.

17 MR. JOHN MATHER: Do you recall any
18 media reaction?

19 MR. RICHARD LLOYD: I -- I know the
20 media wanted, as media do, they wanted to find out,
21 well, what happened. They want to get any of the gory
22 details they could get, and -- and that just seems to
23 be what they do. It doesn't matter who it is or
24 what's going on, that's seems to be the way the media
25 works today, not only municipally, but nationally.

1 MR. JOHN MATHER: Okay. So if we
2 could pull up TOC --

3 THE HONOURABLE FRANK MARROCCO: Before
4 you go on --

5 MR. JOHN MATHER: Yeah.

6 THE HONOURABLE FRANK MARROCCO: -- why
7 did you forward a copy -- why did you forward a copy
8 of that to Mr. Bonwick?

9 MR. RICHARD LLOYD: Because it was
10 public at that point, and I just passed it on to Mr.
11 Bonwick. I think I even sent it to a couple other
12 individuals too, business people.

13 THE HONOURABLE FRANK MARROCCO: But it
14 was a press release. Presumably --

15 MR. RICHARD LLOYD: That's right. It
16 was just a press release --

17 THE HONOURABLE FRANK MARROCCO: --
18 public but it would be put in the press.

19 MR. RICHARD LLOYD: It would be put in
20 the press. It was released. Anybody that I thought
21 should see it, did.

22 THE HONOURABLE FRANK MARROCCO: You
23 thought Mr. Bonwick should see it?

24 MR. RICHARD LLOYD: Sure, because it
25 was a was public document. It would be in the

1 newspaper, or it was in the newspaper. Just to take
2 it to his attention.

3 THE HONOURABLE FRANK MARROCCO: Go
4 ahead.

5

6 CONTINUED BY MR. JOHN MATHER:

7 MR. JOHN MATHER: So TOC139863.1,
8 please.

9

10 (BRIEF PAUSE)

11

12 MR. JOHN MATHER: And if we could
13 scroll down to the bottom. Just up a little bit so we
14 can see the dates and the senders and the recipients.
15 Thank you.

16 So this is an email on April 11th,
17 2012, so the day after the media release regarding Ms.
18 Wingrove. It's from Councillor West to you, and the
19 subject is "Look what he did to me already," and it
20 appears that he has put in his email a - a tweet from
21 Ian Adams which says:

22 "Would you fire a person with this
23 level of expertise?"

24 My understanding is Mr. Adams was a
25 reporter. Is that right?

1 MR. RICHARD LLOYD: That's right, with
2 the Enterprise Bulletin, and now he's with the
3 Collingwood Connection.

4 MR. JOHN MATHER: And it strikes me
5 that Mr. Adams' tweet could be interpreted as critical
6 of the of -- of the decision to have Ms. Wingrove be
7 terminated.

8 Were you expecting any level of
9 criticism about Ms. Wingrove's termination?

10 MR. RICHARD LLOYD: No, and I think
11 this was sent to Dale West or whatever, and I did -- I
12 wasn't expecting -- when you're dealing with HR
13 issues, I wasn't expecting anything from the media at
14 all.

15 MR. JOHN MATHER: Right. And it looks
16 like, that in Mr. Adams' tweet, he mentioned Dale
17 West. There's another handle there, I.W. Chadwick,
18 which I -- I'm understanding to be miss -- Ian
19 Chadwick.

20 MR. RICHARD LLOYD: Yeah. That's Ian
21 Chadwick, yeah.

22 MR. JOHN MATHER: And then Keith Hull
23 --

24 MR. RICHARD LLOYD: That's correct.

25 MR. JOHN MATHER: -- who was also a

1 councillor.

2 MR. RICHARD LLOYD: Yeah.

3 MR. JOHN MATHER: Okay. And then if
4 we scroll up on this email, I see that you forwarded
5 this to Mr. Bonwick as well.

6 MR. RICHARD LLOYD: Yeah.

7 MR. JOHN MATHER: And then if we
8 scroll up further, we see that Mr. Bonwick sends it to
9 Ms. Cooper and makes comment about this is about to
10 explode, and has time -- and asks if she has time to
11 chat.

12 Did you know that Mr. Bonwick had
13 forwarded your email on to Ms. Cooper?

14 MR. RICHARD LLOYD: No, but I know
15 that Mr. Bonwick was, at different times, advising the
16 mayor, as other people were.

17 MR. JOHN MATHER: Would his advice
18 include advice on media relations?

19 MR. RICHARD LLOYD: Yes, no doubt.

20 MR. JOHN MATHER: So if we could go
21 now to TOC --

22 THE HONOURABLE FRANK MARROCCO: Well,
23 before you leave that, why wouldn't you forward that
24 to the mayor?

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

1 I didn't. I see here that it wasn't.

2 THE HONOURABLE FRANK MARROCCO: Right.

3 Thank you.

4

5 CONTINUED BY MR. JOHN MATHER:

6 MR. JOHN MATHER: So if we go to

7 TOC139977.1.

8

9 (BRIEF PAUSE)

10

11 MR. JOHN MATHER: And if we could

12 scroll down -- down to the bottom of the chain.

13 So again, April 11th, 2012, same day

14 Mr. West sends you another email --

15 MR. RICHARD LLOYD: Right.

16 MR. JOHN MATHER: -- saying:

17 "Hint to Sandra that calling Adams
18 in the next few minutes would be a
19 good idea. We can't have reporters
20 saying that -- saying 'mayor hasn't
21 returned calls on this issue,' and
22 with the internet they're all going
23 to get their 'major version ready to
24 post.'"

25 So if we can scroll up. Mr. West then

1 sends you another email in the same chain where he
2 says:

3 "Do me a favour and call Sandra as
4 she isn't listening to me at all.
5 Give her hell for not responding to
6 Adams."

7 Scroll up again. And then he says:

8 "I just talked to her. She said she
9 had talked to him this morning. I
10 told her he knew more than he was
11 saying, and it's important to keep
12 him on our side."

13 So we see a series of three (3) emails
14 from Mr. West in which he is asking that you reach out
15 to Ms. Cooper.

16 Did you speak to Ms. Cooper?

17 MR. RICHARD LLOYD: I -- not as a
18 result of this, but I did speak to her about the --
19 the situation, and the mayor was very much, the only
20 way I can pre -- pre-empt this is, Hazel McCallion
21 once said that:

22 "I listen to my friends, I listen to
23 my family, then I listen to my
24 advisors, and I make my own damn
25 decision."

1 And that's exactly how Sandra dealt
2 with stuff like this.

3 MR. JOHN MATHER: What do you recall
4 about your conversation with the mayor?

5 MR. RICHARD LLOYD: Just that -- that
6 the media is on this, you have to deal with it, and
7 the quicker you deal with it the better it will be. I
8 think she was trying to gather the appropriate
9 response to be able to talk to the media. Again, HR
10 issues are very sensitive like that.

11 MR. JOHN MATHER: And what do you mean
12 by gather the appropriate response?

13 MR. RICHARD LLOYD: I don't think she
14 just was going to respond, just bang, phone the guy
15 and talk to him. I think he -- she wanted a
16 professional -- and maybe talk to anybody that could
17 give her advice, other staff maybe, stuff like that.

18 MR. JOHN MATHER: Okay. So if we
19 scroll down, we see -- I'm sorry, and scroll up a
20 little bit further. So -- sorry. I'm not being
21 precise.

22 But we see that Mr. West also writes:

23 "Here's Keith's response to Ian's
24 tweet."

25 And then if we scroll down, we see

1 Keith Hull's name, and it looks like he's tweeting at
2 Mr. Adams, who was @scoop-68, and says -- Mr. Hull
3 says:

4 "I won't comment for the other eight
5 (8), but I'm disappointed with the
6 departure of the CAO."

7 MR. RICHARD LLOYD: Okay. I'm not
8 sure -- and again when I read that, I'm not so sure if
9 that's Dale West's words or if it's Keith Hull's words
10 or who they are.

11 MR. JOHN MATHER: It's my
12 understanding that that is Mr. Hull tweeting --

13 MR. RICHARD LLOYD: Okay.

14 MR. JOHN MATHER: -- at Mr. Adams.

15 MR. RICHARD LLOYD: Right.

16 MR. JOHN MATHER: You said yesterday
17 that the vote to terminate Ms. Wingrove was unanimous
18 or near unanimous.

19 MR. RICHARD LLOYD: That's correct.

20 MR. JOHN MATHER: Do you recall how
21 Mr. Hull voted?

22 MR. RICHARD LLOYD: Again, we're going
23 eight (8) years ago. I'm not sure if Mr. Hull was
24 even in attendance, I don't know, but I know that it
25 was the majority of Council that -- that voted it.

1 MR. JOHN MATHER: So the agenda from
2 the meeting shows that Mr. Hull was in attendance.
3 Does that refresh your memory?

4 MR. RICHARD LLOYD: No.

5 MR. JOHN MATHER: Do you remember who
6 else may or may not -- who else did not vote in favour
7 of Ms. Wingrove's termination?

8 MR. RICHARD LLOYD: No, but I know
9 that was the majority of Council that -- that voted.

10 MR. JOHN MATHER: Okay. So if we
11 scroll up in the email chain. And stop there again.
12 Sorry, scroll down.

13 So at this point now we have seen Mr.
14 West send you multiple emails on April 11th about
15 dealing with the media in the wake of Ms. Wingrove's
16 departure.

17 Do you know why he sent these emails to
18 you?

19 MR. RICHARD LLOYD: I had pretty much
20 -- most of Council are sending emails -- as I said,
21 even during Council meetings, asking for advice. It
22 wasn't unusual. I guess two (2) reasons: one, twenty-
23 five (25) years being on Council. I think some of
24 them listened to my opinions or -- or wanted advice on
25 stuff. That'd be the only reason.

1 MR. JOHN MATHER: So it appears to us
2 that you were the only person that Mr. West is
3 emailing about this on this day.

4 Is there any reason why Mr. West, in
5 this specific instance, would be emailing you about
6 the media relations involving Mr. Wingrove's
7 departure?

8 MR. RICHARD LLOYD: Not any more than
9 what I just -- just told you.

10 MR. JOHN MATHER: No -- no other
11 reason that you can think of?

12 MR. RICHARD LLOYD: No, no.

13 MR. JOHN MATHER: You said yesterday
14 that it may have been you --

15 MR. RICHARD LLOYD: M-hm.

16 MR. JOHN MATHER: -- that initiated
17 the discussion about terminating Ms. Wingrove on April
18 2nd, and we've also seen that you have -- prior to
19 that, you expressed frustrations with Ms. Wingrove.

20 Could it be the case that Mr. West
21 understood you to be the individual who had initiated
22 this process?

23 MR. RICHARD LLOYD: I don't believe
24 that, no.

25 MR. JOHN MATHER: And why don't you

1 believe that?

2 MR. RICHARD LLOYD: Again it came to -
3 - through -- I don't remember exactly, everything that
4 happened at the meeting, but I know there was quite a
5 bit of discussion amongst the table, and I -- I don't
6 think that -- that he's sending it to me only because
7 that he thought exactly what you're saying. I think as
8 deputy mayor I had a lot of people -- a lot of people
9 at Council directing stuff to me.

10 MR. JOHN MATHER: It also appears from
11 these emails that Mr. West believed that you would be
12 able to speak with or influence Mayor Cooper directly.

13 Do you know why that might be the case?

14 MR. RICHARD LLOYD: No. Again, I was
15 very clear in the email that I -- that she doesn't
16 listen to me. Call her direct or whatever.

17 MR. JOHN MATHER: So we also see, if
18 we scroll over there -- we also see that, like the
19 previous email that we were showing you, that you
20 forwarded this email to Mr. Bonwick. Justice Marrocco
21 has already asked you about why you would do that, and
22 you -- and -- and you provided an answer.

23 The question I have now is, what
24 interest did Mr. Bonwick have in the media relations
25 matters?

1 MR. RICHARD LLOYD: His sister, being
2 a sibling, trying to help her.

3 MR. JOHN MATHER: And is -- is that
4 why you forwarded these to Mr. Bonwick?

5 MR. RICHARD LLOYD: No, I made a
6 statement that, and I believe on record, that I
7 believe that Mr. Bonwick was -- was assisting the
8 Mayor, was advising her throughout. So I sent it to
9 him because I knew that he was one (1) of her
10 advisors.

11 MR. JOHN MATHER: So is it fair to say
12 that one (1) of the reasons you sent it to Mr. Bonwick
13 is because Mr. West is asking you to speak to Mayor
14 Cooper and you thought this might be one (1) of the
15 ways you can get the message to Mayor Cooper?

16 MR. RICHARD LLOYD: Quite often I
17 found that -- that Mayor Cooper and I weren't always
18 on the same page, quite often I -- I would suggest
19 things to her and -- and again, she made up her own
20 mind, very independent that way.

21 So some things that I just didn't
22 touch, it was like -- it was easier for me to go
23 through Paul, let him see if she can talk to him, talk
24 to her.

25 There's others that -- that have come

1 to me too and I've said well, you need to talk to
2 Sandra direct.

3 MR. JOHN MATHER: Okay. So if we can
4 go to paragraph 589 of the Foundation document.

5 So we see here that -- so April 10th a
6 press release that Ms. Wingrove is departing April
7 11th, we've seen these e-mails regarding the media
8 response.

9 And then April 12th -- sorry, April
10 11th was the e-mails and then on April 12th, we see
11 that there's a special meeting of Council in which Mr.
12 Houghton is appointed as the acting CAO of the Town.

13 MR. RICHARD LLOYD: Yes.

14 MR. JOHN MATHER: And then if we could
15 turn up TOC141124.1. If we scroll down to the bottom.

16 So this is the same day that Mr.
17 Houghton -- it's -- that Council decides to appoint
18 Mr. Houghton as acting CAO. You send Mr. Bonwick an
19 e-mail that says:

20 "Just met with Adams and he is going
21 to, I assume, write the EB blog
22 about Council making the right
23 decision and how wonderful Ed is."

24 So I assume Adams is Ian Adams?

25 MR. RICHARD LLOYD: That's correct.

1 MR. JOHN MATHER: And why did you
2 speak with Mr. Adams about Mr. Houghton's appointment
3 on the day Council was making the decision?

4 MR. RICHARD LLOYD: I guess, lack of
5 better words, damage control, to make sure -- over the
6 years there's always been controversy that -- that
7 Collus did not release the salary ranges of -- of Ed
8 Houghton and other employees up there.

9 And I know -- excuse me -- I know
10 that's been always a bone of contention in the media.
11 It wasn't that Mr. Houghton didn't want to release his
12 -- his salary range, it was the fact that it was a --
13 a private corporation and under the Corporation Act it
14 wasn't supposed to be released.

15 But it was always a needle that was
16 always there and I know Mr. Adams always had -- and
17 before me even Mr. Chadwick, when he was in the media,
18 always had an issue with that.

19 Knowing that, I just felt that -- that
20 it was going to be a complete disaster. Ian and I --
21 Ian Chadwick and Ian Adams and I had become friends
22 over the years. Ian Adams and I had a discussion
23 about Ed and -- and explained why -- I explained to
24 him what was happening, why we were doing it, felt
25 that Ed would be a good interim person and his -- the

1 issue about his wages with Collus is not an issue here
2 that we felt that -- I felt that it was good.

3 And he said he -- he basically agreed
4 and thought that it was -- it was fair. So.

5 MR. JOHN MATHER: Prior to speaking to
6 Mr. Adams, had he asked you about Mr. Houghton's
7 appointment?

8 MR. RICHARD LLOYD: "He" being Mr.
9 Adams?

10 MR. JOHN MATHER: Mr. Adams.

11 MR. RICHARD LLOYD: I don't know, but
12 he always asked about everything that was going on, so
13 I have to assume he probably did.

14 MR. JOHN MATHER: Okay, but you don't
15 have a specific recollection?

16 MR. RICHARD LLOYD: I can remember
17 specifically, no.

18 MR. JOHN MATHER: Did he ask you a
19 question about Mr. Houghton's compensation in Collus?

20 MR. RICHARD LLOYD: Did he ask? I'm
21 sorry.

22 MR. JOHN MATHER: I just want to
23 understand if he asked you about Mr. Houghton's
24 compensation at Collus, or whether you were proactive
25 and told him about it in order to get ahead of an

1 issue you had identified.

2 MR. RICHARD LLOYD: No. I'm going
3 back over a number of years, like over twenty (20)
4 years it's always been a -- an issue with the media
5 that when the sunshine list came out, that Mr.
6 Houghton's wages and Mr. Fryer's wages and -- and
7 Larry Irwin's and all this were -- were not released
8 to the media.

9 They felt that because it was owned by
10 the Town of Collingwood, that it should've been
11 released. I never knew what the wages were either,
12 but I never sat on the Collus Board.

13 So, over the years this was an issue
14 continually, so this wasn't just an isolated situation
15 now, it was something that continually. So that was
16 one (1) of the concerns we had was that -- or I had,
17 was that all of a sudden we're doing this. I know
18 that -- that there's already contention over his wages
19 not being released with Collus, and not justibly so
20 because it wasn't supposed to.

21 And having a meeting with Adams about
22 going through everything and saying, you know, this
23 has nothing to do with that, this is what we're doing
24 in the Town and -- and explaining why and so on, that
25 it was an interim position.

1 He was -- I think -- I think he was
2 satisfied.

3 MR. JOHN MATHER: Did your
4 conversation with Mr. Adams include discussing the --
5 the departure of Ms. Wingrove as well?

6 MR. RICHARD LLOYD: I don't -- I don't
7 believe it did. I think it was just all about -- I --
8 I can't -- you know, we're going eight (8) years ago.
9 I can't remember what I did on my birthday that year,
10 let alone individual conversations.

11 I'm assuming a lot, I'm speculating.
12 But I -- I can't say yes or no to -- to that.

13 MR. JOHN MATHER: At this point in
14 time we'd seen the day before that there was certainly
15 some interest, at least from Mr. West and yourself, to
16 have Ms. Cooper speak to the media, including
17 potentially Mr. Adams.

18 Do you know if Ms. Cooper spoke with
19 Mr. Adams before you did?

20 MR. RICHARD LLOYD: Oh, yeah, if you
21 follow the e-mails it's very clear that she had
22 already spoke to them. I think if you go back -- if
23 we can go back to those e-mails.

24 MR. JOHN MATHER: Certainly. Why
25 don't we take a look at that?

1 MR. RICHARD LLOYD: Yes, thank you.

2 MR. JOHN MATHER: So I believe the e-
3 mails we were referring to, the last one (1) was
4 TOC013997.1.

5 So when you forward this e-mail chain
6 to Mr. Bonwick, he forwards it to Ms. Cooper and says
7 I would get on top of this quickly.

8 MR. RICHARD LLOYD: Okay.

9 MR. JOHN MATHER: So it looks like
10 he's advising her to at least take some steps. Do you
11 know if she took any steps in response to this?

12 MR. RICHARD LLOYD: If you go back
13 further on the e-mails it shows that she already has
14 responded to him.

15 MR. JOHN MATHER: So if we scroll
16 down. Okay, so is this what you're referring to, it
17 said she talked to him this morning?

18 MR. RICHARD LLOYD: Yes.

19 MR. JOHN MATHER: Okay. Thank you.

20 I just wanted -- so that was what you
21 were referring to?

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

24 MR. JOHN MATHER: So -- and then if we
25 can go back to the e-mail we had up, TOC 141124.

1 While we're pulling that up, other than
2 that e-mail chain, did you have any other recollection
3 yourself about whether Ms. Cooper had spoken to Mr.
4 Adams?

5 MR. RICHARD LLOYD: No, just from that
6 e-mail.

7 MR. JOHN MATHER: Just -- so that's
8 the basis of that. Okay. So, Mr. -- you -- you send
9 -- scroll down, please.

10 So you send Mr. Bonwick this e-mail
11 reporting on your discussion with Mr. Adams.

12 MR. RICHARD LLOYD: Right.

13 MR. JOHN MATHER: Had Mr. Bonwick
14 asked you to reach out to Mr. Adams in addition to Ms.
15 Cooper?

16 MR. RICHARD LLOYD: No. No. I don't
17 believe so.

18 MR. JOHN MATHER: If Ms. Cooper had
19 already spoken to Mr. Adams, why wouldn't -- why
20 wouldn't you let her either speak to him again, or let
21 what her conversation stand?

22 MR. RICHARD LLOYD: Probably on a
23 weekly basis I had coffee with Ian Adams, from the
24 Enterprise Bulletin. He was a friend. I don't know
25 that it was a formal meeting and it was just

1 discussion.

2 So it wasn't unusual that Ian and I
3 would go for coffee once a week, sometimes more than
4 once a week, from the Enterprise Bulletin.

5 MR. JOHN MATHER: So something you
6 said to me the other day was that you -- you didn't
7 feel it was appropriate for Ms. Wingrove to speak on
8 behalf of Council because the Mayor spoke on behalf of
9 Council.

10 MR. RICHARD LLOYD: Public --
11 publically, that's correct.

12 MR. JOHN MATHER: So in that case, if
13 the Mayor is supposed to speak publically on behalf of
14 Council, why are you speaking to Mr. Adams about
15 Council business?

16 MR. RICHARD LLOYD: Yeah. The mayor
17 had spoke. The email, obviously, already. I had
18 discussions with Mr. Adams over coffee about it. That
19 wasn't something that was going in the newspaper, was
20 being quoted or asked.

21 Quite often, council did get asked
22 different issues. If I was chair of public works, if
23 it was a public works issue, I would speak to it, many
24 other issues. But this wasn't trying to circumvent
25 the mayor. The mayor had already dealt with the

1 media.

2 I had coffee with Ian Adams. We
3 discussed -- both of us discussed it. There's no -- I
4 don't think I was in the press about it at all, I
5 think the mayor was.

6 MR. JOHN MATHER: So I just want to
7 understand your -- your understanding of the time. So
8 since the mayor had spoken about it, you felt that you
9 could now speak about?

10 MR. RICHARD LLOYD: No. No, you're
11 getting that all wrong.

12 MR. JOHN MATHER: Sorry. I...

13 MR. RICHARD LLOYD: Yeah. Thank you.
14 None of that at all, never thought of it. The mayor
15 had -- obviously, from the email train had already
16 talked to him, had coffee with -- with Mr. Adams in
17 media the next day or whatever the date was.

18 That came up as a discussion. We
19 discussed it. Again, what I've already stated, we
20 talked about -- talked about other matters, no doubt.
21 It wasn't circumventing the mayor.

22 What Ms. Wingrove was doing was
23 circumventing the -- the mayor.

24 MR. JOHN MATHER: So -- and -- and I -
25 - I think you said that Mr. Bonwick did not request

1 that you speak to Mr. Adams. Do -- do I have that
2 right?

3 MR. RICHARD LLOYD: That's correct,
4 yeah.

5 MR. JOHN MATHER: So why do you then
6 report to Mr. Bonwick on a conversation that he didn't
7 request you to have?

8 MR. RICHARD LLOYD: Again, he was one
9 (1) of our advisors. If you go through the email
10 train that's there, you'll see Mr. Bonwick was
11 involved in it prior.

12 MR. JOHN MATHER: Okay. So I just
13 want to walk you through a few things.

14 MR. RICHARD LLOYD: Sure.

15 MR. JOHN MATHER: So what we've seen
16 is that on March 10th, 2012, you emailed Ms. Cooper
17 and Mr. Bonwick to express your frustration with Ms.
18 Wingrove using some strong language?

19 MR. RICHARD LLOYD: That's correct,
20 very strong.

21 MR. JOHN MATHER: So less than a month
22 later, on April 2nd, 2012, we see that council decides
23 to terminate Ms. Wingrove. And, at that time, there
24 was not a plan in place for a permanent replacement.
25 Is that --

1 MR. RICHARD LLOYD: Her contract was
2 ter -- terminated, that's correct.

3 MR. JOHN MATHER: Yes.

4 MR. RICHARD LLOYD: Yeah.

5 MR. JOHN MATHER: Okay. So that's
6 correct. And then we've also seen now -- so -- so we
7 also -- you also told us yesterday that you sought Mr.
8 Bonwick's assistance in having Mr. Houghton agree to
9 be the acting CAO?

10 MR. RICHARD LLOYD: That's correct.

11 MR. JOHN MATHER: And you said you did
12 that because Mr. Bonwick was a good friend of Mr.
13 Houghton's?

14 MR. RICHARD LLOYD: And also that any
15 influence we put on Ed to give him the -- the security
16 that -- that it was an interim position, that -- that
17 we felt that he could do it quite well.

18 MR. JOHN MATHER: Okay. And then,
19 finally, we see that Mr. Bonwick was involved in the
20 media relations discussion surrounding both Ms.
21 Wingrove's departure and, in this case, Mr. Houghton's
22 appointment?

23 MR. RICHARD LLOYD: Okay.

24 MR. JOHN MATHER: So with all of that
25 in mind, do you see why to an outsider it may appear

1 that you and Mr. Bonwick worked together to arrange
2 for Ms. Wingrove's contract of employment to be
3 terminated and having her replaced by Mr. Bonwick's
4 good friend, Ed Houghton?

5 MR. RICHARD LLOYD: I think that's, in
6 my opinion, conspiracy. That's not what it was at
7 all. I don't agree. That's not what the intention
8 was.

9 As I said earlier, in all of this, that
10 if you took emails and put them in this context, I
11 understand exactly what you're saying. But if you
12 take all my emails and look at all the other business
13 I was doing within the Town, helping other businesses
14 and helping individuals, you'll see that this is not
15 un -- unusual or un -- not the norm, it is the norm,
16 that I was doing all the time, helping people.

17 I involved Mr. Bonwick. I involved
18 others. These emails are -- are red flagged because
19 Bonwick's name's on it. The mayor definitely had her
20 as -- as one (1) of the advisors and friend, family
21 friend. I trusted his opinion. I know the mayor
22 trusts his opinion. But again, the mayor made her own
23 mind up in what she was doing.

24 So I know what you're saying, but
25 that's not how it is.

1 MR. JOHN MATHER: Okay. Thank you. I
2 have no further questions.

3 THE HONOURABLE FRANK MARROCCO: Thank
4 you.

5 MR. JOHN MATHER: Yeah.

6 THE HONOURABLE FRANK MARROCCO: Have
7 you -- have you all figured out the order of cross-
8 examination?

9 MR. RYAN BREEDON: I'm first.

10 THE HONOURABLE FRANK MARROCCO: Well,
11 that's fine.

12 MR. RYAN BREEDON: Other than that, I
13 don't know.

14 THE HONOURABLE FRANK MARROCCO: You
15 seem rather preoccupied with yourself, Mr. Breedon,
16 but in any event...

17 MR. FREDERICK CHENOWETH: I think we
18 figured it out, Your Honour.

19 MR. RYAN BREEDON: Why would today be
20 any different?

21 THE HONOURABLE FRANK MARROCCO: I beg
22 your pardon?

23 MR. FREDERICK CHENOWETH: I believe
24 we've figured it out.

25 THE HONOURABLE FRANK MARROCCO: Thank

1 you.

2 MR. FREDERICK CHENOWETH: Thank you.

3

4 CROSS-EXAMINATION BY MR. RYAN BREEDON:

5 MR. RYAN BREEDON: So, Mr. Lloyd, why
6 don't we start with your very last comment suggesting
7 that, I don't want to put words in your mouth, but
8 we're only fussed about all of these emails and so on
9 because Mr. Bonwick is attached. Is that fair?

10 MR. RICHARD LLOYD: I think that's
11 close to -- to what I believe, yes.

12 MR. RYAN BREEDON: All right. Now --
13 and -- and if I have it correct, what you're saying is
14 that none of this was unusual?

15 MR. RICHARD LLOYD: The last was
16 unusual, did you say? It wasn't unusual for what I --
17 the way I operated.

18 MR. RYAN BREEDON: All right. Now,
19 you are aware, of course, that there has been a fair
20 amount of media coverage of -- surrounding these
21 transactions?

22 MR. RICHARD LLOYD: After, you mean?

23 MR. RYAN BREEDON: Yes.

24 MR. RICHARD LLOYD: It wasn't negative
25 until all of the sudden all this hearing was happening

1 and -- if that's what you're getting, or...

2 MR. RYAN BREEDON: Right. You've seen
3 the media coverage about the hearing and leading up to
4 the hearing?

5 MR. RICHARD LLOYD: Up to here, yes --

6 MR. RYAN BREEDON: Yes.

7 MR. RICHARD LLOYD: -- and the OPP
8 investigation and so on, yes.

9 MR. RYAN BREEDON: Right. And you've
10 seen that there have been reports in the media that
11 Mr. Bonwick made approximately a million dollars from
12 the transactions at issue in this Inquiry. You've
13 seen that?

14 MR. RICHARD LLOYD: No, I didn't see
15 that he made a million dollars out of this
16 transaction. I wouldn't mind seeing that if you could
17 show it to me, the document.

18 MR. RYAN BREEDON: All right.
19 Assuming that that's the case, and we're going to find
20 out as part of this process whether it's true or not
21 true --

22 MR. RICHARD LLOYD: Thank you.

23 MR. RYAN BREEDON: -- but you would
24 agree that it would be unusual for the brother of the
25 mayor and the close family friend of the deputy mayor

1 to make a million dollars on Town business?

2 MR. RICHARD LLOYD: Again, I -- I take
3 offence to you making statements that you can't
4 verify. If you can verify the statement that he made
5 a million dollars on this transaction of Collus, I'd
6 like to see it so then I can give comment.

7 You're asking me to give comment on
8 something with no verification, with no substa --
9 substance to it. If you can give me the substance,
10 I'll -- I'll comment. I don't know if he made a
11 dollar or a hundred thousand dollars.

12 Reading this document, I seen it it was
13 approximately three hundred thousand dollars
14 (\$300,000) he got paid. There's a lot of difference
15 between three hundred thousand dollars (\$300,000) and
16 a million dollars. And that's the type of games that
17 I see being played here.

18 If you can show me in here or proof
19 that he was paid a million for this transaction, okay,
20 I'll give comment. I can't give comment to something
21 that's speculative. I just think that it's wrong.
22 But again, you're suggesting to me that he was paid a
23 million dollars. Can you show me where he was paid a
24 million dollars?

25 MR. RYAN BREEDON: So, unfortunately,

1 the way this works is I get to ask the questions --

2 MR. RICHARD LLOYD: Oh.

3 MR. RYAN BREEDON: -- and you have to
4 answer them.

5 MR. RICHARD LLOYD: Okay. Sorry, Your
6 Honour.

7 MR. RYAN BREEDON: You are aware that
8 the Judicial Inquiry concerns both the sale of Collus,
9 and then what was done with the money? You're --
10 you're aware of that?

11 MR. RICHARD LLOYD: No, I'm not.

12 MR. RYAN BREEDON: You're -- you're
13 not aware that there's a phase 2 to this Inquiry that
14 deals with the -- how the money was spent?

15 MR. RICHARD LLOYD: I'm aware right
16 now we're dealing with -- with this document. We're
17 deal -- dealing with phase 1. And the phase 1
18 document is to do with Collus sale.

19 And perhaps I could get clarification
20 of what that is because that's what I -- I was led to
21 believe before I came in here.

22 MR. RYAN BREEDON: Okay. Well, you
23 will agree though that if Mr. Bonwick did receive a
24 million dollars or something in the range of a million
25 dollars, that would be unusual?

1 MR. RICHARD LLOYD: No, I ca -- I
2 can't comment on something that is speculative.
3 You're speculating and you want me to -- to agree with
4 you on a speculation.

5 If Mr. Bonwick was paid a million or
6 \$10 million, if I see it, it's in here, then I can --
7 I can tell facts. I was sworn in here to tell the
8 truth. And I was sworn in to -- to do nothing but the
9 truth.

10 Give me the truth and I will -- I will
11 comment. I'm not hearing the truth from you. I'm
12 hearing that you're speculating because you can't give
13 me the facts that -- that in fact he was paid a
14 million dollars. Tell me what he was paid and I will
15 -- I'll comment if it crazy.

16 If it was three hundred thousand
17 (300,000) that this document says, if it was, the
18 lawyers on this transaction and the other consultants,
19 KPMG, were paid almost three hundred thousand dollars
20 (\$300,000).

21 So I don't -- I don't know where you're
22 going, sorry.

23 MR. RYAN BREEDON: You were asked a
24 number of questions about Gemba on Tuesday. Do you
25 remember that?

1 MR. RICHARD LLOYD: That's correct.

2 MR. RYAN BREEDON: All right. And
3 that was one (1) of Mr. Bonwick's companies?

4 MR. RICHARD LLOYD: I now understand
5 that.

6 MR. RYAN BREEDON: And you were asked
7 a number of questions about how it was that Gemba was
8 awarded a contract to dealing with the Town's fuel
9 tanks. Do you recall that?

10 MR. RICHARD LLOYD: Correct.

11 MR. RYAN BREEDON: All right. And one
12 (1) of the points that you made in your evidence on
13 Tuesday was that there was -- and I've got a quote --
14 "no favouritism here." You recall that?

15 MR. RICHARD LLOYD: I don't recall,
16 but okay.

17 MR. RYAN BREEDON: All right. Well, I
18 can turn it up if you want. But your point, as I take
19 it when you -- when you made that, was that
20 Mr. Bonwick had not received any special treatment
21 when that contract was awarded.

22 MR. RICHARD LLOYD: The way that I was
23 taking it is I had no idea Mr. Bonwick owned a company
24 that was called Gemba or anything else. I had no idea
25 that -- that he was in the fuel business. Not until I

1 read this document did I know.

2 I did make a -- a comment that -- that
3 it was good I didn't know, because had I known, it
4 would have been, again, this conspiracy theory. Well,
5 I didn't know.

6 And when I go through this document and
7 see that he was involved and I see the email I sent,
8 it made sense that I sent an email to staff suggesting
9 they look at this because he was already doing work
10 for Collus and the PUC, this company was. And I had
11 no idea who the principals of the company was.

12 MR. RYAN BREEDON: Right. So he
13 didn't get any special treatment because you didn't
14 know that he was involved, right?

15 MR. RICHARD LLOYD: Not that he would
16 have anyway.

17 MR. RYAN BREEDON: Right. And I guess
18 that's my point. You'll agree with me, I hope, that,
19 quite apart from whatever the Municipal Conflict of
20 Interest Act says, that it would be improper to give
21 special treatment to anybody because of their
22 relationship with the mayor, for instance.

23 MR. RICHARD LLOYD: Okay.

24 MR. RYAN BREEDON: Do you agree with
25 that?

1 MR. RICHARD LLOYD: Okay, yes.

2 MR. RYAN BREEDON: Okay. Or for that
3 matter, for their relationship with you as the deputy
4 mayor.

5 MR. RICHARD LLOYD: I would hope that
6 my influence of somebody that -- that I know wouldn't
7 make a difference to the Town staff when they're
8 hiring.

9 MR. RYAN BREEDON: Right. They --
10 they shouldn't be given special treatment based on --
11 nobody should be given special treatment based on
12 their relationship with you.

13 MR. RICHARD LLOYD: No. Staff rise
14 above that.

15 MR. RYAN BREEDON: Right. Or their
16 relationship with Mr. Houghton, for instance.

17 MR. RICHARD LLOYD: I can't speak with
18 relationships with staff. I would hope not.

19 MR. RYAN BREEDON: I want to talk
20 about the first meeting of the Strategic Partnership
21 Team. And maybe if we can turn up Foundation
22 Document 239.

23

24

(BRIEF PAUSE)

25

1 MR. RYAN BREEDON: Okay. So the first
2 meeting, it appears from this, was on August the 3rd,
3 2011?

4 MR. RICHARD LLOYD: I just read that
5 for a second?

6 MR. RYAN BREEDON: Yeah, yeah.

7 MR. RICHARD LLOYD: Okay. Thank you.

8

9 (BRIEF PAUSE)

10

11 MR. RICHARD LLOYD: Yeah, yeah. Thank
12 you.

13 MR. RYAN BREEDON: And you were there.

14 MR. RICHARD LLOYD: Yes, I was.

15 MR. RYAN BREEDON: Can we scroll down
16 to paragraph 240, please?

17

18 (BRIEF PAUSE)

19

20 MR. RICHARD LLOYD: Okay.

21 MR. RYAN BREEDON: Okay? And what it
22 says here is that there was a report that Mr. Houghton
23 and Mr. Muncaster had met with the potentially
24 interested bidders and used a consistent introduction
25 at each meeting, and then the dates are set out. And

1 that was what you were told at this meeting.

2 MR. RICHARD LLOYD: I would think so.

3 MR. RYAN BREEDON: All right.

4 MR. RICHARD LLOYD: I...

5 MR. RYAN BREEDON: And the reason that
6 they used a consistent introduction was -- you
7 understood was so that all of the bidders would be
8 given the same information.

9 MR. RICHARD LLOYD: It reads here very
10 clearly that they had attended initial meetings with
11 potential interested bidders, and that they had used a
12 consistent introduction at the meeting. I don't know
13 what the "consistent introduction" is, if it is
14 exactly what you're saying. I'm saying this was an
15 introduction, but it was just a -- a generalization,
16 an introduction of knowing the size of -- of each
17 hydro.

18 MR. RYAN BREEDON: What I'm suggesting
19 to you is that you understood, as a member of this
20 team when this was being conveyed to you, that the
21 reason that a consistent introduction was given to
22 each of the bidders was so that each of the potential
23 bidders would have the same information.

24 MR. RICHARD LLOYD: Okay. But I -- I
25 don't know what information they were given. I'm

1 reading this, and I'm seeing that the initial meeting
2 with potential interested bidders that they had used a
3 consistent introduction.

4 I don't know what that consistent
5 introduction was: an introduction on the program; on
6 what we were trying to do; on -- in fact, what each of
7 these individuals were to the Town. Like, were
8 they -- PowerStream explained what they were. Was the
9 Hydro One of St. Thomas Energy explaining exactly what
10 they were all about at this meeting? I just see the
11 word "introduction."

12 MR. RYAN BREEDON: Right. Well, it --
13 when it says that "they had used a consistent
14 introduction," that "they" is Mr. Houghton and
15 Mr. Muncaster.

16 MR. RICHARD LLOYD: Okay.

17 MR. RYAN BREEDON: All right. So
18 what -- what this paragraph is talking about and what
19 you understood from when this was conveyed to you at
20 the meeting was that Mr. Houghton and Mr. Muncaster
21 had given the same introduction to each of the
22 potential bidders. What -- whatever that was --

23 MR. RICHARD LLOYD: I agree.

24 MR. RYAN BREEDON: -- it was the same.

25 MR. RICHARD LLOYD: Yes.

1 MR. RYAN BREEDON: Okay. And the
2 reason that it was important that they were given the
3 same introduction is because all the bidders needed to
4 have the same information. You agree with that. You
5 understood that.

6 MR. RICHARD LLOYD: If the information
7 was shared at that point, it wasn't just an
8 introduction.

9 MR. RYAN BREEDON: Sure. And as the
10 process went along -- so this is the very beginning.
11 The first meeting was apparently July 7th, and of
12 course we know it goes on for some time.

13 As the process went along, it was
14 important that each of the bidders be given all of the
15 same information.

16 MR. RICHARD LLOYD: Generally, yes.

17 MR. RYAN BREEDON: Right. And it was
18 important that the bidders be on a level playing
19 field.

20 MR. RICHARD LLOYD: I agree.

21 MR. RYAN BREEDON: And it was -- I'll
22 suggest to you, this was important for a few reasons.
23 Number one, it was important to be fair to the
24 bidders.

25 MR. RICHARD LLOYD: I agree. Yeah.

1 Yeah.

2 MR. RYAN BREEDON: And it was
3 important from the perspective of the Town to
4 encourage competition among the bidders.

5 MR. RICHARD LLOYD: Fair competition.

6 MR. RYAN BREEDON: Fair competition.

7 MR. RICHARD LLOYD: I agree.

8 MR. RYAN BREEDON: That was important.

9 MR. RICHARD LLOYD: M-hm.

10 MR. RYAN BREEDON: Yes?

11 MR. RICHARD LLOYD: I -- I agree.

12 Yeah.

13 MR. RYAN BREEDON: You just have to
14 actually say yes or no for the transcript, right?

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

16 MR. RYAN BREEDON: And one (1) of the
17 reasons that that was important -- and probably the
18 biggest reason that was important -- is because fair
19 competition would hopefully maximize the price and get
20 the best possible terms for the Town.

21 MR. RICHARD LLOYD: I don't agree with
22 that statement.

23 MR. RYAN BREEDON: You don't -- you
24 don't think that the Town could achieve the best terms
25 by ensuring open and fair competition amongst the

1 bidders?

2 MR. RICHARD LLOYD: That's not what I
3 don't agree with. I don't agree with the -- the
4 pricing or the -- the -- it will -- will ensure that
5 we get the best price back on it.

6 A lot of this has to do with -- with
7 fair market value. It has a lot to do with -- with
8 what the OBE (sic) will -- will allow then. You can't
9 get more than what the shares are worth or more than
10 what the competitiveness is.

11 I know the OEB notices have rules in
12 place. I don't know what all the rules are. But yes,
13 we want to maximize as much as we can, but there are
14 certain rules that we have to fall within.

15 MR. RYAN BREEDON: So the only rules
16 that you have to fall within, as I understand it, is
17 that the transaction ultimately has to be approved by
18 the OEB, correct?

19 MR. RICHARD LLOYD: But I think
20 there's rules as well. I'm not the treasurer. I
21 think the -- the chief financial officer can answer
22 that a lot better than I can.

23 MR. RYAN BREEDON: You didn't think
24 that there was some cap on the amount that the Town
25 could receive for its shares of Collus?

1 MR. RICHARD LLOYD: I believe that
2 there was a -- a certain amount that -- that would
3 cap -- cap what you could get. I think it had
4 something to do with the rates, that the more money
5 that was put out or laid out in here. I don't know
6 all the details of it. Again, the chief financial
7 officer could explain it.

8 But I was of the mind that -- that
9 there was an amount that -- that you couldn't surpass
10 or -- or get unbelievable because then the -- the cost
11 of -- of trying to get that money back for the -- the
12 utility would -- would only be through hydro rates,
13 and there's only so much hydro rate you could get
14 because that was locked in by the province of Ontario.

15 So there was some -- some give and take
16 on that, I believe. So I don't know all the details,
17 but there was some.

18 MR. RYAN BREEDON: Well, you were one
19 (1) of the group that was charged with evaluating the
20 responses to the bids, correct?

21 MR. RICHARD LLOYD: That's correct.

22 MR. RYAN BREEDON: And we're going to
23 talk about that in a bit. So what -- what did you
24 understand then was the cap that could be paid?

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

1 remember now. That's eight (8) years ago. I said
2 that already.

3 But I just know there was discussion by
4 the chief financial officer that there was -- was
5 certain amounts that -- that had to be and -- and
6 rates and all of this other stuff was all part of it.

7 MR. RYAN BREEDON: All right. And
8 when you say the chief financial officer, do you mean
9 Mr. Fryer?

10 MR. RICHARD LLOYD: Mr. Fryer, that's
11 right. And different budget meetings -- if I can
12 continue -- we had financial reports, as well, from
13 Mr. Fryer. And a lot of it was that way, too, that,
14 you know, these are the rates, and here's where we
15 are. And if we want to get a rate increase, you have
16 to go through the -- the Ontario Energy Board to --
17 and -- because they set the rates.

18 And I think that was part of what the
19 capitalization was, was the province -- you had to get
20 the rate increase from the province, but you couldn't
21 be upside down with your debt load. And if somebody
22 paid too much money for -- for the energy -- or for
23 the Collus, then there was some issue about what the
24 rate could be and what we -- it was quite confusing.

25 MR. RYAN BREEDON: Well, the only --

1 the only issue I'll suggest to you -- maybe you know
2 it, maybe you don't. But I'll suggest to you the only
3 issue from the perspective of the Ontario Energy Board
4 would be whether the buyer had paid so much money as
5 to put them in a position that they weren't able to
6 meet their financial obligations in operating the
7 utility.

8 MR. RICHARD LLOYD: Okay.

9 MR. RYAN BREEDON: Is that -- do you
10 agree with that or do you know?

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

12 MR. RYAN BREEDON: You don't know.

13 MR. RICHARD LLOYD: Put it that way.
14 I don't know.

15 MR. RYAN BREEDON: All right.

16 Regardless, we got on a bit of a sidetrack, we -- we
17 are agreed that it's important that the bidders all be
18 treated the same?

19 MR. RICHARD LLOYD: Yes.

20 MR. RYAN BREEDON: Okay. Well, at
21 least we agreed on something today. Now, you've read
22 the Foundation Document, I take it?

23 MR. RICHARD LLOYD: I have.

24 MR. RYAN BREEDON: All right. And you
25 know that, although this paragraph that we're looking

1 at suggests that the initial meeting with PowerStream
2 was on July 7th, 2011, you know that in fact Mr.
3 Houghton had had a number of meetings with PowerStream
4 by this point?

5 MR. RICHARD LLOYD: And we did, as
6 well, on, I believe it was June 29th.

7 MR. RYAN BREEDON: Sure. You had the
8 one (1) meeting in the -- Ms. Wingrove's office --

9 MR. RICHARD LLOYD: Right.

10 MR. RYAN BREEDON: -- that you've told
11 us about?

12 MR. RICHARD LLOYD: That's right.

13 MR. RYAN BREEDON: And Mr. Houghton
14 had had a number of other meetings with Mr. Bentz or
15 other people at PowerStream?

16 MR. RICHARD LLOYD: I believe so.

17 MR. FREDERICK CHENOWETH: May -- maybe
18 on this particular area it's important that the
19 question, to assist the witness and to assist the
20 commission, should talk about a number of meetings.
21 I'm only familiar with, at this juncture, one (1)
22 meeting, a December 3rd meeting at the Sunset Grill
23 for breakfast.

24 If -- if there's -- my friend is
25 talking about a number of meetings. Possibly, the

1 question should be a little more in keeping with the
2 facts.

3 THE HONOURABLE FRANK MARROCCO: Well,
4 I think if there's some misstatement in the question,
5 it can be cleared up on cross-examination by yourself
6 or others. Go ahead, Mr. Breedon.

7 MR. RYAN BREEDON: Thank you.

8

9 CONTINUED BY MR. RYAN BREEDON:

10 MR. RYAN BREEDON: I guess just to --
11 to be fair to my friend, you're aware -- I take it
12 that it's alleged that Mr. Houghton met with Mr. Bentz
13 on December 3rd, 2010?

14 MR. RICHARD LLOYD: Because it's in
15 the Foundation Document, I read it, yes.

16 MR. RYAN BREEDON: Right. And you, I
17 take it, didn't know about this yourself, right?

18 MR. RICHARD LLOYD: I didn't, no.

19 MR. RYAN BREEDON: And then if we turn
20 up paragraph 204 of the Foundation Document.

21

22 (BRIEF PAUSE)

23

24 MR. RYAN BREEDON: You'll see -- take
25 a minute to read it. Okay?

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

3 MR. RYAN BREEDON: I just su -- have
4 you read it?

5 MR. RICHARD LLOYD: No. I'm just
6 going to read it --

7 MR. RYAN BREEDON: Sure.

8 MR. RICHARD LLOYD: -- first, okay?

9 MR. RYAN BREEDON: Sure.

10 MR. RICHARD LLOYD: Okay.

11

12 (BRIEF PAUSE)

13

14 MR. RICHARD LLOYD: Okay.

15 MR. RYAN BREEDON: Okay. Paragraph

16 204 suggests that there may have been a further

17 meeting between Mr. Houghton and PowerStream

18 executives in June 2011. Do you see that?

19 MR. RICHARD LLOYD: I see that, yes.

20 MR. RYAN BREEDON: And we haven't

21 heard from Mr. Houghton yet, so, you know, who knows

22 what he's going to say. But it certainly suggests

23 that there was at least a meeting contemplated at that

24 time?

25 MR. RICHARD LLOYD: That's correct.

1 MR. RYAN BREEDON: Yes. And then can
2 we have Foundation Document 216, please?

3

4 (BRIEF PAUSE)

5

6 MR. RICHARD LLOYD: Okay.

7 MR. RYAN BREEDON: All right. And so
8 this talks about a golf game with Mr. Houghton and Mr.
9 Bentz and others on June 29th?

10 MR. RICHARD LLOYD: That's right.

11 MR. RYAN BREEDON: Okay. So, at
12 least, it looks like there -- where -- there was for
13 sure two (2) and possibly three (3) meetings that --
14 that we have here in the Foundation Document. And I
15 take you didn't know about any of those --

16 MR. RICHARD LLOYD: I didn't.

17 MR. RYAN BREEDON: -- until you read
18 the Foundation Document?

19 MR. RICHARD LLOYD: That's right.

20 MR. RYAN BREEDON: Okay. So it wasn't
21 -- Mr. Houghton didn't disclose that he had had these
22 other meetings when the STT met on August the 3rd?

23 MR. RICHARD LLOYD: That's correct.

24 MR. RYAN BREEDON: Okay. And you'll
25 agree that he should have disclosed that he had been

1 having a number of additional meetings with
2 PowerStream?

3 MR. RICHARD LLOYD: No. I don't know
4 that I agree with you on that because I never ever
5 heard about any of the golf games he ever played
6 because I'm not a golfer.

7 I've never -- if he meets with -- I
8 know that he has -- because he was president of the
9 Electrical Association or one (1) of those things,
10 that I know he had numerous meetings throughout the
11 Province of Ontario with other hydro, not only
12 PowerStream, but a lot.

13 So I can't -- I can't explain it. I
14 can't comment on what Mr. Houghton may or may not have
15 done. He didn't explain it to us. To my knowledge,
16 he may -- Dean Muncaster might have known, the chair,
17 but I didn't know on the team, so. Maybe his board
18 knew, I don't know, but I didn't know.

19 MR. RYAN BREEDON: Right. So it
20 appears that -- that at least the December 3rd meeting
21 concerned specifically the possibility of some
22 arrangement between Collus and PowerStream, selling
23 Collus or a partnership or -- or something?

24 MR. RICHARD LLOYD: On December the
25 3rd?

1 MR. RYAN BREEDON: yes. And -- and,
2 again, we'll hear from Bentz and we'll hear from Mr.
3 Houghton about what they say actually happened, so I'm
4 not asking you to -- to --

5 MR. RICHARD LLOYD: Yeah.

6 MR. RYAN BREEDON: -- to use your
7 psychic powers.

8 MR. FREDERICK CHENOWETH: I'm -- I'm
9 sorry, Your Honour. If -- if My Friend could just
10 assist me for a moment. I wonder if I might have the
11 -- the original part of that question again, something
12 to do with December 3rd?

13 MR. RYAN BREEDON: Sure. I'll -- I'll
14 do my best.

15 MR. FREDERICK CHENOWETH: Thank you.

16

17 CONTINUED BY MR. RYAN BREEDON:

18 MR. RYAN BREEDON: The -- the -- it
19 appears that at least the December 3rd meeting
20 concerned a possible sale of Collus or business
21 between Collus and PowerStream, all ri -- all right?

22 And I'm going to suggest to you that it
23 was important for the Strategic Task Team to know that
24 there had been these additional discussions between
25 Mr. Houghton and PowerStream over and above what is

1 disclosed in the Foundation Document that we looked at
2 earlier?

3 MR. RICHARD LLOYD: Okay. So were you
4 repeating that for --

5 MR. RYAN BREEDON: No. I'm asking --

6 MR. RICHARD LLOYD: Oh, okay.

7 MR. RYAN BREEDON: -- you a question.

8 MR. RICHARD LLOYD: Yeah. I didn't
9 know about it. I don't know what his -- his meetings
10 entailed; that's for Mr. Houghton to explain. I
11 wasn't aware of the meetings. Whether -- whether it
12 was about anything that had any influence on -- on
13 what we were doing on the team, I have no idea.

14 I think it's most appropriate to ask
15 Mr. Houghton.

16 MR. RYAN BREEDON: Yeah, I'm not
17 asking about what happened at those meetings --

18 MR. RICHARD LLOYD: Okay.

19 MR. RYAN BREEDON: -- that weren't
20 there. I'm suggesting to you that it was important
21 for you, as a member of the Strategic Task Team, to
22 know about all of the meetings that Mr. Houghton had
23 had with PowerStream discussing a possible sale of
24 Collus.

25 MR. RICHARD LLOYD: If it was with

1 discussions of the possible sale of -- of Collus,
2 you're right. But I can't confirm that all these
3 meetings were about the possible sale of Collus.
4 That's what I'm getting.

5 MR. RYAN BREEDON: Okay. Fair enough.
6 But if -- if Justice Marrocco finds that that's what
7 was discussed at those meetings --

8 MR. RICHARD LLOYD: Then I agree.

9 MR. RYAN BREEDON: -- then you agree
10 that Mr. Houghton should have disclosed that to the
11 Strategic Task Team?

12 MR. RICHARD LLOYD: Exactly.

13 MR. RYAN BREEDON: Okay.

14 MR. RICHARD LLOYD: And I'm not trying
15 to be difficult, I'm sorry.

16 MR. RYAN BREEDON: That's fine. Now,
17 if we go back to -- can we go to paragraph 217 of the
18 Foundation Document? Now, we had looked before --
19 yeah, ta -- sure.

20 MR. RICHARD LLOYD: Thank you.

21

22 (BRIEF PAUSE)

23

24 MR. RICHARD LLOYD: Okay. Yeah.

25 MR. RYAN BREEDON: Okay. We -- we had

1 looked before at the ini -- the initial meeting of the
2 Strategic Task Team which said that the meeting with
3 PowerStream had been on July 7th. You remember that?

4 And now this talks about the actual
5 meeting. And one (1) of the topics that apparently
6 was discussed was this solar strategic alliance. Do
7 you see that?

8 MR. RICHARD LLOYD: I see that, yes.

9 MR. RYAN BREEDON: All right. And
10 that is the solar vents that we've --

11 MR. RICHARD LLOYD: That's correct.

12 MR. RYAN BREEDON: -- heard about.

13 And those were provided by a company called ISSI?

14 MR. RICHARD LLOYD: Okay.

15 MR. RYAN BREEDON: You -- you

16 understand that now from having read --

17 MR. RICHARD LLOYD: That's right.

18 MR. RYAN BREEDON: -- the Foundation
19 Document? I appreciate you didn't know about any of
20 this at the time. And there is -- there is some
21 suggestion in the materials that Mr. Bonwick had an
22 interest in ISSI. And were you aware of that?

23 MR. RICHARD LLOYD: The first time I
24 even heard of it was in this document, so, no.

25 MR. RYAN BREEDON: Okay. All right.

1 Oh, so did -- did they -- when you were told that Mr.
2 Houghton had met with PowerStream on July 7th when you
3 were at the Strategic Task Team meeting did he tell
4 you that one (1) of the topics that had been discussed
5 at that meeting was this solar vent project?

6 MR. RICHARD LLOYD: I can't remember
7 on the 29th meeting whether that was discussed or not.
8 I know Mr. Bonwick was discussed, but I don't know if
9 -- if the actual specifics of the solar vents were
10 not.

11 The first I ever -- I believe that I
12 can ever remember about the solar vents was the
13 groundbreaking ceremony of it up at Creekside. And I
14 can't remember the date of when it was; that's the
15 first. And the only reason I knew he was involved,
16 because he was -- he was obviously organizing it.

17 MR. RYAN BREEDON: And he is Mr.
18 Bonwick?

19 MR. RICHARD LLOYD: That's right.

20 MR. RYAN BREEDON: Okay. And -- and
21 so I take it then, similarly, there -- there's also a
22 suggestion that Mr. Houghton had an interest in ISSI.
23 Now, I -- we've heard from his counsel. He's -- he --
24 he takes the position that he did not.

25 But if it is found that in fact Mr.

1 Houghton had an interest in the ISSI, I take it he
2 didn't disclose that to the Strategic Task Team?

3 MR. RICHARD LLOYD: No. No, I -- I
4 didn't even hear of this company ever up until I read
5 it in the document.

6 MR. RYAN BREEDON: Okay. Fair enough.
7 Now, Your Honour, I'm happy to keep pressing on. I've
8 got -- maybe got a half an hour left, or -- but I -- I
9 don't know what your plans are in terms of taking...

10 THE HONOURABLE FRANK MARROCCO: I was
11 going to take a break at some point just to give -- so
12 why don't we take ten (10) minutes now? And then --

13 MR. RYAN BREEDON: Sure.

14 THE HONOURABLE FRANK MARROCCO: -- you
15 can finish.

16 MR. RYAN BREEDON: Thank you.

17 THE HONOURABLE FRANK MARROCCO: Thank
18 you.

19

20 --- Upon recessing at 10:02 a.m.

21 --- Upon resuming at 10:11 a.m.

22

23 CONTINUED BY MR. RYAN BREEDON:

24 MR. RYAN BREEDON: Mr. Lloyd, before
25 the break, we were talking about whether Mr. Houghton

1 should have disclosed his various meetings with
2 PowerStream. Now PowerStream made a presentation to
3 the Strategic Task Team on September the 19th, 2011,
4 correct?

5 MR. RICHARD LLOYD: Okay.

6 MR. RYAN BREEDON: And you were at the
7 presentation that PowerStream made?

8 MR. RICHARD LLOYD: I would have been,
9 yes.

10 MR. RYAN BREEDON: Okay.

11 MR. RICHARD LLOYD: Yeah.

12 MR. RYAN BREEDON: And -- and who was
13 there from PowerStream?

14 MR. RICHARD LLOYD: Brian Bentz was,
15 for sure. The other names wouldn't -- it'd be on the
16 agenda, but I -- I...

17 MR. RYAN BREEDON: And did Mr. Bentz
18 or anyone from PowerStream disclosed during that
19 meeting that they had had these meetings with Mr.
20 Houghton?

21 MR. RICHARD LLOYD: No.

22 MR. RYAN BREEDON: Now to go back, the
23 -- the there were two (2) or other presentations that
24 were made on September the 12th, that was Veridian and
25 Hydro One?

1 MR. RICHARD LLOYD: Okay.

2 MR. RYAN BREEDON: We can turn it up.
3 It's Foundation Document 268.

4

5 (BRIEF PAUSE)

6

7 MR. RICHARD LLOYD: Okay. That helps.
8 Thank you.

9 MR. RYAN BREEDON: All right. So
10 that's the -- and that -- that were -- that was the
11 initial presentations?

12 MR. RICHARD LLOYD: I agree, yeah.
13 Thank you.

14 MR. RYAN BREEDON: All right. And --
15 and you were present at those?

16 MR. RICHARD LLOYD: I was, yes.

17 MR. RYAN BREEDON: Okay. And then the
18 -- Horizon and PowerStream came on a later date on the
19 19th?

20 MR. RICHARD LLOYD: Repeat that again?
21 I'm sorry.

22 MR. RYAN BREEDON: Sure. Horizon and
23 PowerStream then did their presentations on September
24 the 19th?

25 MR. RICHARD LLOYD: Okay.

1 MR. RYAN BREEDON: Okay. And you've
2 been asked a number of questions about these meetings,
3 and I hope to not tread it all over again. But you
4 agreed, I think, that you considered these meetings to
5 be confidential?

6 MR. RICHARD LLOYD: Yes.

7 MR. RYAN BREEDON: Okay. And you
8 testified on Tuesday that you felt you could not
9 report what happened in these meetings to third
10 parties?

11 MR. RICHARD LLOYD: Yes.

12 MR. RYAN BREEDON: Yes? And that the
13 -- one (1) of the reasons for that was that the
14 confidentiality was important to the bidders?

15 MR. RICHARD LLOYD: Yes.

16 MR. RYAN BREEDON: You understood that
17 from the perspective of the bidders, what they were
18 saying to the Town was at potentially very
19 commercially sensitive?

20 MR. RICHARD LLOYD: Okay.

21 MR. RYAN BREEDON: Yeah. And -- and
22 certainly, it was confidential?

23 MR. RICHARD LLOYD: I think a lot of
24 the information was on their website, to be honest
25 with you. I remember sitting through this, so I don't

1 know that a lot of the information was confidential.
2 If you look at some of the -- the information that was
3 given to us, a lot of it -- and again, we were even
4 referred to the -- their websites.

5 MR. RYAN BREEDON: Okay. But they --
6 the -- the bidders didn't want other bidders to know
7 what they were saying to the Town.

8 Do you agree with that?

9 MR. RICHARD LLOYD: Certain aspects,
10 you're correct. The stuff that was already on the
11 website wasn't an issue.

12 MR. RYAN BREEDON: Yes, PowerStream
13 was probably not concerned about the fact that they
14 may have told you that they were in Barrie. That
15 would be public knowledge. But what their plans were,
16 what they were proposing as a dealing with Collus,
17 that would be something that would be very
18 confidential?

19 MR. RICHARD LLOYD: Yes.

20 MR. RYAN BREEDON: And it would be the
21 same for all of the bidders?

22 MR. RICHARD LLOYD: I believe so, yes.

23 MR. RYAN BREEDON: Okay. And it was
24 important to the Town to keep all of this
25 confidential?

1 MR. RICHARD LLOYD: Yes.

2 MR. RYAN BREEDON: For the reasons
3 that we talked about this morning in terms of the
4 fairness and -- and all the rest of it --

5 MR. RICHARD LLOYD: Okay.

6 MR. RYAN BREEDON: -- right? Yes, you
7 agree with that?

8 MR. RICHARD LLOYD: Yes.

9 MR. RYAN BREEDON: Okay. Can we look
10 at TOC59013.

11

12 (BRIEF PAUSE)

13

14 MR. RYAN BREEDON: Now you had been
15 asked some questions about this document. This is Mr.
16 Bonwick's memo, which seems to discuss the Veridian
17 and the Hydro One presentations.

18 Can you scroll down just a little bit,
19 so -- and just stop there.

20 You're familiar with this, you
21 remember?

22 MR. RICHARD LLOYD: That's correct.

23 MR. RYAN BREEDON: Okay.

24 MR. RICHARD LLOYD: Yes.

25 MR. RYAN BREEDON: All right. Now if

1 we just -- we'll just deal with the Hydro One,
2 thankfully, because it's the shortest. So just read
3 through that, would you?

4 MR. RICHARD LLOYD: Sure.

5

6 (BRIEF PAUSE)

7

8 MR. RICHARD LLOYD: Okay.

9 MR. RYAN BREEDON: Okay. Now you --
10 you'll agree that that is accurate?

11 MR. RICHARD LLOYD: No. I have to see
12 the -- there's -- there'll be probably minutes from
13 the thing. It looks pretty accurate, but I'd want to
14 make sure that --

15 MR. RYAN BREEDON: All right.

16 MR. RICHARD LLOYD: -- that makes
17 sense.

18 MR. RYAN BREEDON: I -- I -- we -- we
19 don't need to go through every jot and tittle and make
20 sure that every word is correct, but the -- in -- in
21 general --

22 MR. RICHARD LLOYD: Yes.

23 MR. RYAN BREEDON: -- in general, Mr.
24 Bonwick has captured the Hydro One presentation to the
25 Strategic Task Team?

1 MR. RICHARD LLOYD: Yes.

2 MR. RYAN BREEDON: Okay. And in the
3 last bullet, you'll see that he -- he has written that
4 while the presenter -- and that's presumably Mr.
5 Mueller, from Hydro One -- demonstrated integrity and
6 knowledge of the industry, et cetera, the assessment
7 committee was not enamoured with the concept or
8 direction Hydro One presented.

9 You see that?

10 MR. RICHARD LLOYD: I see that.

11 MR. RYAN BREEDON: Okay. And the
12 assessment committee is the Strategic Task Team, yes?

13 MR. RICHARD LLOYD: Yes.

14 MR. RYAN BREEDON: All right. And so
15 that's something that could only be known within the
16 Strategic Task Team, how they were thinking about it?

17 MR. RICHARD LLOYD: Yes.

18 MR. RYAN BREEDON: That's not going to
19 be on Hydro One's website or -- or otherwise?

20 MR. RICHARD LLOYD: Absolutely right.

21 MR. RYAN BREEDON: All right. And
22 that's -- that's accurate. That's an accurate summary
23 of how the STT felt after Mr. Mueller's presentation?

24 MR. RICHARD LLOYD: There's
25 information here that -- that was, no doubt, at -- at

1 our meeting. How the whole committee felt, I'm not so
2 certain that -- that the last bullet is correct.
3 Trying to lump the whole committee in with that
4 statement isn't fair, because each of the individuals
5 that are on the committee had different views, and you
6 can see that with the scoring, and so on.

7 MR. RYAN BREEDON: All right. But it
8 -- it would be fair to say that there was -- there
9 were at least some members of the committee --

10 MR. RICHARD LLOYD: I --

11 MR. RYAN BREEDON: -- for whom it is
12 true that they were not enamoured with the concept or
13 direction Hydro One presented?

14 MR. RICHARD LLOYD: That's correct,
15 and I was one (1) of them.

16 MR. RYAN BREEDON: Okay. Now I think
17 you testified a number of times that you didn't
18 provide this information to Mr. Bonwick, correct?

19 MR. RICHARD LLOYD: Absolutely, I did
20 not.

21 MR. RYAN BREEDON: Okay. But you'll
22 agree that somebody must have provided to him?

23 MR. RICHARD LLOYD: Either that
24 there's -- somebody's got some special powers that I
25 don't know about.

1 MR. RYAN BREEDON: Okay. So Mr. --
2 you -- to your knowledge, Mr. Bonwick does not have
3 psychic powers?

4 MR. RICHARD LLOYD: Exactly.

5 MR. RYAN BREEDON: All right. Maybe
6 he's going to testify differently. I don't know.

7 THE HONOURABLE FRANK MARROCCO: Please
8 don't dwell too long on that topic.

9

10 CONTINUED BY MR. RYAN BREEDON:

11 MR. RYAN BREEDON: And you're not
12 suggesting that the room was wired or anything like
13 that?

14 MR. RICHARD LLOYD: I have no idea how
15 this information was put out.

16 MR. RYAN BREEDON: All right, but
17 presumably, it had to come from somebody on the STT?

18 MR. RICHARD LLOYD: I -- I concur.

19 MR. RYAN BREEDON: Okay.

20 MR. RICHARD LLOYD: It came from that
21 room.

22 MR. RYAN BREEDON: All right. And the
23 only people who were in that room were the members of
24 the STT?

25 MR. RICHARD LLOYD: And some staff,

1 but yes, you're right.

2

3 MR. RYAN BREEDON: Okay. Now, you
4 were asked about this yesterday and -- and maybe we
5 could turn up the transcript. So it's the transcript
6 from yesterday, page 56, around line 9. Hopefully
7 I've got this right.

8

9 (BRIEF PAUSE)

10

11 MR. RYAN BREEDON: Sorry, keep going
12 down. Right, stop there.

13 So this was the -- you were being asked
14 about the presentations and about Mr. Bonwick's
15 reports, and -- and you know, we don't need to go
16 through it, but he also made reports about how the
17 strategic task team received the presentations of the
18 other bidders, right?

19 MR. RICHARD LLOYD: Right.

20 MR. RYAN BREEDON: And -- and again
21 it's the same sort of thing. He's captured more or
22 less what -- what's was in the presentation and how it
23 was received by --

24 MR. RICHARD LLOYD: That's correct,
25 yeah.

1 MR. RYAN BREEDON: -- the strategic
2 task team. Okay.

3 Again, you just have to let me finish
4 asking --

5 MR. RICHARD LLOYD: Sorry.

6 MR. RYAN BREEDON: -- the question or
7 else we're both going to be in trouble. Okay?

8 MR. RICHARD LLOYD: Thank you.

9 MR. RYAN BREEDON: Now, in response to
10 this, then you wrote -- or you testified yesterday
11 that -- you'll see -- sorry, about line 12:

12 "I'm not concerned about it at all."

13 And again that's these -- it is
14 information Mr. Bonwick had somehow.

15 "Because I don't think anything I've
16 seen so far is alarming to me."

17 You see that?

18 MR. RICHARD LLOYD: (NO AUDIBLE
19 RESPONSE)

20 MR. RYAN BREEDON: And -- and I have -
21 - I was a little confused by that, because if somebody
22 on the strategic task team is leaking information to a
23 party employed by one (1) of the bidders, or frankly
24 to any member of the public, isn't that something that
25 would be very concerning?

1 MR. RICHARD LLOYD: Exactly. And if I
2 can comment on -- on what I believe that I was saying
3 --

4 MR. RYAN BREEDON: Yes.

5 MR. RICHARD LLOYD: -- is, when His
6 Honour asked me the question, I had agreed with him,
7 and then I didn't even look at the emails. They were
8 so quick when they went through.

9 And I said without actually reading
10 them and -- and comprehending what it was doing, I did
11 want to -- to make a statement that wasn't true, and I
12 said I had no concern until I actually dissect them
13 and look at them to make sure that it was confidential
14 information. They went through very quickly
15 yesterday.

16 MR. RYAN BREEDON: Okay. So now that
17 -- now that we've gone through that process a little
18 bit more slowly today, you'll agree that it is
19 actually very concerning that somebody was apparently
20 leaking confidential information to Mr. Bonwick?

21 MR. RICHARD LLOYD: Yes, and I've
22 already answered each step that you brought through me
23 and I appreciate that you brought each of the steps to
24 me so I could see it.

25 MR. RYAN BREEDON: I'm here to please,

1 sir.

2 It was both concerning and it is in
3 fact alarming that somebody on the STT was apparently
4 leaking this information. You agree with that?

5 MR. RICHARD LLOYD: Okay, yes.

6 MR. RYAN BREEDON: And it certainly --
7 you'll agree that it should not have happened?

8 MR. RICHARD LLOYD: Anything that was
9 confidential in those meetings should not have been
10 released --

11 MR. RYAN BREEDON: Okay.

12 MR. RICHARD LLOYD: -- to anyone.

13 MR. RYAN BREEDON: Including in
14 particular how the members of the STT were receiving
15 the presentations.

16 MR. RICHARD LLOYD: And the way that
17 I've read the emails today, that -- that I don't know
18 how anybody could analyze how the committee members
19 were.

20 MR. RYAN BREEDON: Now I want to just
21 -- we'll stay on this topic, but -- but there's a
22 couple of other questions.

23 So you've been involved in municipal
24 government for many, many years.

25 MR. RICHARD LLOYD: Yes.

1 MR. RYAN BREEDON: Okay. And when you
2 conduct business on behalf of the Town, you do so in
3 an ethical manner?

4 MR. RICHARD LLOYD: I -- I try to.

5 MR. RYAN BREEDON: You certainly try
6 to.

7 MR. RICHARD LLOYD: Yeah.

8 MR. RYAN BREEDON: Right. And it --
9 you'll agree that it is important to avoid any
10 improprieties?

11 MR. RICHARD LLOYD: I try to, yes.

12 MR. RYAN BREEDON: And it's important
13 to avoid the appearance of any improprieties?

14 MR. RICHARD LLOYD: I'm not so
15 concerned with appearance. It's more fact.

16 MR. RYAN BREEDON: Well, you weren't
17 here for Mr. Chadwick's evidence yesterday afternoon,
18 and I assume you weren't able to watch it --

19 MR. RICHARD LLOYD: No.

20 MR. RYAN BREEDON: -- given what you
21 were -- what you were doing, but one (1) of the things
22 that came up yesterday was this idea of optics and
23 that optics matter. And -- and when you're dealing
24 with municipal government, you'll agree with that?

25 MR. RICHARD LLOYD: I didn't get re-

1 elected because I don't get involved with the optics
2 of it. I do the business day to day. And many times
3 I'd -- I'd run for office, I wouldn't get it in, the
4 next time I would. I just -- I try to take all the
5 optics out of it and deal with the business.

6 MR. RYAN BREEDON: All right. But
7 certainly it's important to avoid any actual
8 impropriety, setting aside the --

9 MR. RICHARD LLOYD: That's correct.

10 MR. RYAN BREEDON: All right, fair
11 enough.

12 And that is of course important for you
13 and for Collingwood, and it would be important for any
14 municipality.

15 MR. RICHARD LLOYD: Of course.

16 MR. RYAN BREEDON: Right?

17 MR. RICHARD LLOYD: Yeah.

18 MR. RYAN BREEDON: And similarly it'd
19 be important for a corporation owned by municipality.

20 MR. RICHARD LLOYD: Of course.

21 MR. RYAN BREEDON: That you would
22 expect Collus, for instance, to conduct itself in a
23 upright manner.

24 MR. RICHARD LLOYD: And I generally
25 feel they did.

1 MR. RYAN BREEDON: Fair enough. Now,
2 can I ask -- can we just scroll up in the transcript
3 to the page before, page 55? Sorry. So -- and scroll
4 down just a little bit, starting at line 19.

5 So Mr. Mather asked you whether this
6 information that Mr. Bonwick had obtained and provided
7 to PowerStream was the sort of thing that you expected
8 him to be gathering, and your answer, you'll see at
9 line 21, yesterday was that:

10 "If I was on PowerStream's Board, I
11 would hope he would be gathering
12 that kind of information."

13 MR. RICHARD LLOYD: That's correct.

14 MR. RYAN BREEDON: Right. And that's
15 the sort of inside intelligence that we've been
16 looking at.

17 MR. RICHARD LLOYD: Right.

18 MR. RYAN BREEDON: Right. And -- and
19 the reason that you said that, I assume, is because
20 that would be very helpful for PowerStream in
21 formulating its own approach to Collus.

22 MR. RICHARD LLOYD: I agree.

23 MR. RYAN BREEDON: Right. That's why
24 they were paying him.

25 MR. RICHARD LLOYD: yeah.

1 MR. RYAN BREEDON: Right? Now, you --
2 you'll agree though that it would be obvious from
3 looking at the memo that -- that we just turned up,
4 and -- and we can do it again if you need. It would
5 be obvious to PowerStream in looking at that that Mr.
6 Bonwick had some inside source of information.

7 MR. RICHARD LLOYD: I agree.

8 MR. RYAN BREEDON: It had to be
9 obvious to anybody reading that that there was
10 somebody who was providing this confidential
11 information to Mr. Bonwick.

12 MR. RICHARD LLOYD: And I've already
13 said I agree.

14 MR. RYAN BREEDON: Sure. And it would
15 be obvious to PowerStream or anybody reading it that
16 that information should not have been disclosed to Mr.
17 Bonwick.

18 MR. RICHARD LLOYD: Anything that was
19 confidential should not have been disclosed.

20 MR. RYAN BREEDON: Right. And it
21 would be obvious to anybody reading the memo that
22 there was information that should never have been
23 disclosed to Mr. Bonwick.

24 MR. RICHARD LLOYD: It appears that
25 way.

1 MR. RYAN BREEDON: Yes. And -- and
2 similarly it would be obvious to PowerStream in
3 receiving that that this was information that should
4 not have been disclosed to them.

5 MR. RICHARD LLOYD: Only by Mr.
6 Bonwick, wherever he got the information from.

7 MR. RYAN BREEDON: Right. But -- but
8 you -- you've been on -- on -- you've been on the
9 other side of these deals, dealing with -- you know,
10 doing town business. If you received something like
11 that, dealing with how a potential opposing party or -
12 - or a party that you were going to be negotiating
13 with had, you know, inside information, you would know
14 that it wasn't something that should have gone to you.

15 MR. RICHARD LLOYD: No. And if I can
16 just elaborate on that a little bit. As you may or
17 may not be aware, I'm also in the construction
18 business. I have a construction company that I do a
19 lot of tendering. Just tendered a -- a job that was
20 \$5.2 million.

21 And the first thing I do when -- when
22 the tender comes out if it's of interest to me, I go
23 and sit with the engineer and try to get out of him as
24 much as I can, and usually it's the -- the engineer's
25 estimate on the contract, and all of his breakdowns as

1 much as he can give me. Then I go and meet with the
2 road superintendent and anyone else that I can get
3 information from before I tender the job.

4 I gather all that information up and do
5 my bid, thinking that I have an advantage, and in the
6 end, it's when they open the envelope. You never know
7 what -- if you're going to be successful or not, but I
8 always have done my due diligence.

9 And I guess the point I'm trying to get
10 at is, I see all the stuff that -- that you're showing
11 me today, not really unlike what I do in my own
12 business when I -- I'm tendering jobs. I get as much
13 information as I possibly can but I'm not always
14 successful in the tender. This one (1) \$5.2 million
15 job, I was second on, but I had more information than
16 the others. And the other people never asked -- the
17 other contractors never asked the engineer, never met
18 with anyone. They just did the job.

19 So was it inappropriate that I went and
20 met with these people? No. There's nothing says I
21 can't and they gave me as much information as they
22 could. I don't take that information they gave me for
23 this contract that it was confidential.

24 So again, I guess I'm getting at that -
25 - that -- and I wasn't successful with the tender.

1 MR. RYAN BREEDON: Right. You didn't
2 hire through the sibling of the party who was putting
3 out the tender to -- to help you collect that
4 information?

5 MR. RICHARD LLOYD: No.

6 MR. RYAN BREEDON: And you didn't
7 obtain information internal to that other party as
8 part of your bid? Their -- their confidential
9 information, you didn't do that?

10 MR. RICHARD LLOYD: Any confidential
11 information I didn't get, but they gave me a lot more.
12 I feel I got a lot more than the other bidders because
13 I asked.

14 MR. RYAN BREEDON: Sure, you did the
15 work, fair enough. But you didn't -- you didn't go
16 out of your way to try to get confidential information
17 that -- that they wouldn't have wanted to disclose to
18 you?

19 MR. RICHARD LLOYD: Well, if they
20 would have given it to me, I would have taken it.
21 But no, you're right.

22 MR. RYAN BREEDON: Right. And
23 certainly when you're conducting business on the -- on
24 behalf of the Town, you would never do that.

25 MR. RICHARD LLOYD: No.

1 MR. RYAN BREEDON: All right. And I
2 take it that PowerStream never alerted the strategic
3 task team to the fact that somebody was leaking
4 information to Mr. Bonwick.

5 MR. RICHARD LLOYD: No.

6 MR. RYAN BREEDON: All right. And
7 similarly, PowerStream never alerted the Town Council
8 to the fact that somebody was leaking information to
9 Mr. Bonwick?

10 MR. RICHARD LLOYD: I don't think any
11 of us were aware other than it was a -- a great
12 process, everything was going as -- as it should.

13 I know there was a letter from Dean
14 Muncaster in December, speaking how great the process
15 was.

16 MR. RYAN BREEDON: PowerStream never
17 alerted the Council to the fact that somebody was
18 leaking information to Mr. Bonwick.

19 MR. RICHARD LLOYD: No.

20 MR. RYAN BREEDON: I want to talk
21 about the ranking meeting.

22 MR. RICHARD LLOYD: Okay.

23 MR. RYAN BREEDON: And I wonder if we
24 can turn up document CPS 6920, and page 5.

25 THE HONOURABLE FRANK MARROCCO: While

1 -- while they're doing that, after Hydro One
2 presented, was there a discussion amongst the team
3 about the presentation? Or after the two (2) of them
4 had presented on that day, was there discussion
5 amongst the team about the presentations they just
6 received?

7 MR. RICHARD LLOYD: Your Honour, if my
8 memory serves me right, we definitely did discuss each
9 of the proponents. I can't remember if it was in-
10 between, or at the end. But there was discussion,
11 yes.

12 THE HONOURABLE FRANK MARROCCO: Thank
13 you.

14

15 CONTINUED BY MR. RYAN BREEDON:

16 MR. RYAN BREEDON: So this is one (1)
17 of the -- this is a document showing the rankings for
18 cultural and synergistic fit. Do you see that? And I
19 think we looked at these yesterday, and this is the
20 one (1) that shows how the various members ranked, the
21 different proposals. And so you're showing as having
22 ranked PowerStream a ten (10) and Hydro One a five (5)
23 and so on.

24 Do you see that?

25 MR. RICHARD LLOYD: That's correct.

1 MR. RYAN BREEDON: Okay. And there
2 are no minutes from this meeting, is my understanding.

3 MR. RICHARD LLOYD: It was an in
4 camera session. I don't think they take minutes,
5 that's correct.

6 MR. RYAN BREEDON: Okay. Whether --
7 what -- why there's no minutes is a separate question,
8 but there are in fact no minutes.

9 MR. RICHARD LLOYD: That's right and
10 generally speaking, municipally, there's never any
11 minutes or very limited minutes for any in camera
12 meeting.

13 MR. RYAN BREEDON: Okay, sure.

14 Can you look -- can we look at
15 Foundation document paragraph 391? And right at the -
16 - towards the bottom of the page.

17 So actually you know what? We'd better
18 scroll up just to the start of the paragraph so we can
19 identify for the witness -- yes.

20 So these are Mr. Herhalt's -- this is a
21 summary of Mr. Herhalt's notes, just to orient you to
22 what we're looking at.

23 And then it -- yes, if we can go back
24 to -- it's actually to the bottom of page 157, I
25 think.

1 (BRIEF PAUSE)

2

3 MR. RYAN BREEDON: Sorry, give me one
4 (1) second. Sorry, so it's -- it's the same
5 paragraph, but it's page 155 where it says "cultural
6 and synergistic fit", right. Okay.

7 Now, what -- what this is, we looked at
8 it, this is Mr. Herhalt's notes and they're notes with
9 respect to the various presentations, okay. And the
10 first one, so you'll see the -- the left-most column
11 is the item, and then the first column then is his
12 notes regarding PowerStream. Just -- just to orient
13 you to what it is that you're looking at.

14 And you'll see that under this cultural
15 and synergistic fit item he has referred with respect
16 to PowerStream entrepreneurial and then previous
17 collaboration. Do you see that?

18 MR. RICHARD LLOYD: Okay.

19 MR. RYAN BREEDON: Okay. And the --
20 the previous collaboration that is being talked about
21 is this solar vent project.

22 MR. RICHARD LLOYD: Okay.

23 MR. RYAN BREEDON: Okay. You do --
24 you recall that when you had the ranking meeting and
25 you were discussing the non-financial aspects, that

1 the solar vents were raised as an issue in support of
2 the PowerStream bid.

3 MR. RICHARD LLOYD: You know what? I
4 don't remember.

5 MR. RYAN BREEDON: Okay. So Ms.
6 Wingrove -- well, actually, why don't we look at pair
7 -- paragraph 392 -- okay, so paragraph 392 sets out
8 Ms. Wingrove's notes from the same meeting, right?

9 MR. RICHARD LLOYD: Okay.

10 MR. RYAN BREEDON: And if you could
11 scroll down to the very bottom of page 157, please.

12 So she's got under "cultural fit" and
13 then again this is under her -- what she has for the
14 PowerStream column, this shared project on roof vent,
15 do you see that?

16 MR. RICHARD LLOYD: Yes, I see that.

17 MR. RYAN BREEDON: And -- and so does
18 this refresh your memory, that one (1) of the things
19 that was being discussed was the roof vents?

20 MR. RICHARD LLOYD: It's all a blur to
21 me. It's obvious from this that all this was
22 discussed, but the details -- sorry.

23 MR. RYAN BREEDON: Okay, fair enough.

24 And -- and -- and I take it that Mr.
25 Houghton didn't disclose any interest he may have had

1 in the ISSI Company, the roof vent company, at this
2 meeting either.

3 MR. RICHARD LLOYD: I don't think Mr.
4 Houghton was involved in any of those companies. So
5 it wasn't disclosed.

6 MR. RYAN BREEDON: Okay. The -- the --
7 -- that's going to be an issue for Justice Marrocco to
8 decide, whether he was or wasn't involved.

9 MR. RICHARD LLOYD: Exactly.

10 MR. RYAN BREEDON: You don't need to
11 worry about.

12 MR. RICHARD LLOYD: No.

13 MR. RYAN BREEDON: But it wasn't
14 disclosed to you if he was?

15 MR. RICHARD LLOYD: Of course not.
16 Yes.

17 MR. RYAN BREEDON: And that would have
18 been an important thing for the members of the team to
19 know if it was true.

20 MR. RICHARD LLOYD: Hypothetically, if
21 he was involved, you know, of course.

22 MR. RYAN BREEDON: Okay, fair enough.

23 Can we go back to CPS6920, please. And
24 sorry, the -- I don't have the page number. It's the
25 page dealing with the rates. Right, thank you.

1 All right, so this is the various
2 rankings with respect to the competitive distribution
3 rates and cost structure of Collus?

4 MR. RICHARD LLOYD: Right.

5 MR. RYAN BREEDON: And the issue here
6 was, I -- I take it, that you wanted to ensure that
7 rates would be maintained at a -- at a low level.

8 MR. RICHARD LLOYD: Exactly. And with
9 the ranking here, I gave Horizon a ten (10) and I gave
10 PowerStream an eight (8).

11 MR. RYAN BREEDON: Right. And you
12 gave Hydro One a two (2).

13 MR. RICHARD LLOYD: Gave them a two
14 (2), that's right. And I also give Veridian, I
15 believe, a nine (9).

16 MR. RYAN BREEDON: Okay. Now, do you
17 know how electricity distribution rates are set?

18 MR. RICHARD LLOYD: No.

19 MR. RYAN BREEDON: Okay.

20 MR. RICHARD LLOYD: It's been
21 explained to me, but for me to explain it to you, it
22 would be --

23 MR. RYAN BREEDON: Don't worry. I'm
24 not going to -- we have other people who are going to
25 come and can explain that to us.

1 MR. RICHARD LLOYD: But -- but no.

2 Yeah.

3 MR. RYAN BREEDON: I wanted to know --
4 and maybe you're able to remember or maybe you're
5 not -- but why did you rank Hydro One a two (2) and
6 PowerStream an eight (8)?

7 MR. RICHARD LLOYD: I -- I know that
8 Ontario Hydro rates are higher. I live out in the
9 township, and I get hydro from Ontario Hydro. And I
10 just see what my hydro bill is compared to our own
11 municipality. And when you look at what the rates
12 are, Ontario Hydro, I believe, is one (1) of the --
13 the highest.

14 MR. RYAN BREEDON: Right. Now, you --
15 you understood -- I take it, and so you thought
16 that -- just dealing with Hydro One and PowerStream, I
17 take it then what you're saying is you thought that
18 the rates would be higher under Hydro One than under
19 PowerStream?

20 MR. RICHARD LLOYD: I believe that the
21 rates from -- from Hydro One were higher. I believed
22 it. And also PowerStream weren't as -- as high up in
23 this as what Horizon and Veridian.

24 And if I remember right -- again, I'm
25 trying to search my memory from eight (8) years ago --

1 that there was presentations on what the rates were.
2 I think that was all part of it as well.

3 MR. RYAN BREEDON: Can we pull up a
4 summary document 1-4-1? It's the table.

5

6 (BRIEF PAUSE)

7

8 MR. RYAN BREEDON: So this is a table
9 which I understand that Inquiry staff have put
10 together, which summarizes the different bids, to save
11 us the trouble of turning them all up individually.

12 MR. RICHARD LLOYD: Yeah.

13 MR. RYAN BREEDON: And can we look at
14 page 4 of this, please?

15

16 (BRIEF PAUSE)

17

18 MR. RYAN BREEDON: Okay. And so this
19 is the section dealing with the competitive
20 distribution rates.

21 MR. RICHARD LLOYD: Okay. Can I look
22 at it?

23 MR. RYAN BREEDON: Yeah, yeah.
24 Absolutely.

25 MR. RICHARD LLOYD: Thank you.

1 (BRIEF PAUSE)

2

3 MR. RICHARD LLOYD: Okay.

4 MR. RYAN BREEDON: All right.

5 MR. RICHARD LLOYD: Clear as mud.

6 MR. RYAN BREEDON: Making it very
7 easy. If you look under PowerStream, the very first
8 thing on the table says "no rate harmonization." Do
9 you see that?

10 MR. RICHARD LLOYD: I think the same
11 as what Hydro One has, as well.

12 MR. RYAN BREEDON: Right. And what
13 that means is that -- no rate harmonization means that
14 they are not proposing to blend the existing Collus
15 rate to their rate.

16 MR. RICHARD LLOYD: At this time.
17 That's correct.

18 MR. RYAN BREEDON: Right. And --
19 well, or at any time. It says Collus is being
20 maintained as a separate entity under all of these
21 bids, correct?

22 MR. RICHARD LLOYD: It's supposed to,
23 but down the road five (5), ten (10) years --

24 MR. RYAN BREEDON: Well, we're only
25 dealing with what the transaction that was on the

1 table. At this point --

2 MR. RICHARD LLOYD: Okay.

3 MR. RYAN BREEDON: -- Collus was going
4 to be maintained as a separate entity. It wasn't
5 being merged with any of the bidders.

6 MR. RICHARD LLOYD: That's right.

7 MR. RYAN BREEDON: Okay. And so both
8 Hydro One and PowerStream indicated that there would
9 be no rate harmonization, meaning that the rates --
10 the Collus rates would remain the same.

11 MR. RICHARD LLOYD: Okay.

12 MR. RYAN BREEDON: Yes?

13 MR. RICHARD LLOYD: Exactly. That's
14 what you're explaining.

15 MR. RYAN BREEDON: Right. And if you
16 look under the Hydro One section, it specifically says
17 maintain existing rates, subject to -- there's annual
18 adjustments in the rates which you understand to be
19 the case.

20 MR. RICHARD LLOYD: I see that.

21 MR. RYAN BREEDON: Right. So
22 regardless of the fact that the Hydro One rates for
23 customers like you might be much higher than the
24 Collus rates, the Hydro One bid wasn't going to change
25 the rates for Collus at all.

1 MR. RICHARD LLOYD: If they were
2 successful, you're right at that point in time. But I
3 believe down the road that there would be
4 harmonization. They were going through this deal, and
5 it was supposed to be independent.

6 I don't have a great positive feel of
7 Ontario Hydro. I've seen how long it takes him to
8 react to -- to outages and so on. So -- but --

9 MR. RYAN BREEDON: Right.

10 MR. RICHARD LLOYD: -- I'll give you
11 this. Yes.

12 MR. RYAN BREEDON: There could only be
13 rate harmonization if Hydro One acquired the other
14 50 percent of Collus or if Collus was somehow rolled
15 into Hydro One's existing operations.

16 MR. RICHARD LLOYD: Right.

17 MR. RYAN BREEDON: Correct?

18 MR. RICHARD LLOYD: That's right.

19 MR. RYAN BREEDON: The way rates are
20 set is based on the assets of the particular utility.
21 So if Collus is run independently, it can never be
22 merged with Hydro One's rates.

23 MR. RICHARD LLOYD: Right. Okay.

24 MR. RYAN BREEDON: All right. Yes?

25 MR. RICHARD LLOYD: I have to agree

1 with what you're saying because I have no idea. Okay?

2 I -- probably because it's harmonized. Okay. Yes.

3 MR. RYAN BREEDON: Okay. Well, I --
4 so it doesn't really matter what I think. What we're
5 trying to understand is what was in your mind when you
6 were sitting on the committee that was evaluating
7 these bids.

8 MR. RICHARD LLOYD: Okay. If I
9 could --

10 MR. RYAN BREEDON: So what did you
11 understand at the time? Did you understand that the
12 Collus rates were going to remain the same under the
13 Hydro One bid?

14 MR. RICHARD LLOYD: When I read all of
15 this -- and, again, you brought my attention to be
16 able to see this -- yeah, it's obvious they were going
17 to be remaining the same because it does say they're
18 going to be harmonized.

19 MR. RYAN BREEDON: Right. So -- and
20 you read the bids at the time, I hope.

21 MR. RICHARD LLOYD: Oh, of course.

22 MR. RYAN BREEDON: You didn't have
23 this table, but you had the actual bids.

24 MR. RICHARD LLOYD: Oh yeah.

25 MR. RYAN BREEDON: Right? And the

1 Hydro One bid actually says that they were going to
2 maintain the existing rates.

3 MR. RICHARD LLOYD: Yes.

4 MR. RYAN BREEDON: Yes. And you read
5 that at the time.

6 MR. RICHARD LLOYD: It would be all
7 part of the presentation from KPMG.

8 MR. RYAN BREEDON: Right. And so what
9 I'm trying to understand is, given that it looks like
10 Hydro One and PowerStream are both saying the same
11 thing, why one (1) was a two (2) and the other was an
12 eight (8).

13 MR. RICHARD LLOYD: I don't know if it
14 was other things that was explained at the meeting by
15 KPMG or questions that were asked or -- did anybody
16 else give a two (2)? Let's go back to the chart.

17 MR. RYAN BREEDON: No, no. I only
18 want to know about you, sir.

19 MR. RICHARD LLOYD: Oh. I have no
20 idea. Like, that's years ago. Whatever the rate
21 would be, I -- I didn't give great marks to -- to
22 PowerStream either. I -- the other two (2) were even
23 above them.

24 MR. RYAN BREEDON: All right. But you
25 don't know -- you don't know why.

1 MR. RICHARD LLOYD: I can't remember
2 now what it was.

3 MR. RYAN BREEDON: I'd like to talk
4 about that email that you sent to Ms. Almas, if we can
5 turn up Foundation Document paragraph 122?

6

7 (BRIEF PAUSE)

8

9 MR. RYAN BREEDON: You've been asked a
10 number of questions about this, and it -- you've been
11 asked a number of questions about this already, and I
12 take it, you're familiar with it?

13 MR. RICHARD LLOYD: Very much so.

14 MR. RYAN BREEDON: All right. And as
15 I understand what you said the other day, this arose
16 because you were out either the night before or maybe
17 a couple of nights before this. So either the 16th of
18 January or perhaps a bit earlier than that.

19 MR. RICHARD LLOYD: Yeah.

20 MR. RYAN BREEDON: Yes?

21 MR. RICHARD LLOYD: Yes. Yes.

22 MR. RYAN BREEDON: Okay. And you were
23 with your brother.

24 MR. RICHARD LLOYD: Right.

25 MR. RYAN BREEDON: And which brother

1 is that?

2 MR. RICHARD LLOYD: Steve.

3 MR. RYAN BREEDON: Steve, okay. And
4 Mr. Bonwick was there?

5 MR. RICHARD LLOYD: He was.

6 MR. RYAN BREEDON: And then there
7 were -- you described as a couple of other guys --

8 MR. RICHARD LLOYD: Yeah. I can't
9 remember who it was.

10 MR. RYAN BREEDON: -- and you don't
11 know who they were.

12 MR. RICHARD LLOYD: No. I can't
13 remember about that.

14 MR. RYAN BREEDON: And then you
15 described what -- a discussion which -- which you
16 described as being almost an argument about whether or
17 not your brother Steve, I guess, was in a conflict
18 because of your role at the Town.

19 MR. RICHARD LLOYD: That's right.

20 MR. RYAN BREEDON: Okay. And who was
21 it who thought that your brother was in a conflict?

22 MR. RICHARD LLOYD: The other two (2)
23 people that were with us.

24 MR. RYAN BREEDON: Right. So it
25 wasn't Mr. Bonwick presumably, given that he --

1 MR. RICHARD LLOYD: No. But he was
2 basically saying you should -- you should be getting
3 opinions on this stuff and --

4 MR. RYAN BREEDON: Okay. So one (1)
5 of these other guys raised this issue, and then that
6 is what prompted your email to Almas.

7 MR. RICHARD LLOYD: Over the years --
8 oh, I'm sorry. Yeah. Over the years, it wasn't
9 uncommon for people to suspect conflict with me.

10 As I explained earlier, I had a flower
11 shop. Every \$25 order of flowers that were sent, at
12 one (1) time I had to declare a conflict at every
13 meeting, at least once a month whenever the -- the
14 tables were done. And it appeared that I was the only
15 florist that was getting all the business.

16 MR. RYAN BREEDON: Well, we heard all
17 of -- we've heard all of this. You don't need to
18 repeat.

19 MR. RICHARD LLOYD: Yes.

20 MR. RYAN BREEDON: I don't want to
21 interrupt you but --

22 MR. RICHARD LLOYD: Yeah.

23 MR. RYAN BREEDON: -- we heard all
24 that. I just wanted to make sure that I understood
25 what you were saying correctly that the reason that

1 you sent this email to Ms. Almas on the 17th was
2 because one (1) of these guys had raised the
3 possibility that your brother was in a conflict.

4 MR. RICHARD LLOYD: That's correct.

5 MR. RYAN BREEDON: Okay. Where was
6 the meeting?

7 MR. RICHARD LLOYD: It was at a bar
8 that we were sitting drinking.

9 MR. RYAN BREEDON: Which bar?

10 MR. RICHARD LLOYD: I just know that
11 we were out that night drinking and I -- my brother
12 doesn't even drink. He was the DD. I can't even tell
13 you where it was now. I -- I'm sure that if I think
14 of it long enough...

15 MR. RYAN BREEDON: Okay. But you
16 don't recall sitting here today?

17 MR. RICHARD LLOYD: I don't remember
18 where exactly we were.

19 MR. RYAN BREEDON: And we've seen that
20 after you received Ms. Alma's responses you forwarded
21 it on to Mr. Bonwick for his edification?

22 MR. RICHARD LLOYD: About a week
23 later.

24 MR. RYAN BREEDON: Right. And you did
25 not forward it to your brother?

1 MR. RICHARD LLOYD: He doesn't have --
2 he didn't have email at the time. He had a flip
3 phone.

4 MR. RYAN BREEDON: Okay.

5 MR. RICHARD LLOYD: And, in fact, I
6 showed him what it said on my -- my phone.

7 MR. RYAN BREEDON: All right. Fair
8 enough. But you didn't -- you obviously didn't
9 forward it to him then?

10 MR. RICHARD LLOYD: I positively did
11 not.

12 MR. RYAN BREEDON: And you didn't
13 forward it to these other guys?

14 MR. RICHARD LLOYD: No.

15 MR. RYAN BREEDON: Okay.

16 MR. RICHARD LLOYD: No.

17 MR. RYAN BREEDON: And presume --

18 MR. RICHARD LLOYD: That was for
19 Bonwick to look after.

20 MR. RYAN BREEDON: Presumably, you
21 remembered who the other guys were back in January of
22 2011?

23 MR. RICHARD LLOYD: Oh, of course, I
24 did. Again, eight (8) years ago -- I just want to, if
25 I can, Your Honour. Eight (8) years ago is a long

1 time ago. And just even ask yourself, you know, what
2 do you remember from conversations from eight (8)
3 years ago.

4 I'm trying my best to -- to assist. I
5 know this hearing is to gather information. And I'm
6 trying my -- my due diligence to give you as much
7 information as possible.

8 The trouble I have is I don't know
9 sometimes if it's speculation I've got or presuming
10 that's what was going on because sometimes you can't
11 absolutely determine what happened at a meeting
12 because there's so many of them.

13 MR. RYAN BREEDON: All right. So I
14 just want to frame this discussion in terms of the
15 time line that was happening at the time, okay?

16 MR. RICHARD LLOYD: Okay.

17 MR. RYAN BREEDON: So we know that --
18 and this is all in the Foundation Document, and we can
19 turn it up if you like. But we know that Mr. Bonwick
20 had approached PowerStream first on January the 10th
21 of 2011. You've seen that?

22 MR. RICHARD LLOYD: Yes.

23 MR. RYAN BREEDON: -- and that he met
24 with Mr. Bentz on the 12th?

25 MR. RICHARD LLOYD: Okay.

1 MR. RYAN BREEDON: You've seen that,
2 also?

3 MR. RICHARD LLOYD: I've seen that,
4 yeah.

5 MR. RYAN BREEDON: Okay. And you
6 didn't know about either of things at the time, I --

7 MR. RICHARD LLOYD: No.

8 MR. RYAN BREEDON: -- I take it?

9 MR. RICHARD LLOYD: And then you're
10 telling us that in the next few days after that, you
11 had this meeting at a bar where we don't know exactly
12 where it was or who was in attendance, right?

13 And then you emailed Ms. Almas about it
14 on January the 17th. That's the email we've just been
15 looking at. You forwarded her response to Mr. Bonwick
16 on the 27th. And then we've seen that Mr. Bonwick
17 took your email and forwarded it on to PowerStream to
18 confirm that he wasn't in a conflict because of his
19 relationship with the mayor on January 29th, a couple
20 of days later. You've seen all of that?

21 MR. RICHARD LLOYD: I've seen every
22 bit of it, yes.

23 MR. RYAN BREEDON: Okay. And the
24 timing is awfully coincidental, you'll agree?

25 MR. RICHARD LLOYD: No, it's all over

1 the course of a month, is it not?

2 MR. RYAN BREEDON: I'm going to
3 suggest to you, sir, that what actually happened is
4 that Mr. Bonwick asked you to email the clerk to
5 obtain this opinion?

6 MR. RICHARD LLOYD: That's absolutely
7 absurd. No, it didn't happen that way. If Mr.
8 Bonwick had wanted an opinion from the clerk about his
9 sister, he would have either asked his sister -- or if
10 he had asked me, I would have openly sent an -- an
11 email to clerk Almas and said is the mayor in
12 conflict.

13 I don't think there's a problem for Mr.
14 Bonwick or anybody else to get a legal opinion about
15 that. It -- the Municipal Act is very clear. There's
16 lots of lawyers who can do it. This has absolutely
17 nothing to do with anything that you're -- you're
18 trying to speculate or any conspiracy or anything
19 else.

20 I did this -- ask my brother if you
21 want to, that's fine, too. I did this because it came
22 up as an issue. And, quite frankly, I was pretty
23 cheesed off about it. Bonwick was -- was sharing with
24 the other guys, kind of laughing and joking about the
25 thing. And it was, quite frankly, embarrassing to me.

1 And, in the end, I -- I got an opinion
2 from the clerk just to confirm, and it was only an
3 opinion, and I sent it on.

4 MR. RYAN BREEDON: Well, what do you
5 mean Mr. Bonwick was sharing and laughing with the
6 others guy's opinion? Are you -- are you suggesting
7 that he was agreeing with these other guys --

8 MR. RICHARD LLOYD: Oh, no.

9 MR. RYAN BREEDON: -- that you -- just
10 let me ask the question.

11 MR. RICHARD LLOYD: All right.

12 MR. RYAN BREEDON: Are you suggesting
13 that he was agreeing with these other guys that you
14 had some sort of a conflict because of you -- or your
15 brother had some sort of a conflict?

16 MR. RICHARD LLOYD: No. He was egging
17 them on.

18 MR. RYAN BREEDON: I see. Well, I'm
19 going to suggest that the reason he wanted -- or the
20 reason he asked you to contact the clerk was because
21 he wanted to keep hidden the fact that he was working
22 for PowerStream. Isn't that the case?

23 MR. RICHARD LLOYD: I don't think so
24 at all. I think that is hideous, to be honest with
25 you.

1 MR. RYAN BREEDON: Well, thank you
2 very much. Those are my --

3 MR. RICHARD LLOYD: Yeah.

4 MR. RYAN BREEDON: -- questions.

5

6 (BRIEF PAUSE)

7

8 CROSS-EXAMINATION BY MR. FREDERICK CHENOWETH:

9 MR. FREDERICK CHENOWETH: Mr. Lloyd,
10 through the course of your examination both today and
11 on other occasions, information has been put to you
12 with respect to suggested leaks or information that
13 Mr. Bonwick allegedly had that maybe suggests, as the
14 mayor said, he maybe had a little too much
15 information?

16 You've -- you've heard those
17 suggestions?

18 MR. RICHARD LLOYD: I've heard those
19 suggestions, yes.

20 MR. FREDERICK CHENOWETH: Yes. And,
21 in fact, I think Mr. Mather put four (4) different
22 situations to you with respect to information that
23 Bonwick allegedly had. And our friend today put again
24 one (1) of those four (4) back to you with respect to
25 the meetings that the STT had with the four (4)

1 bidders?

2 MR. RICHARD LLOYD: That's correct.

3 MR. FREDERICK CHENOWETH: All right.

4 Are you aware of any information that suggests that
5 the information that Bonwick had changed the bidder
6 that was eventually selected in this process?

7 MR. RICHARD LLOYD: No, I don't
8 believe it did.

9 MR. FREDERICK CHENOWETH: So you don't
10 have information to that effect and -- and you have a
11 personal belief with respect to whether it did or it
12 didn't affect the eventual bidder?

13 MR. RICHARD LLOYD: I personally
14 believe it did not affect it.

15 MR. FREDERICK CHENOWETH: You -- you
16 also described in your testimony at earlier times --
17 you described that information situation as noise?

18 MR. RICHARD LLOYD: I did.

19 MR. FREDERICK CHENOWETH: All right.
20 Background noise, is that a -- is that a fair phrase?

21 MR. RICHARD LLOYD: I think that would
22 be appropriate, yes.

23 MR. FREDERICK CHENOWETH: All right.
24 So you don't believe that this background noise
25 changed the bidder that was eventually chosen?

1 MR. RICHARD LLOYD: I personally
2 believe that in spite of all this background noise,
3 the conclusion would have been what we see -- seen at
4 the time, that PowerStream would have been successful
5 in their bid.

6 MR. FREDERICK CHENOWETH: All right.
7 Do you have any information to suggest that this
8 background noise changed the price that was obtained
9 by the Town for their shares in Collus?

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

12 MR. FREDERICK CHENOWETH: And -- and
13 with respect to same, what is your personal view as to
14 whether this background noise changed the price that
15 was obtained by the Town for its shares in Collus?

16 MR. RICHARD LLOYD: I don't think that
17 the background noise made a difference with the -- the
18 pricing. It -- it, if anything, probably increased it
19 from PowerStream because of -- when I read these
20 emails and see what Bonwick was sending to them, it
21 might have given them an idea to increase their bid.
22 I have no idea.

23 However, I don't believe for a minute
24 that -- that the outcome of -- of all of this would
25 have been any different than what we have, which was

1 PowerStream being successful.

2 MR. FREDERICK CHENOWETH: All right.
3 We have -- there was some discussion about roof vents
4 this morning?

5 MR. RICHARD LLOYD: That's correct.

6 MR. FREDERICK CHENOWETH: And you
7 suggested that would -- would you -- and we'll get to
8 roof vents a little more at some time.

9 Do you -- do you know whether other
10 bidders were -- and we -- we looked also at the -- at
11 the materials with respect to joint process that
12 PowerStream had been involved in, a project that
13 PowerStream and been involved in seemed to be
14 suggested in some of the scoring sheets.

15 MR. RICHARD LLOYD: Well, I read
16 through the documents, I've seen where other LDCs were
17 contacted about the roof vents, yes.

18 MR. FREDERICK CHENOWETH: Right. So
19 you believe that other LDCs, i.e., other bidders, were
20 contacted about possible involvement in the roof vent
21 project?

22 MR. RICHARD LLOYD: Yes.

23 MR. FREDERICK CHENOWETH: All right.
24 And I take it some of the bidders took up the
25 opportunity to be involved in that project?

1 MR. RICHARD LLOYD: When I read the
2 document, yes, I see that.

3 MR. FREDERICK CHENOWETH: All right.
4 And some others didn't.

5 MR. RICHARD LLOYD: That's correct.

6 MR. FREDERICK CHENOWETH: For
7 instance, I believe Veridian took up that option.

8 MR. RICHARD LLOYD: I believe Veridian
9 was one (1) of them, yes.

10 MR. FREDERICK CHENOWETH: And -- and
11 Horizon didn't.

12 MR. RICHARD LLOYD: That's right.

13 MR. FREDERICK CHENOWETH: All right.
14 And clearly PowerStream took up that option.

15 MR. RICHARD LLOYD: Yes, they did.

16 MR. FREDERICK CHENOWETH: All right.
17 And in fact, PowerStream in the guise of Mr. Bentz
18 were evident at the August 2011 solar vent kick-off
19 that took place at Mr. Kidd's location.

20 MR. RICHARD LLOYD: That's correct.

21 MR. FREDERICK CHENOWETH: All right.
22 So clearly they were involved in that project?

23 MR. RICHARD LLOYD: There is no doubt
24 at all. Yes.

25 MR. FREDERICK CHENOWETH: All right.

1 So they took up the opportunity where others didn't?

2 MR. RICHARD LLOYD: That's right,
3 other than Veridian.

4 MR. FREDERICK CHENOWETH: Other than
5 Veridian. Very good.

6 Moving to other matters for a moment, I
7 understand that Mr. Houghton was at some juncture
8 granted the Order of Collingwood.

9 MR. RICHARD LLOYD: He was, yes.

10 MR. FREDERICK CHENOWETH: All right.

11 And I understand -- I anticipate some evidence from
12 Mr. Houghton and others that he also received other
13 awards with respect to his -- his efforts on behalf of
14 Collingwood and the community here.

15 MR. RICHARD LLOYD: He has, yes.

16 MR. FREDERICK CHENOWETH: And I get
17 the impression from what I've learned that he also
18 received a number of awards that related to his
19 activities in the power distribution business.

20 MR. RICHARD LLOYD: And those awards
21 he did receive the most awards where -- obtained in a
22 very, very difficult market. There's a lot of
23 individuals that would be -- that could have those --
24 those prestigious awards given to them, but Ed
25 Houghton was among the -- the finest by getting them.

1 MR. FREDERICK CHENOWETH: All right.
2 And you would have known of the number of those awards
3 by the time that you and Mr. Houghton became
4 associates as a result of the 2010 election?

5 MR. RICHARD LLOYD: Yes. I knew as
6 well, when I go back to 1985, following his career all
7 the way through and the -- the involvement he had in
8 the community, the awards he received, the accolades
9 he got, and also from the Hydro -- the distribution,
10 whatever you want to call it, all the accolades he was
11 receiving and -- and awards that he received through
12 that. He was pretty stellar in his occupation.

13 MR. FREDERICK CHENOWETH: So I take it
14 by 2010 you -- you were the senior Councillor at that
15 time?

16 MR. RICHARD LLOYD: The Mayor is -- is
17 the chair, then I'm under the Mayor, and then as --

18 MR. FREDERICK CHENOWETH: Indeed, but
19 in terms of time at Council, were you the senior
20 Councillor at the time of the 2010 results of the
21 election?

22 MR. RICHARD LLOYD: That's right,
23 Deputy Mayor it was called.

24 MR. FREDERICK CHENOWETH: All right.
25 And I understand that -- is it fair to say from what I

1 have come to understand that Mr. Houghton would've
2 been the senior staff member at that time, and that
3 he'd been involved with the community and working for
4 Collus and for Public Utilities and Water for a number
5 of years, and first involved in 1977?

6 MR. RICHARD LLOYD: That's correct.

7 MR. FREDERICK CHENOWETH: All right.
8 So you were the senior Councillor, he was a senior
9 staff, you'd worked together in the past, extensively,
10 correct?

11 MR. RICHARD LLOYD: All the time, and
12 you go back to the -- the old days I'm going to call
13 them, back to 1985, before we had all this technology
14 and telephones, we were in constant communication by
15 telephone and meetings and stuff as well.

16 MR. FREDERICK CHENOWETH: All right.
17 So that I take it as a result of knowing of his awards
18 and knowing of -- of his seniority in the
19 organization, his general reputation in the community
20 as assisting the Town of Collingwood, are you able to
21 describe that by the time 2010 came about?

22 MR. RICHARD LLOYD: It was rather
23 stellar. He worked very hard for the community, did a
24 lot of volunteer work as well.

25 I -- I think that he was generally

1 acknowledged as very -- one (1) of the best in the --
2 the industry for the Hydro.

3 There's also an element in the
4 community, the dark side, where there's always people
5 that are jealous and people that -- that don't like
6 success, I guess, or feel jealous of success, there's
7 always that element.

8 MR. FREDERICK CHENOWETH: Yes.

9 MR. RICHARD LLOYD: But generally
10 speaking, I think he did a tremendous job for the
11 community.

12 MR. FREDERICK CHENOWETH: And was that
13 -- was that a reputation that was held by a number of
14 people, possibly excluding the dark side of those who
15 were involved in Council and the administration of
16 this Town by the Council?

17 MR. RICHARD LLOYD: Yes, there were --
18 yes.

19 MR. FREDERICK CHENOWETH: Thank you.

20 Now, I was interested in -- you spent a
21 lot of time on the June 27th meeting that -- that you
22 attended and the -- and what occurred at that meeting,
23 and I don't intend to go over that in depth. We've
24 already done that extensively.

25 But I was interested in one (1) aspect

1 of it. Clearly at the -- the June 27th meeting of
2 Council, there was a suggestion and I think it was
3 brought up by Mr. Houghton, that there should be an
4 STT formed, an STT team formed that would be a bit of
5 a sub-committee of Council to -- to deal with the
6 question of what was to be done with Collus.

7 MR. RICHARD LLOYD: That's correct.

8 MR. FREDERICK CHENOWETH: All right.
9 And that was a -- a -- to some extent a delegation in
10 the usual way that Council might delegate to a
11 committee, certain responsibilities.

12 MR. RICHARD LLOYD: We had many, many
13 committees and generally speaking, this was -- this
14 was more normal to do to delegate a committee.

15 Councillor Edwards was actually on the
16 Collus Board and he wasn't placed on this committee
17 because -- because he was already on the Board and
18 they wanted to make sure there was proper
19 representation from the Town as well.

20 So that's when I was appointed.

21 MR. FREDERICK CHENOWETH: All right.
22 Was there any particular reason or is there anything
23 unusual about -- about this --

24 MR. RICHARD LLOYD: Nothing at all --

25 MR. FREDERICK CHENOWETH: -- committee

1 delegation --

2 MR. RICHARD LLOYD: Oh, sorry.

3 MR. FREDERICK CHENOWETH: -- that led
4 the Town to form this -- this strategic task force
5 team at the time?

6 MR. RICHARD LLOYD: There was nothing
7 unusual, this was normal. You can look at many other
8 projects we -- we did in the -- in the community and
9 there was always a -- a team put together for it, so
10 this is the norm for the Municipality.

11 And I think probably they still do it
12 today, but I don't know.

13 MR. FREDERICK CHENOWETH: Very good.

14 And is it your memory, as you remember
15 the June 27th meeting and, again, this is a -- some
16 time ago.

17 MR. RICHARD LLOYD: Some of it I do,
18 yes.

19 MR. FREDERICK CHENOWETH: All right.
20 Would you remember that you were -- it was suggested
21 at that time, in fact it was concluded at that time
22 that you, yourself, would be another Town
23 representative on the STT team?

24 MR. RICHARD LLOYD: Positively.

25 MR. FREDERICK CHENOWETH: All right.

1 And in fact, without going to the slides, there was
2 some talk of -- of possible next steps at that
3 meeting, next steps that had to be accomplished?

4 MR. RICHARD LLOYD: There was, yes.

5 MR. FREDERICK CHENOWETH: And one (1)
6 of the potential next steps was the formation of the
7 STT team.

8 MR. RICHARD LLOYD: There was
9 definitely a presentation on it.

10 MR. FREDERICK CHENOWETH: All right.
11 And is there any doubt that at that particular meeting
12 the gathered Council members, in spite of the fact
13 that it was an in camera meeting, proceeded to some of
14 those next steps and -- and confirmed who the STT team
15 would be and that you were one (1) of them?

16 MR. RICHARD LLOYD: I think they were
17 totally in -- in support of it. And at no time did I
18 ever hear subsequent from the other meetings that
19 there was any issue at all.

20 MR. FREDERICK CHENOWETH: You
21 indicated that -- to move on to another topic, you
22 indicated that you learned about the solar vent
23 project for the first time when you attended the kid
24 meeting at Mr. Kidd's property in August 2011?

25 MR. RICHARD LLOYD: That's right. It

1 was a Creekside is -- the development was at.

2 MR. FREDERICK CHENOWETH: There's a
3 little note. If could turn it up. And I hope I have
4 the right number again. It's a document identified as
5 CPS7018_0001.

6

7 (BRIEF PAUSE)

8

9 MR. FREDERICK CHENOWETH: And this
10 appears to be a meeting of the Board of Directors of
11 Collus Power, correct?

12 MR. RICHARD LLOYD: Yes, that's right.

13 MR. FREDERICK CHENOWETH: And if we
14 could move down just a little bit with respect to
15 that. I note that -- just before going further, that
16 you were one (1) of the guests in attendance at that
17 meeting?

18 MR. RICHARD LLOYD: I was.

19 MR. FREDERICK CHENOWETH: All right.
20 And this is before the event in August at Mr. Kidd's
21 location?

22 MR. RICHARD LLOYD: That's correct.

23 MR. FREDERICK CHENOWETH: All right.
24 And can we move on to the business that was hand just
25 one (1) second? A little further. A little further.

1 (BRIEF PAUSE)

2

3 MR. FREDERICK CHENOWETH: And I note
4 that, at that meeting, Mr. McAllister reviewed the
5 solar vent proposal that was presented to the Board at
6 the June 10th Board meeting?

7 MR. RICHARD LLOYD: Thank you.

8 MR. FREDERICK CHENOWETH: All right.
9 So does that assist you in -- in remembering now that
10 there would have been earlier occasions when you knew
11 of the solar vent project and, in fact, one (1) of
12 those occasions would have been as early as June 8th,
13 2011?

14 MR. RICHARD LLOYD: I apologize,
15 positively I'd have known it there because I was in --
16 in attendance to the meeting.

17 MR. FREDERICK CHENOWETH: All right.
18 And you would have been aware as a result of your
19 attendance at that meeting that the solar vent project
20 was a project that was approved by and directed by the
21 Board of Collus, correct?

22 MR. RICHARD LLOYD: That's cor --
23 that's correct.

24 MR. FREDERICK CHENOWETH: Clear --
25 clearly, it -- it wasn't simply a project of Mr.

1 Houghton, it was a project of the Board of Collus?

2 MR. RICHARD LLOYD: Totally.

3 MR. FREDERICK CHENOWETH: Very good.

4 All right. Now, again, there's been some conversation
5 about the August 3rd --

6 MR. RICHARD LLOYD: Can I comment on
7 this a little bit further, this one?

8 MR. FREDERICK CHENOWETH: Indeed.

9 MR. RICHARD LLOYD: Yeah. I was at
10 this meeting, I believe, as a guest because when we
11 got our financial statements there had to
12 representation from the Town, and I was a rep for that
13 meeting. I believe this was one (1) of the meetings I
14 was at.

15 MR. FREDERICK CHENOWETH: All right.
16 Very well. That's how you came to be there?

17 MR. RICHARD LLOYD: That's how I came
18 to be there, yes.

19 MR. FREDERICK CHENOWETH: All right.
20 Now, there was an August 3rd meeting that was of the
21 STT, a committee that you were at. And I believe that
22 to be document number CPS0006299.

23

24 (BRIEF PAUSE)

25

1 MR. FREDERICK CHENOWETH: And really,
2 we're getting into the process that -- that you were
3 an integral part of, Mr. Lloyd.

4 MR. RICHARD LLOYD: Yes.

5 MR. FREDERICK CHENOWETH: In any
6 event, I understand at that meeting, and, again, you
7 were in attendance -- and just scroll up ever so
8 slightly, if you would, please. Thank you. Mr.
9 McFadden broached the subject of where the partnership
10 would come in.

11 It would come in Collus Power. Then
12 the interested party only becomes a shareholder in
13 Collus Power. And he seems to discuss a second
14 option, a second option which came to be the option
15 chosen, that the -- that there would be a share
16 purchase.

17 The simplest would be that the shares
18 are acquired directly from the Town or Holdco,
19 correct?

20 MR. RICHARD LLOYD: That's correct.

21 MR. FREDERICK CHENOWETH: I'm -- I'm
22 suggesting to you that -- that as early as August of
23 2011 it was a matter of discussion with the STT team
24 and, in this case, fostered by Mr. McFadden, that
25 there were a couple of different ways of approaching

1 the sale of Collus Power or the sale of the shares of
2 holding?

3 MR. RICHARD LLOYD: Yes, you're
4 correct.

5 MR. FREDERICK CHENOWETH: All right.
6 Good. And just to go down a little further if we
7 could, please. I understand that at that meeting
8 there was a review of the meetings that Mr. Houghton
9 and Mr. Muncaster had had, what I'm going to describe
10 as the informal meetings, not the formal meetings that
11 look -- that took place later in December --

12 MR. RICHARD LLOYD: Right.

13 MR. FREDERICK CHENOWETH: -- but the
14 informal meetings of July with the, at that time, five
15 (5) bidders?

16 MR. RICHARD LLOYD: More of a fact-
17 finding meeting, I believe it was, yes.

18 MR. FREDERICK CHENOWETH: And you were
19 -- you were told about -- about the fact that those
20 meetings took place?

21 MR. RICHARD LLOYD: I was.

22 MR. FREDERICK CHENOWETH: All right.
23 And -- and the STT team was made aware of it?

24 MR. RICHARD LLOYD: We were.

25 MR. FREDERICK CHENOWETH: And the

1 results of those meetings were report -- reported to
2 you, I see, a little later. Mr. Houghton stated that
3 the utilities at the introductory meeting expressed a
4 huge amount of interest?

5 MR. RICHARD LLOYD: That's correct.

6 MR. FREDERICK CHENOWETH: So the ST
7 team was brought up to speed with respect to the --
8 the nature and -- and results of those meetings?

9 MR. RICHARD LLOYD: That's correct.

10 MR. FREDERICK CHENOWETH: Very good.
11 Going down a little further. Okay. There was also a
12 discussion at that meeting about the right time to
13 inform staff?

14 MR. RICHARD LLOYD: That's right.

15 MR. FREDERICK CHENOWETH: And so that
16 issue was brought up as early as -- as August of -- of
17 2011?

18 MR. RICHARD LLOYD: That's right.

19 MR. FREDERICK CHENOWETH: All right.

20 MR. RICHARD LLOYD: Very sensitive to
21 staff and issues like that.

22 MR. FREDERICK CHENOWETH: I can image
23 that it -- that -- that it might well be. And I --
24 and I take it that as we learned that the -- that
25 staff didn't learn of this potential change until

1 after the results of the bidding process were in?

2 MR. RICHARD LLOYD: I believe that to
3 be accurate, yes.

4 MR. FREDERICK CHENOWETH: All right.
5 And is it -- is it fair to suggest that the -- the
6 purpose in that was not to -- you say it's sensitive.
7 I -- I take it one doesn't want to alarm staff until -
8 - until the formation of the -- the future of Collus
9 became a little clearer?

10 MR. RICHARD LLOYD: I agree.

11 MR. FREDERICK CHENOWETH: And that
12 wasn't clear on August 3 of 2011?

13 MR. RICHARD LLOYD: It was not clear
14 at that date, yes.

15 MR. FREDERICK CHENOWETH: Very good.
16 So the informing of staff was put off until a later
17 time?

18 MR. RICHARD LLOYD: That's right.

19 MR. FREDERICK CHENOWETH: Very good.
20 And, in any event, you were there. And that was the
21 first meeting of the STT team. And it would appear
22 that there was at least four (4) other meetings with
23 the STT team that -- that took place and that you
24 would have attended?

25 MR. RICHARD LLOYD: That's right.

1 MR. FREDERICK CHENOWETH: And, in
2 general, did you feel that the -- the STT team had an
3 opportunity to discuss the process that was evolving
4 for the potential share sale or whatever it would be,
5 strategic partnership or whatever that Collus might
6 get involved in?

7 MR. RICHARD LLOYD: I'll tell you the
8 -- yes. And the individuals, Dean Muncaster and David
9 McFadden and Joan Pajunen. Those two (2) individuals
10 especially are just unbelievable. They were
11 phenomenal --

12 MR. FREDERICK CHENOWETH: Right. And
13 --

14 MR. RICHARD LLOYD: -- with their
15 knowledge.

16 MR. FREDERICK CHENOWETH: And they
17 were phenomenal with respect to the assistance
18 provided in this particular project.

19 MR. RICHARD LLOYD: Oh.

20 MR. FREDERICK CHENOWETH: Is that
21 fair?

22 MR. RICHARD LLOYD: Second to --
23 they're incredible, yeah.

24 MR. FREDERICK CHENOWETH: So that -- I
25 -- I take it from what you said and the warmth with

1 which you've said it, that you were comforted by the
2 fact that you had the advice and experience of Dean
3 Muncaster and David McFadden available to you and the
4 counsel they provided with respect to this, frankly,
5 somewhat sophisticated process?

6 MR. RICHARD LLOYD: Totally. I -- I
7 felt that, especially David McFadden, the knowledge he
8 had in the industry was second to none. As you're
9 probably aware, currently, he's chair of Toronto
10 Hydro. I believe he has some big role like that.
11 He's a lawyer. He knew the -- the electricity
12 business inside out.

13 Business wise, Dean Muncaster, I can't
14 say enough about the man. He was just really, really
15 a genuine superstar.

16 MR. FREDERICK CHENOWETH: So this was
17 a benefit that the ST team had --

18 MR. RICHARD LLOYD: Oh.

19 MR. FREDERICK CHENOWETH: -- and a
20 benefit that the entire process had going towards the
21 eventual sale of 50 percent of the shares of Collus?

22 MR. RICHARD LLOYD: Exactly. And I
23 don't want to get ahead of you, but Dean Muncaster had
24 sent a letter at the very end on how fantastic the
25 process went.

1 MR. FREDERICK CHENOWETH: Very good.
2 And moving just to the -- if we could, please, to the
3 second meeting of the STT team, which is August 29th.
4 And that's CP50002341.

5

6 (BRIEF PAUSE)

7

8 MR. FREDERICK CHENOWETH: And moving
9 beyond the agenda to the -- to the minutes themselves.

10

11 (BRIEF PAUSE)

12

13 MR. FREDERICK CHENOWETH: We're still
14 not at the minutes yet. We're still at the agenda.
15 Could you move a little further down?

16 THE COURT OPERATOR: This is the only
17 page of the document.

18 MR. FREDERICK CHENOWETH: All right.
19 Are the minutes themselves --

20 THE HONOURABLE FRANK MARROCCO: Why
21 don't we do this. Mr. Chenoweth, you -- you obviously
22 want to find the minutes.

23 MR. FREDERICK CHENOWETH: I do.

24 THE HONOURABLE FRANK MARROCCO: I
25 would take -- take a break here for ten (10) minutes

1 anyway, so.

2 MR. FREDERICK CHENOWETH: Thank you
3 very much, Your Honour.

4

5 --- Upon recessing at 11:22 a.m.

6 --- Upon resuming at 11:34 a.m.

7

8 MR. FREDERICK CHENOWETH: Your Honour,
9 the -- the documents...

10

11 (BRIEF PAUSE)

12

13 MR. FREDERICK CHENOWETH: ...to which
14 I was referring the witness is CPS000875600001. And I
15 take that to be -- the -- the minutes of the Strategic
16 Task Force Team for August 29th, 2011.

17

18 CONTINUED BY MR. FREDERICK CHENOWETH:

19 MR. FREDERICK CHENOWETH: And if we
20 could -- you were in attendance at that meeting, I
21 take it, Mr. Lloyd --

22 MR. RICHARD LLOYD: I was.

23 MR. FREDERICK CHENOWETH: -- as you
24 were at all the STT meetings?

25 MR. RICHARD LLOYD: And just to go

1 down a little further, let's see what -- what
2 transpired at that. Mr. Houghton put forward a
3 suggestion that KPMG put together the RP -- the RFP
4 for us, as well sit in on the interview meetings.

5 So that was a matter that -- that was -
6 - appears to be raised by Houghton, but in any event,
7 it was a matter that the STT team opined on and
8 discussed?

9 MR. RICHARD LLOYD: Yes.

10 MR. FREDERICK CHENOWETH: All right.

11 And I take if we go up just a little -- a little
12 further, there was actually a motion made, and duly
13 seconded, and unanimously carried.

14 It was agreed to move forward with
15 contracting KPMG?

16 MR. RICHARD LLOYD: That's correct.

17 MR. FREDERICK CHENOWETH: So that was
18 clearly a matter that -- that the STT team had an
19 opportunity to opine on, to discuss, and to direct
20 that the retention of KPMG be moved forward?

21 MR. RICHARD LLOYD: Yes.

22 MR. FREDERICK CHENOWETH: All right.

23 And I take it there was action items. Mr. Houghton
24 was charged with getting hold of Mr. Herhaltz (sic) of
25 KPMG, and asking him for a price for their

1 involvement, correct?

2 MR. RICHARD LLOYD: That's correct.

3 MR. FREDERICK CHENOWETH: All right.

4 And just going down a little further, if we could. In
5 any event -- going down a little further, if we could,
6 to action item number 3, Mr. Houghton said, so he will
7 be in contact with Mr. Mascarin of Aird & Berlis for
8 assistance with the preparation of the nondisclosure
9 agreement.

10 MR. RICHARD LLOYD: That's correct.

11 MR. FREDERICK CHENOWETH: Going down a
12 little further, to the next action item:

13 "Mr. Houghton and Ms. Hogg will
14 prepare the letters to be sent to
15 the interested parties."

16 And I take it that having Mr. Houghton
17 and another one (1) of the staff, Mr. Hogg (sic),
18 prepare the letters to be sent to the interested
19 parties prior to the interview meeting would again be
20 a traditional use of -- of staff to move that matter
21 forward, correct?

22 MR. RICHARD LLOYD: Yes. That's
23 correct.

24 MR. FREDERICK CHENOWETH: All right.
25 Going down a little further -- a little further, if

1 you would, please, to the next action item:

2 "Mr. Houghton -- Ms. -- Ms. Hogg
3 will prepare the questions to be
4 asked during the interview."

5 MR. RICHARD LLOYD: That's correct.

6 MR. FREDERICK CHENOWETH: I -- I take
7 it there was a wish to have some consistency in those
8 questions, and the request was made of Ms. Houghton --
9 Mr. Houghton and Ms. Hogg to prepare the necessary
10 interview questions. And again, that's a standard use
11 of -- of staff with respect to these matters, correct?

12 MR. RICHARD LLOYD: That's correct.

13 MR. FREDERICK CHENOWETH: All right.

14 And there was a third STT meeting that occurred on
15 September 28th, 2011. And I believe that to be
16 CPS0002390.

17

18 (BRIEF PAUSE)

19

20 MR. RICHARD LLOYD: Excuse me.

21 MR. FREDERICK CHENOWETH: And in any
22 event, I understand that at that meeting, it suggests
23 that -- meeting to review RFP. The STT team had an
24 opportunity to receive the comments of KPMG with
25 respect to the -- the RFP?

1 MR. RICHARD LLOYD: Yeah. I'm a
2 little confused with the -- the meeting dates, but
3 yes, we did --

4 MR. FREDERICK CHENOWETH: Right.

5 MR. RICHARD LLOYD: -- have a meeting
6 with that, and I agree with you.

7 MR. FREDERICK CHENOWETH: All right.
8 Can you tell from this document that -- that meeting
9 to review the RFP (sic) occurred on the 28th of
10 September, 2011?

11 MR. RICHARD LLOYD: If I'd seen the
12 actual minutes, it would make it a lot easier for me,
13 but I concur that --

14 MR. FREDERICK CHENOWETH: I'm -- I'm
15 not showing them to you, and that I'm not sure there
16 is a set. This --

17 MR. RICHARD LLOYD: Yeah.

18 MR. FREDERICK CHENOWETH: -- may just
19 be a notice with respect to that meeting.

20 MR. RICHARD LLOYD: Okay. So yes.
21 Around this time, it definitely was when we were
22 reviewing the RFP --

23 MR. FREDERICK CHENOWETH: All right.

24 MR. RICHARD LLOYD: -- process.

25 MR. FREDERICK CHENOWETH: My point is

1 that the STT committee had the opportunity to comment
2 on and give input with respect to the nature of the
3 RFP that was eventually distributed to the bidders?

4 MR. RICHARD LLOYD: Yes.

5 MR. FREDERICK CHENOWETH: Okay. Now I
6 understand at that time there was also -- at the same
7 meeting, and you can tell me whether there was or
8 there wasn't -- a question with respect to the
9 criteria relating to the -- the assessment of the non-
10 financial aspect of the bid.

11 MR. RICHARD LLOYD: I think it was --
12 you're right, but I think it was more setting out the
13 criteria for it --

14 MR. FREDERICK CHENOWETH: Yes.

15 MR. RICHARD LLOYD: -- and yes --

16 MR. FREDERICK CHENOWETH: Indeed.

17 MR. RICHARD LLOYD: -- that's how it
18 was.

19 MR. FREDERICK CHENOWETH: And even
20 before they got into that, there was a discussion with
21 respect to the -- the weighting would be given to the
22 financial and non-financial aspect of the bid?

23 MR. RICHARD LLOYD: The 70/30 split,
24 yes.

25 MR. FREDERICK CHENOWETH: All right.

1 And are you -- so there was an opportunity for the STT
2 team to discuss this split, i.e., the 70 non-financial
3 and the 30 financial?

4 MR. RICHARD LLOYD: And not only
5 review it, but have input into it.

6 MR. FREDERICK CHENOWETH: All right.
7 And there's no doubt that -- that the STT team
8 concluded that a 70/30 split non-financial and
9 financial after that consultation was an appropriate
10 split?

11 MR. RICHARD LLOYD: Yes.

12 MR. FREDERICK CHENOWETH: This -- this
13 may be old hat to some extent, but can you tell us
14 briefly why the STT team, in your observation, took
15 the view that the split should be 70 non-financial and
16 30 financial?

17 MR. RICHARD LLOYD: Yes. They -- the
18 committee felt, as I do, that -- that the financial
19 end of it was secondary. We weren't looking for the
20 windfall. We were looking for a strategic partner
21 that would grow Collus, ensure that it stayed in the
22 community, that the -- the employees here in Collus
23 would remain.

24 We were hoping to be able to make it
25 stronger, but the LDCs moving a foot in the Province

1 to have less LDCs. Back approximately promptly
2 fifteen (15) years prior to this, within that
3 timeframe, the Province did move from approximately a
4 hundred and forty (140) LDCs down to approximately
5 eighty (80). And I've got -- I don't have the numbers
6 totally accurate, but my estimate of -- of what it is.

7 And at that point in time, Collus was
8 able to acquire Stayner Hydro, or the -- the Clearview
9 Township Hydro, and -- and Thornberry Hydro. So the
10 next move was we were informed that even through David
11 McFadden that -- that the move -- the -- the move for
12 the Province was to have less LDCs, and possibly as
13 less as ten (10) or twelve (12) of them in the
14 Province, and amalgamations, and so on were going to
15 happen.

16 Back when we were able to purchase --
17 or Collus was able to purchase the LDCs from Clearview
18 Township and -- and Thornberry, at that point in time,
19 it was book value -- or for -- it was, I guess, the --
20 the book value of -- of the companies rather than --
21 than -- and we were able to acquire it at a real good
22 deal.

23 We didn't want to come -- or succumb to
24 being forced into being -- being bought out by another
25 Hydro, or being forced to amalgamate with others. We

1 wanted to be in the driver's seat, so we were trying
2 to get ahead of the curve.

3 So again, a long-winded answer to your
4 question, we felt that getting a strategic partner
5 that would allow Collus to grow, perhaps go into other
6 markets, maybe take over or purchase or partner with -
7 - with Wasaga Beach, maybe partner with or form other
8 LDCs was something that we felt was very palatable and
9 very possible, and with the horsepower of a partner,
10 we could possibly do that.

11 MR. FREDERICK CHENOWETH: Very good.
12 So you just went looking for an investor?

13 MR. RICHARD LLOYD: It's -- and we
14 wanted more than an investor. We wanted a true
15 partner that we could -- could build on. The
16 financial end of it was -- was secondary. It was good
17 to get obviously as much as we could financially, but
18 we were really focussing on a true partner, not just
19 an investor.

20 MR. FREDERICK CHENOWETH: Very good.
21 Just looking back for the moment at the minutes of the
22 August 3rd STT meeting again, which was SPS0006299, if
23 we could pull those up again, please, and move down to
24 a line just below the July meetings that are described
25 there.

1 "It was decided" --

2 The -- the line seems to be:

3 "It was decided that we would not
4 look for further partnerships --
5 partnership opportunities such as
6 Corix, Fortis, et cetera."

7 Do you happen to recall what the
8 impetus was for not looking at organizations such as
9 Corix and Fortis, et cetera?

10 MR. RICHARD LLOYD: I don't, I'm
11 sorry.

12 MR. FREDERICK CHENOWETH: If we get
13 evidence at other times that suggests that Corix and
14 Fortis were not -- were simply and -- potential
15 investors and were not significantly involved in the
16 LDC industry, would that assist you with respect to
17 why you wouldn't want to consider Corix and Fortis?

18 MR. RICHARD LLOYD: Totally. Again we
19 were looking for a strategic partner to grow Collus.

20 MR. FREDERICK CHENOWETH: Very good.
21 And moving very briefly to -- and again before we
22 leave the -- the third STT meeting, you indicated that
23 the criteria were discussed.

24 So there was not only a discussion, I
25 take it, about the 70/30 split, but there was a

1 discussion about the criteria that might be used in
2 the non-financial 70 percent area?

3 MR. RICHARD LLOYD: Yes.

4 MR. FREDERICK CHENOWETH: All right.

5 And no question that the STT team had an opportunity
6 to comment on the -- the criteria that were eventually
7 chosen to evaluate the non-financial aspect of this
8 matter?

9 MR. RICHARD LLOYD: There was a
10 substantial amount of discussion on it, yes.

11 MR. FREDERICK CHENOWETH: Very good.
12 And the eventual criteria that -- that were used were
13 a function of both the input of KPMG and the input of
14 the STT team?

15 MR. RICHARD LLOYD: That's right.

16 MR. FREDERICK CHENOWETH: And -- and
17 even further than that is, I take it from further
18 documentation, it was a function of -- of an
19 exploration by Council as well. I understand that at
20 one (1) of their meetings, there was a review of the
21 70/30 split, and there was a review of the criteria
22 that were being used to evaluate that?

23 MR. RICHARD LLOYD: Yes. I -- I -- I
24 can't tell you what meeting it was or when it did --
25 Council was informed for sure.

1 MR. FREDERICK CHENOWETH: All right.
2 Very well, we'll -- we'll move along, then.

3 And we've got the -- the October 3rd
4 meeting of Council, and again that appears to be
5 document TOC0512163.

6

7 (BRIEF PAUSE)

8

9 MR. FREDERICK CHENOWETH: And just to
10 -- to look at that quickly, and we won't spend a great
11 deal of time on it, it looks like at that meeting Mr.
12 Houghton provided a detailed presentation and report
13 to Council on the potential to establish a strategic
14 partnership.

15 MR. RICHARD LLOYD: Does the minutes
16 show that? I just wonder if --

17 MR. FREDERICK CHENOWETH: I'm looking
18 at the minutes and I'm reading right from the minutes
19 in that respect.

20 MR. RICHARD LLOYD: Okay. I didn't
21 see them -- there they are.

22 MR. FREDERICK CHENOWETH: Yes.

23 THE HONOURABLE FRANK MARROCCO: Just a
24 moment. Why don't we just take -- can you just scroll
25 down the minutes and...

1 CONTINUED BY MR. FREDERICK CHENOWETH:

2 MR. FREDERICK CHENOWETH: Thank you.

3 That's -- that's better.

4 And just take a second to read that, if
5 you would, please, witness.

6 MR. RICHARD LLOYD: Thank you.

7

8 (BRIEF PAUSE)

9

10 MR. RICHARD LLOYD: Thank you.

11 MR. FREDERICK CHENOWETH: All right.

12 It's -- It's interesting, it -- the minutes describe
13 it as a detailed presentation with respect to the
14 potential to establish a strategic partnership.

15 I do believe it was a detailed review
16 with Council on October 3rd about the potential to
17 establish a strategic partnership?

18 MR. RICHARD LLOYD: Positively.

19 MR. FREDERICK CHENOWETH: All right.

20 And I'm noticing the slides that -- that were attached
21 to that. I see that in addition, and the slides
22 unfortunately aren't numbered, but if you go down to a
23 slide with respect to the proposed scope and
24 anticipated process in Slide 3.9.

25

1 (BRIEF PAUSE)

2

3 MR. JOHN MATHER: I believe the
4 document that Mr. Chenoweth is referring to is
5 ALE5133.3.

6

7 CONTINUED BY MR. FREDERICK CHENOWETH:

8 MR. FREDERICK CHENOWETH: Thank you
9 for your assistance, sir. Very good. Can you bring
10 that up, please?

11

12 (BRIEF PAUSE)

13

14 MR. FREDERICK CHENOWETH: Going down
15 to a slide that's numbered 3.9, Anticipated Process.

16

17 (BRIEF PAUSE)

18

19 MR. FREDERICK CHENOWETH: So also on
20 that -- at -- at this meeting, the process and the
21 timing of that process to be followed were a
22 discussion that took place at Council on October 3rd.

23 MR. RICHARD LLOYD: That's correct.

24 MR. FREDERICK CHENOWETH: Right. And
25 so Council would have been aware that the plan was to

1 release the RFP on October 4th?

2 MR. RICHARD LLOYD: Yes.

3 MR. FREDERICK CHENOWETH: All right.

4 And in addition to that there is a slide that, I think
5 confirms our earlier conversation and, again, it's --
6 it seems to be For Proposed Evaluation. And I note
7 that in that slide -- and if you'd move the slide up
8 ever so slightly. Thank you.

9 I notice that -- that before the
10 Council at that time was a slide that pres -- that
11 presented in detail the full scoring system that would
12 be used in the non-financial aspect of this matter.

13 MR. RICHARD LLOYD: Yes.

14 MR. FREDERICK CHENOWETH: All right.
15 And again this was an in camera meeting. But am I to
16 understand, knowing that the anticipated time schedule
17 involved the release of the RFP the next day -- do you
18 have any sense as to whether or not the Council was
19 clear at this time that the STT team was to proceed
20 and Collus was to proceed with the RFP on October 4th?

21 MR. RICHARD LLOYD: I personally
22 believe that Council was 100 percent supportive of it.
23 That said, that's all nine (9) members of Council were
24 totally aware and I think they were totally supportive
25 of -- of what you see before you, and to proceed.

1 MR. FREDERICK CHENOWETH: And that's
2 your memory of the -- of the meeting of October 3rd,
3 2011?

4 MR. RICHARD LLOYD: I don't remember
5 the date but I do --

6 MR. FREDERICK CHENOWETH: You remember
7 the sense of the meeting?

8 MR. RICHARD LLOYD: Yes, I do. Yes,
9 thank you.

10 MR. FREDERICK CHENOWETH: All right,
11 very good. Thank you.

12 And I understand this matter was back
13 before Council on November 17th for an update, and I
14 believe that document is CPS0010212000.

15

16 (BRIEF PAUSE)

17

18 MR. FREDERICK CHENOWETH: No. That's
19 obviously the wrong document. In any event --

20 MR. JOHN MATHER: Mr. Chenoweth, which
21 document are you looking for?

22 MR. FREDERICK CHENOWETH: Well, I
23 think what I'm looking for is, I'm looking for the
24 November 7 minutes, November 17th minutes, and I
25 believe that document number to be -- and just one (1)

1 second, I think I have it now. It's CJI10500.

2

3

(BRIEF PAUSE)

4

5

MR. FREDERICK CHENOWETH: And can we
6 move down to that document ever so slightly, if you
7 would, please?

8

9

(BRIEF PAUSE)

10

11 CONTINUED BY MR. FREDERICK CHENOWETH:

12

MR. FREDERICK CHENOWETH: Thank you,
13 that's good.

14

And again, there was an opportunity for
15 a review of the process at that Council meeting of
16 November 17th?

17

MR. RICHARD LLOYD: That's right. Is
18 -- I just want to go, if I can give clarification,
19 this was an open public meeting.

20

THE HONOURABLE FRANK MARROCCO: It
21 says it's in camera.

22

MR. FREDERICK CHENOWETH: It says in
23 camera on the minutes.

24

THE HONOURABLE FRANK MARROCCO: Is
25 there some dispute about all this? Or is this just a

1 matter of reviewing it so that everybody's aware of
2 it?

3 MR. FREDERICK CHENOWETH: Well, I
4 think -- I think the process is quite important, Your
5 Honour --

6 THE HONOURABLE FRANK MARROCCO: All
7 right.

8 MR. FREDERICK CHENOWETH: -- and the
9 quality of the process is quite important. So I do
10 believe that --

11 THE HONOURABLE FRANK MARROCCO: Go
12 ahead.

13 MR. FREDERICK CHENOWETH: -- that it's
14 useful to review these matters.

15

16 CONTINUED BY MR. FREDERICK CHENOWETH:

17 MR. FREDERICK CHENOWETH: And in any
18 event, at this time, the Council became aware that
19 there was four bidders in the process and that their
20 bids had been received on the 16th, Council was aware
21 of that?

22 MR. RICHARD LLOYD: They were.

23 MR. FREDERICK CHENOWETH: And Council
24 was made aware that there would be an evaluation of
25 those bids and they would be advised of the result of

1 those evaluations?

2 MR. RICHARD LLOYD: Yes. And I
3 also think Council was aware that it started out as
4 five and St. Thomas was dropped off --

5 MR. FREDERICK CHENOWETH: All right.

6 MR. RICHARD LLOYD: -- of the list
7 because of their size.

8 MR. FREDERICK CHENOWETH: All right.
9 And there's a -- I take it the next meeting of the STT
10 team was on November 23rd.

11 MR. RICHARD LLOYD: Okay.

12 MR. FREDERICK CHENOWETH: And again at
13 that time, I think your evidence is -- is fulsome with
14 respect to your memories of what took place on that
15 day, and again, you remember that you had scored the
16 non-financial bids prior to your attendance at the
17 November 3 -- 23rd meeting?

18 MR. RICHARD LLOYD: That's correct.

19 MR. FREDERICK CHENOWETH: And the
20 results of -- of that scoring were populated into a
21 grid that was put up on the screen, either by KPMG or
22 Mr. -- or Ms. Hogg?

23 MR. RICHARD LLOYD: That's correct.

24 MR. FREDERICK CHENOWETH: All right.
25 And the results of that, I think -- and I -- we hardly

1 need to go to the -- to the slides for it, but the
2 results of slame -- of same indicated that at least
3 with respect to the non-financial aspects of the bid,
4 that PowerStream received points far and away greater
5 than the other bidders?

6 MR. RICHARD LLOYD: Yes.

7 MR. FREDERICK CHENOWETH: Very good.

8 And then again the non-financial aspect of the bidding
9 was reviewed by the STT team on the 28th of November?

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

12 MR. FREDERICK CHENOWETH: Very good.

13 I understand that PowerStream increased
14 their bid with respect to this matter, by an amount of
15 about \$700,000 on or about December 1st?

16 MR. RICHARD LLOYD: Yes.

17 MR. FREDERICK CHENOWETH: And that
18 meeting of December 1st, it's -- it's said to be a --
19 an opportunity to clarify what PowerStream had bid
20 financially?

21 MR. RICHARD LLOYD: That's correct.

22 MR. FREDERICK CHENOWETH: Is that your
23 understanding of what the meeting was on that
24 occasion?

25 MR. RICHARD LLOYD: Yes.

1 MR. FREDERICK CHENOWETH: And did you
2 become aware, as a member of the STT team, that
3 PowerStream increased their bid by \$700,000?

4 MR. RICHARD LLOYD: Yes.

5 MR. FREDERICK CHENOWETH: All right.
6 So that I understand that there was a letter that --
7 and of course you were -- you were at the December 5th
8 meeting of Council, which there's been some discussion
9 about.

10 MR. RICHARD LLOYD: Right.

11 MR. FREDERICK CHENOWETH: And I don't
12 -- again, you've been taken through this and -- in
13 some detail. Would you like to see the -- the in
14 camera minutes with respect to those, just before we
15 move to it? And I -- I will bring them up, if you
16 could. TCO512149.

17 And you were obviously in attendance at
18 that meeting.

19 MR. RICHARD LLOYD: Yes.

20 MR. FREDERICK CHENOWETH: And I'm
21 interested in the result of that meeting, to go down a
22 little further through those meeting minutes, if you
23 would, slowly, so we can have an opportunity to -- to
24 view them.

25 Go back to the top of those, yeah, this

1 is the in camera Council meeting, yes, go further down
2 if you would. Further down. That's good.

3 So there was a recommendation I take it
4 at that meeting that Collus Power Corporate Board was
5 accepting and hereby recommending to the Town of
6 Collingwood that they be directed to undertake
7 negotiations with PowerStream for the purpose of
8 entering into a strategic partnership.

9 MR. RICHARD LLOYD: That's correct.

10 MR. FREDERICK CHENOWETH: And I'm --
11 I'm interested in your thought as to whether --
12 because it's not clearly reflected in the minutes, but
13 I'm interested in your thoughts as to whether or not
14 there was a -- a consensus at that meeting and do you
15 believe there was direction given to pursue, as
16 recommended here, the negotiations with PowerStream
17 for the purpose of entering into a strategic
18 partnership?

19 MR. RICHARD LLOYD: Yes. And I also
20 believe that -- that all of Council was -- was aligned
21 on this. I think all nine members of Council were
22 supportive to -- to move forward.

23 MR. FREDERICK CHENOWETH: We also
24 reviewed -- thank you -- and in fact, you wrote a
25 letter on December 6th to Dean Muncaster and it was

1 the subject of -- of some examination at earlier
2 times, and that letter is TOC 0070115. If we could
3 bring that up, please. Thank you.

4 Just bring up the first paragraph of
5 that letter too please. Thank you. Go back, go down
6 a little further, please. Thank you. Very good,
7 thank you.

8 And you indicate -- can you read the
9 first paragraph of your letter, if you could?

10 MR. RICHARD LLOYD: Yes.

11 MR. FREDERICK CHENOWETH: And I take
12 it you're discussing here the presentation that Mr.
13 Houghton made at the December 5th Council meeting the
14 evening before?

15 MR. RICHARD LLOYD: That's correct.

16 MR. FREDERICK CHENOWETH: All right.
17 And -- and you indicate that you'd like to
18 congratulate, you being Dean Muncaster and the Board,
19 on your leadership on this very exciting initiative.
20 I would like to all -- thank you both, both you and Ed
21 personally for all the time and effort that you have
22 given this and for making it so successful thus far.

23 MR. RICHARD LLOYD: That's right.

24 MR. FREDERICK CHENOWETH: So I take it
25 you were commenting to Mr. Muncaster on your view of

1 the process that you'd been through to the date of
2 that correspondence, being December 6th?

3 MR. RICHARD LLOYD: Totally, yes.

4 MR. FREDERICK CHENOWETH: And is it
5 fair to say that your view of the process to
6 December 6th was laudatory. In fact, you were -- you
7 were quite pleased with the process.

8 MR. RICHARD LLOYD: I was. And as --
9 Mr. Muncaster's letter indicated that as well.

10 MR. FREDERICK CHENOWETH: All right.
11 Thank you. And without turning to Mr. Muncaster's
12 letter -- so those negotiations continued with
13 PowerStream, and I take it that you weren't part of
14 the negotiations of the share purchase agreement or
15 the unanimous shareholders agreement.

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

17 MR. FREDERICK CHENOWETH: All right.
18 So you don't personally have any particular knowledge
19 as to who was involved in those negotiations, other
20 than possibly the lawyers?

21 MR. RICHARD LLOYD: I think the
22 lawyers would be involved, and I would -- I would
23 anticipate Mr. Houghton would be involved.

24 MR. FREDERICK CHENOWETH: Right.
25 Other than that anticipation, do you know who, on

1 behalf of Collus and the Town, played a role in
2 instructing the lawyers with respect to those two (2)
3 documents, the partnership agreement and the unanimous
4 shareholders agreement? You weren't part of those
5 negotiations, so I take it you wouldn't --

6 MR. RICHARD LLOYD: No. I wasn't part
7 of it.

8 MR. FREDERICK CHENOWETH: All right.
9 Thank you.

10 THE HONOURABLE FRANK MARROCCO: Before
11 you leave that, you testified earlier that when you
12 got help drafting the letter, you said you -- it
13 wasn't a strong suit of yours.

14 That email to Mr. Muncaster to which
15 you were just referred, did you have help drafting
16 that?

17 MR. RICHARD LLOYD: Yes.

18 THE HONOURABLE FRANK MARROCCO: Who
19 helped you?

20 MR. RICHARD LLOYD: It would be my --
21 my wife would have helped me. I would have dictated
22 to her, and she would have punctuated it and put
23 everything in the right order.

24 THE HONOURABLE FRANK MARROCCO: Thank
25 you.

1 CONTINUED BY MR. FREDERICK CHENOWETH:

2 MR. FREDERICK CHENOWETH: And just to
3 conclude the process, on January 23rd there was
4 another meeting of Council with respect to this
5 potential project. And I understand at that time --if
6 we could move to the minutes which I believe to be
7 CJI0008080. If you could have those minutes up,
8 please?

9

10 (BRIEF PAUSE)

11

12 MR. FREDERICK CHENOWETH: And first of
13 all, just noting at the header, this does not appear
14 to have been an in camera meeting?

15 MR. RICHARD LLOYD: No. It looks like
16 it's an open public Council meeting.

17 MR. FREDERICK CHENOWETH: All right.
18 And to the best of your knowledge, was this meeting
19 televised?

20 MR. RICHARD LLOYD: Yes.

21 MR. FREDERICK CHENOWETH: All right.
22 And moving down through that minutes, if you would,
23 please. Just move down further through them.

24 I take it that there's no doubt that at
25 that meeting -- thank you very much -- there was a

1 report by staff with respect to moving forward with
2 this strategic partnership?

3 MR. RICHARD LLOYD: There's no doubt
4 at all. I just -- I don't see them in the minutes
5 yet, but --

6 MR. FREDERICK CHENOWETH: Right.

7 MR. RICHARD LLOYD: -- there'd be no
8 doubt.

9 MR. FREDERICK CHENOWETH: And there's
10 no doubt -- so we don't spend an inordinate amount of
11 time on it -- that there was a bylaw passed at that
12 time with respect to authorizing the mayor and the
13 clerk to execute those two (2) documents at issue, the
14 strategic -- or the unanimous shareholders agreement
15 and the share purchase agreement?

16 MR. RICHARD LLOYD: An authorizing
17 bylaw, yes.

18 MR. FREDERICK CHENOWETH: Yes. And as
19 I understand it, Mr. Clark, one (1) of the lawyers
20 acting with respect to this matter was at that
21 meeting?

22 MR. RICHARD LLOYD: From Aird &
23 Berlis. They had representation, yes.

24 MR. FREDERICK CHENOWETH: And do I
25 take it that at the meeting, Mr. Clark took the

1 members of Council through the shareholders agreement?

2 MR. RICHARD LLOYD: I honestly can't
3 remember. I would -- I could assume he did, but I --
4 there'd be no reason why he wouldn't.

5 MR. FREDERICK CHENOWETH: All right.
6 One moment, Your Honour.

7

8 (BRIEF PAUSE)

9

10 MR. FREDERICK CHENOWETH: And is it in
11 keeping with your memory that he also took the members
12 of Council through the unanimous shareholders
13 agreement, as well?

14 MR. RICHARD LLOYD: It was -- we were
15 -- it was -- yes. But I'm not sure who it was that
16 was presenting it. I know he was part of it, but
17 eight (8) years ago, I can't tell you exactly who it
18 was. But we definitely were taken through the whole
19 gamut at that meeting.

20 MR. FREDERICK CHENOWETH: All right.
21 Thank you. And in any event, you had the benefit of
22 Mr. Clark's presentation in that respect.

23 MR. RICHARD LLOYD: Yes.

24 MR. FREDERICK CHENOWETH: Without
25 reviewing the process -- and we've just really done

1 that -- do you have any thoughts with respect to the
2 quality of the process that was carried out by Collus
3 and the Town Council and the STT team and their
4 various advisors, including KPMG and your legal team
5 Aird & Berlis? Do you have any comments on the
6 quality of that process as you sought, following the
7 January 23rd meeting?

8 MR. RICHARD LLOYD: I thought it was
9 stellar. I thought they did an excellent job, the
10 whole team, everybody involved. I was -- as I've said
11 earlier, KPMG -- I feel that they're a fantastic
12 organization. They brought a lot of expertise to the
13 meetings -- to the table, I'm going to say.

14 I also thought that -- that the process
15 was done very fairly. We had lots of meetings. We
16 had direction, I believe, from Council. I think
17 Council was totally on board. In fact, I know they
18 were.

19 I think if you go through the bylaw, in
20 the minutes you'll find that it was publicly passed,
21 and it was unanimous. That tells me that -- quite
22 often Councils don't totally agree on everything and
23 more often than not. In this case, they were totally
24 on board. I think they felt that -- that it was a
25 win-win for the community, as I feel was a win-win

1 community.

2 I still believe that PowerStream is by
3 far the best fit for Collingwood as a partner. I'm
4 sure I'll take that right to my grave, but I do
5 believe that was. I felt that we got the best deal
6 for the community and for its employees at Collus.
7 And if I had to do it all over again, I'd tweak it,
8 but I wouldn't do a lot different.

9 MR. FREDERICK CHENOWETH: Good. And
10 we do know what happened thereafter. I take it the
11 transaction closed on July 31st?

12 MR. RICHARD LLOYD: That's correct.

13 MR. FREDERICK CHENOWETH: To the best
14 of your knowledge. And you had the benefit of
15 PowerStream as a partner of Collus on an ongoing basis
16 for a period of time.

17 MR. RICHARD LLOYD: When I was still
18 on Council and we were partners with -- with
19 PowerStream, I felt that partnership was working
20 extraordinarily well. There was no push and pull;
21 very cooperative; worked with it well; lent a lot of
22 expertise to Collingwood; equipment, as well. The odd
23 time you'd see a -- a Collus truck outside our
24 boundaries, but they would bring -- or lend different
25 expertise as to -- to our hydro.

1 So I wasn't on the Hydro Board -- or on
2 Collus Board, but I was obviously very keen to see how
3 things were working out, and I felt that -- that --
4 and I believe -- that it was really, really well done.

5 MR. FREDERICK CHENOWETH: Now, as I
6 understand it -- we're going to move on to other
7 topics here -- after the termination of Ms. Wingrove,
8 Mr. Houghton became the CAO of the town.

9 MR. RICHARD LLOYD: Acting. That's
10 right.

11 MR. FREDERICK CHENOWETH: Good. Thank
12 you. And as I understand it, you've given evidence
13 that -- that Mr. Houghton -- are you aware as to
14 whether or not on the first request, he turned down
15 the prospect of becoming CAO?

16 MR. RICHARD LLOYD: I believe he did.

17 MR. FREDERICK CHENOWETH: All right.
18 And I take it that it was necessary to make more than
19 one (1) request to Mr. Houghton for him to become the
20 CAO.

21 MR. RICHARD LLOYD: Yes. And I felt
22 it was a very good fit on a temporary basis to have
23 him in there.

24 MR. FREDERICK CHENOWETH: Right. Is
25 it fair to say that he was reluctant to become the

1 CAO?

2 MR. RICHARD LLOYD: Yes.

3 MR. FREDERICK CHENOWETH: And clearly,
4 he resisted at least one (1) invitation to take that
5 position.

6 MR. RICHARD LLOYD: Yes.

7 MR. FREDERICK CHENOWETH: All right.

8 And during the course of the time that he was the CAO,
9 you indicated that he came forward and expressed -- by
10 the way, just before we move on from him being
11 retained, are you aware as to whether or not
12 Mr. Houghton was given any additions to his salary for
13 taking on that role, or was he simply seconded from
14 Collus to take on that role, that obligation, without
15 any further increase in salary?

16 MR. RICHARD LLOYD: Mr. Houghton
17 did -- did not get any salary or -- or monies from the
18 Town of Collingwood for that role. He was seconded
19 from -- from Collus to -- to come and assist us as --
20 as acting CAO, but he didn't receive any remuneration.

21 MR. FREDERICK CHENOWETH: Thank you.
22 And did -- did Mr. Houghton complain from time to time
23 to Council? You were a member of Council. Assist me
24 if you can.

25 Did Mr. Houghton complain at all from

1 time to time about the -- the weight of having those
2 additional responsibilities put on him by the role of
3 CAO?

4 MR. RICHARD LLOYD: As time went on,
5 it was getting onerous for him, no doubt, with
6 everything else going on. He suggested at different
7 times that, you know, this was supposed to be short-
8 term and we should be getting on with it, finding a
9 new CAO.

10 MR. FREDERICK CHENOWETH: And would he
11 have -- would he have expressed those concerns on more
12 than one (1) occasion?

13 MR. RICHARD LLOYD: Yes, he did.

14 MR. FREDERICK CHENOWETH: Thank you.

15

16 (BRIEF PAUSE)

17

18 MR. FREDERICK CHENOWETH: Now, I'm
19 looking at paragraph 432 of the Foundation Document.
20 Could you turn to that, please?

21

22 (BRIEF PAUSE)

23

24 MR. FREDERICK CHENOWETH: I note that
25 in this particular paragraph there's discussion about

1 Ralph Neate and his involvement in this matter. Who
2 was Ralph Neate again?

3 MR. RICHARD LLOYD: He was with the
4 firm of Gaviller & Company. He was the auditor.

5 MR. FREDERICK CHENOWETH: All right.
6 And did Ralph Neate -- there's -- there's some
7 excerpts. This appears to be a transcript of -- of
8 notes that Ralph Neate had made at -- at some
9 juncture, i.e., December 2nd, 2011.

10 MR. RICHARD LLOYD: Could you repeat
11 that again, I'm sorry?

12 MR. FREDERICK CHENOWETH: No
13 difficulty. I ta -- these appear to be a transcript
14 of notes that were created by Ralph Neate on December
15 2nd, 2011?

16 MR. RICHARD LLOYD: Yeah.

17 MR. FREDERICK CHENOWETH: Have you had
18 an opportunity to review those notes and --

19 MR. RICHARD LLOYD: No. Can I look at
20 them very briefly?

21 MR. FREDERICK CHENOWETH: Proceed to
22 do so. Thank you.

23

24

(BRIEF PAUSE)

25

1 MR. FREDERICK CHENOWETH: And move the
2 notes up, if you would, please, so the witness can see
3 all of the notes. Thank you.

4

5 (BRIEF PAUSE)

6

7 MR. RICHARD LLOYD: Okay.

8 MR. FREDERICK CHENOWETH: All right.
9 And did Ralph Neate make his -- his views with respect
10 to the -- the sale known to Council and others that he
11 -- that he worked on behalf of?

12 MR. RICHARD LLOYD: He made -- at the
13 strategic committee he -- he was very vocal at one (1)
14 time.

15 MR. FREDERICK CHENOWETH: Okay. And
16 did you have -- so he -- he made those remarks to the
17 STT committee?

18 MR. RICHARD LLOYD: That's correct.

19 MR. FREDERICK CHENOWETH: And they had
20 an opportunity to consider his remarks?

21 MR. RICHARD LLOYD: Yes.

22 MR. FREDERICK CHENOWETH: All right.
23 Did his remarks change the course of action of the STT
24 committee?

25 MR. RICHARD LLOYD: I don't believe

1 so, no.

2 MR. FREDERICK CHENOWETH: But they had
3 an opportunity to consider them?

4 MR. RICHARD LLOYD: They -- they had
5 an opportunity to look at it and evaluate it and...

6 MR. FREDERICK CHENOWETH: Thank you.
7 And did you have any thoughts with respect to the --
8 Mr. Neate making those remarks at the STT meeting?

9 MR. RICHARD LLOYD: I don't think I
10 was alone in my thoughts that he was the auditor for -
11 - from Gaviller & Company. And I think he was
12 definitely stepping outside of his boundaries,
13 commenting on other things that -- that were the
14 responsibility of -- of others.

15 MR. FREDERICK CHENOWETH: Did you make
16 that known or was that a...

17 MR. RICHARD LLOYD: It was said at the
18 meeting. Everybody was a little bit shocked. And I
19 had had -- I had discussed it with Ralph after, that,
20 you know, like, this isn't something that the -- the
21 Town auditor generally does or the -- the auditor
22 does.

23 MR. FREDERICK CHENOWETH: Now,
24 yesterday, through the course of -- of your cross-
25 examination by Mr. McDowell -- sorry, this -- this

1 would have been a cross-examination of -- of Mr. Ian
2 Chadwick. There was a reference to -- to a decision
3 of -- of Ms. -- of Justice Callaghan -- or Cunningham
4 in the Mississauga Inquiry.

5 I take it you didn't see that on -- on
6 television?

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

9 MR. FREDERICK CHENOWETH: All right.
10 And it talks -- it talked about the prospect of -- of
11 perceived conflicts and avoiding perceived conflicts
12 or anything that the common man might perceive as a
13 conflict.

14 I get the impression that, as a
15 councillor, you would have received some education
16 from time to time with respect to conflicts?

17 MR. RICHARD LLOYD: That's correct.

18 MR. FREDERICK CHENOWETH: All right.
19 And is that the kind of thing that you would receive
20 at the beginning of every Council term? And we have
21 the benefit of a witness here who's been involved in
22 many Council terms.

23 MR. RICHARD LLOYD: Yeah. There's
24 workshops that were put on by AMO, Association of
25 Municipalities of Ontario. And over the course of the

1 years, I attended many of them.

2 MR. FREDERICK CHENOWETH: Right. And
3 again, who were they put on by?

4 MR. RICHARD LLOYD: Association of
5 Municipalities of Ontario. It's called AMO.

6 MR. FREDERICK CHENOWETH: Very good.
7 And -- and the focus of -- of those sessions, those
8 educational sessions, what did they -- what did they
9 focus on? I --

10 MR. RICHARD LLOYD: Oh, there were
11 workshops on various municipal life, what councillors'
12 roles are, what mayors' roles are, deputy mayors,
13 conflict of interest, other Acts within -- within the
14 Municipal Act, or other portions.

15 They would have these workshops
16 continually that -- that we were able to -- to update
17 ourselves as much as possible.

18 MR. FREDERICK CHENOWETH: So conflicts
19 of interest were one (1) of the things that you would
20 have been -- that were -- that would have been spoken
21 about and you would have been educated on at the
22 beginning of many of these Council sessions or terms?

23 MR. RICHARD LLOYD: That's correct.

24 MR. FREDERICK CHENOWETH: All right.

25 And was the Municipal Conflict of Interest Act part of

1 those sessions on conflicts?

2 MR. RICHARD LLOYD: Always referred to
3 and -- and shown.

4 MR. FREDERICK CHENOWETH: Is it fair
5 to say that with respect to conflicts, that the focus
6 of the conflict of these seminars was the Municipal
7 Conflict of Interest Act?

8 MR. RICHARD LLOYD: One hundred
9 percent, yes.

10 MR. FREDERICK CHENOWETH: And did you
11 ever receive any education on the comments of the
12 jurist with respect to the Mississauga Inquiry that
13 you recall in any of those educational meetings?

14 MR. RICHARD LLOYD: I know of it, but
15 I can't give you any details of the Inquiry.

16 MR. FREDERICK CHENOWETH: All right.
17 But forgetting about knowing of the Mississauga
18 Inquiry, I'm -- I'm interested in knowing whether the
19 jurist's comments with respect to standards of
20 municipal Councils was a topic of conversation at the
21 educational sessions that you attended before your
22 Council terms or was the focus on the Municipal
23 Conflict of Interest Act?

24 MR. RICHARD LLOYD: Mostly on the
25 Municipal Conflict of Interest Act is what they would

1 do. They'd give references to other instances, but
2 that was most of anything I attended.

3 MR. FREDERICK CHENOWETH: Very good.

4

5 (BRIEF PAUSE)

6

7 MR. FREDERICK CHENOWETH: You were at
8 the -- the June 29th, 2011, meeting that the mayor
9 attended and that Mr. Bentz attended at that time,
10 correct?

11 MR. RICHARD LLOYD: That's correct.
12 It was downstairs in the boardroom by the mayor's
13 office.

14 MR. FREDERICK CHENOWETH: And I -- and
15 I think we've already established that -- that Mr.
16 Houghton wasn't there, to the best of your knowledge?

17 MR. RICHARD LLOYD: That's right.

18 MR. FREDERICK CHENOWETH: And Mr.
19 Bonwick wasn't there, to the best of your knowledge?

20 MR. RICHARD LLOYD: That's correct.

21 MR. FREDERICK CHENOWETH: All right.
22 You described that as a -- as an introductory meeting.
23 I take it doesn't -- it simply was not a meet and
24 greet meeting. There was a context to the meeting,
25 fair to say?

1 MR. RICHARD LLOYD: That's fair.

2 MR. FREDERICK CHENOWETH: All right.

3 And the context of the meeting, interestingly enough,
4 appears to be that it followed shortly on the heels of
5 the June 27th Council meeting where the sale of Collus
6 was discussed in detail, correct?

7 MR. RICHARD LLOYD: That's correct.

8 MR. FREDERICK CHENOWETH: Is there --
9 is there any question that at the meeting of June 29th
10 it was a meet and greet meeting with Collus -- I'm
11 sorry, with PowerStream and Mr. Bentz because it was
12 obvious that they had some interest in the possible
13 sale of Collus?

14 MR. RICHARD LLOYD: No doubt. There
15 would be no other reason I would meet with them.

16 MR. FREDERICK CHENOWETH: And I think
17 you've indicated that -- that at that meeting there
18 was a discussion with respect to Mr. Bonwick and if --
19 if -- on no other occasion a revelation that Mr.
20 Bonwick was acting for PowerStream with respect to
21 their activities, correct?

22 MR. RICHARD LLOYD: That's correct.

23 MR. FREDERICK CHENOWETH: And I -- and
24 I take it the purpose and context of the meeting was
25 that Mr. Bonwick, it was being revealed, was acting on

1 behalf of Collus with respect to their potential
2 involvement relating to the purchase of Collus?

3 MR. RICHARD LLOYD: I think you have
4 that wrong. So I -- I think you said that Mr. Bonwick
5 was acting on behalf of Collus.

6 MR. FREDERICK CHENOWETH: No. If I
7 did, I am in error. He was acting on behalf of Power
8 -- PowerStream with respect to their interest in a
9 purchase or involvement in the purchase of Collus?

10 MR. RICHARD LLOYD: Yes.

11 MR. FREDERICK CHENOWETH: Do you
12 remember -- following this revelation, at the June
13 29th meeting, do you remember any reaction by anyone
14 to -- to that discussion about Mr. Bonwick being
15 involved on behalf of PowerStream in the Collus
16 purchase?

17 Did anyone react to that or -- or
18 object to that or make any adverse comments in any
19 way?

20 MR. RICHARD LLOYD: Dean Muncaster,
21 who was in attendance, who was also the chair of -- of
22 Collus, had said on the way out of the meeting, not
23 directly to anyone in particular, that if Paul Bonwick
24 can help to -- I have it in here, in my minute already
25 -- if Paul Bonwick can assist the Town in getting the

1 best deal possible, God bless him.

2 MR. FREDERICK CHENOWETH: Other than
3 that comment from Mr. Muncaster, do you have any
4 memory of -- of any negative con -- comment with
5 respect to the involvement of Mr. Bonwick with
6 PowerStream on PowerStream's purchase?

7 MR. RICHARD LLOYD: Not at all. In
8 fact, I was somewhat surprised that it was even an
9 issue because, knowing that there was no conflict
10 according to the Conflict of Interest Act, it was nice
11 that they informed us, but it wasn't something they
12 had to do. And it was nice that they were being open
13 and transparent about it.

14 MR. FREDERICK CHENOWETH: Very good.

15

16 (BRIEF PAUSE)

17

18 MR. FREDERICK CHENOWETH: One (1)
19 second, Your Honour.

20

21 (BRIEF PAUSE)

22

23 MR. FREDERICK CHENOWETH: Mr. Lloyd, I
24 believe those are all of my questions. Thank you very
25 much.

1 MR. RICHARD LLOYD: Thank you.

2 THE HONOURABLE FRANK MARROCCO: Who's
3 cross-examining next?

4 MR. MICHAEL WATSON: I am briefly --

5 THE HONOURABLE FRANK MARROCCO: Go
6 ahead.

7 MR. MICHAEL WATSON: -- Your Honour.

8 THE HONOURABLE FRANK MARROCCO: Go
9 ahead, Mr. Watson.

10 MR. MICHAEL WATSON: Thank you.

11

12 CROSS-EXAMINATION BY MR. MICHAEL WATSON:

13 MR. MICHAEL WATSON: Mr. Lloyd, my
14 name's Michael Watson. And I think that you know that
15 I'm one (1) of the lawyers for Alectra, which is the
16 new name for PowerStream?

17 MR. RICHARD LLOYD: Yes. Thank you.

18 MR. MICHAEL WATSON: As a result of
19 Mr. Chenoweth's questions, I'm going to cut mine down
20 significantly. I want to ask you just about a few
21 things.

22 About the Strategic Partnership Task
23 team, or the STT as it has been called, can you
24 describe whether in all of the deliberations was it --
25 were they collegial together? Was there any rancour

1 disagreement?

2 Can you briefly describe how the team
3 got along?

4 MR. RICHARD LLOYD: The chair being
5 Dun -- Dean Muncaster was -- was incredible the way he
6 was able to -- to mentor the whole meeting. I think
7 it was all very cordial, very professional.

8 As I said earlier, I was a little bit
9 out of my league when I'm sitting with some of these
10 people because they were -- they were incredibly in
11 tune to -- to the industry, but I thought it was -- it
12 was very good.

13 MR. MICHAEL WATSON: One (1) question
14 about Ms. Wingrove who, of course, was a member of
15 that team. Did she participate fully as a functioning
16 and participating member or were there -- there any
17 constraints of any kind put on her?

18 MR. RICHARD LLOYD: None whatsoever.
19 She was there. She was on her BlackBerry a lot
20 texting, but I'm sure that, as CAO, perhaps she was
21 busy. But, no, there was no restraints at all.

22 MR. MICHAEL WATSON: I want to ask you
23 about the objectives of the Town -- Town Council and -
24 - and the STT, not in detail because you've described
25 some of them.

1 But I take it from your evidence that
2 there were several objectives that the Town and Collus
3 had?

4 MR. RICHARD LLOYD: No, there wasn't.

5 MR. MICHAEL WATSON: Sorry, several
6 things that Collus and the Town wanted to achieve
7 through this strategic partnership?

8 MR. RICHARD LLOYD: That's right.
9 Thank you.

10 MR. MICHAEL WATSON: All right. Yes.
11 And one (1) of them, to use your words, was growing
12 Collus. Do you remember saying that a couple of
13 times?

14 MR. RICHARD LLOYD: Yes.

15 MR. MICHAEL WATSON: And I take it
16 that that was to expand Collus into larger markets?

17 MR. RICHARD LLOYD: That's correct.

18 MR. MICHAEL WATSON: And I think you
19 said about getting ahead of consolidation which we've
20 heard plenty about now?

21 MR. RICHARD LLOYD: Right.

22 MR. MICHAEL WATSON: And when you were
23 talking about expanding and growing Collus did you
24 have in mind, among other perhaps, the members of
25 CHEC, C-H-E-C?

1 MR. RICHARD LLOYD: No, I'm sorry.

2 MR. MICHAEL WATSON: All right. Do
3 you know what CHEC is?

4 MR. RICHARD LLOYD: No.

5 MR. MICHAEL WATSON: Are you familiar
6 with the Cornerstone Hydro Electric Concepts
7 Association of which Collus was a member?

8 MR. RICHARD LLOYD: I'm not, I'm
9 sorry.

10 MR. MICHAEL WATSON: All right. Fine.
11 We'll just leave that then. And with respect to KPMG
12 -- actually, I think I can leave that. We've heard
13 enough about that.

14 I do want to ask you about the Barrie
15 situation briefly. Do you remember you gave some
16 evidence about that?

17 MR. RICHARD LLOYD: Yes.

18 MR. MICHAEL WATSON: And you expressed
19 some unhappiness about the Barrie situation until it
20 was resolved. Is that fair?

21 MR. RICHARD LLOYD: That's correct.

22 MR. MICHAEL WATSON: All right. And
23 could I ask, please, that the following document be
24 turned up, TOC61079? This is an email that you were
25 shown yesterday. And I just -- I want to orient us

1 briefly.

2 MR. RICHARD LLOYD: Surely.

3

4 (BRIEF PAUSE)

5

6 MR. RICHARD LLOYD: Yes.

7 MR. MICHAEL WATSON: All right. And -

8 - and just to remind you that this customer was -- was
9 seeking assistance. And do you see in the second line
10 it says, So and so, whoever it was, are moving to a
11 new location? Do you see that?

12 MR. RICHARD LLOYD: Yes.

13 MR. MICHAEL WATSON: And so this was
14 information that you had received, obviously --

15 MR. RICHARD LLOYD: That's correct.

16 MR. MICHAEL WATSON: -- directly from
17 the customer. Is that -- is that so? And -- and you
18 were passing it on?

19 MR. RICHARD LLOYD: For my friend,
20 that's right, that owned the company.

21 MR. MICHAEL WATSON: Right. Right.
22 And then -- that's enough for that one. And if I
23 could ask to turn up the second one (1) that you were
24 shown yesterday, which is TOC61382.

25

1 (BRIEF PAUSE)

2

3 MR. MICHAEL WATSON: And I -- I think
4 you remember that you were shown part of this email
5 yesterday?

6 MR. RICHARD LLOYD: Yes, I was.

7 MR. MICHAEL WATSON: I'd like to show
8 you the rest of it. If we could start at the bottom,
9 please. And let's -- let's go back up. Stopping
10 there.

11 Now, you were not copied on this. But
12 I think that you can see from the top that,
13 ultimately, this email chain was sent to you, right,
14 or do you want to see that?

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

16 MR. MICHAEL WATSON: All right.

17 MR. RICHARD LLOYD: Yeah, okay.

18 MR. MICHAEL WATSON: All right.

19 MR. RICHARD LLOYD: Yeah.

20 MR. MICHAEL WATSON: And when you
21 received this email, which was sort of the resolution
22 of it, did you read through the email chain?

23 MR. RICHARD LLOYD: I -- it's so long
24 ago, I don't know. I don't think I -- I have no idea
25 if I did or didn't.

1 MR. MICHAEL WATSON: You may or may
2 not have?

3 MR. RICHARD LLOYD: That's correct.

4 MR. MICHAEL WATSON: I take it what
5 was important to you was that the matter was resolved?

6 MR. RICHARD LLOYD: That's all I cared
7 about.

8 MR. MICHAEL WATSON: All right, fine.
9 Let's look at this. And this internal to PowerStream
10 at that time. And so Rusty Hastings, who was manager
11 of subdivision and new services, is writing in --
12 internally. And he says:

13 "Steve left a message. I'll keep
14 you informed."

15 And then it says:

16 "Customer paid for transformer July
17 26 and we ordered transformer July
18 27."

19 Do you see that?

20 MR. RICHARD LLOYD: Yes, I do.

21 MR. MICHAEL WATSON: Were you aware of
22 that?

23 MR. RICHARD LLOYD: Not at all.

24 MR. MICHAEL WATSON: All right. And
25 so the very -- if you read through the email -- and

1 I'm not criticizing at you at all.

2 MR. RICHARD LLOYD: No. No.

3 MR. MICHAEL WATSON: But if you had,
4 you would have seen that PowerStream ordered it the
5 very next day, right?

6 MR. RICHARD LLOYD: Yeah.

7 MR. MICHAEL WATSON: And do you see
8 the next line, "I believe we are awaiting drawings as
9 per file"? Do you see that?

10 MR. RICHARD LLOYD: Yes, I do.

11 MR. MICHAEL WATSON: And I take it
12 then you weren't aware of that background either?

13 MR. RICHARD LLOYD: No.

14 MR. MICHAEL WATSON: And then the last
15 line:

16 "This could be one (1) of those
17 projects. Customer has no
18 consultant and does not want to hire
19 one (1)."

20 Do you see that?

21 MR. RICHARD LLOYD: Yes, I do.

22 MR. MICHAEL WATSON: And that seemed
23 to be speculation within PowerStream, right?

24 MR. RICHARD LLOYD: Yes. Okay.

25 MR. MICHAEL WATSON: All right. Let's

1 go up the -- to the next in the chain, please. And
2 here's an update.

3 "Steve/Kim has been dealing with 'X'
4 on this project. We were awaiting
5 his site plan which he was well
6 aware of. However, he now informs
7 us that there's no consultant to
8 create the site plan."

9 I take it you weren't aware that
10 PowerStream was awaiting that?

11 MR. RICHARD LLOYD: No.

12 MR. MICHAEL WATSON: I take it you
13 weren't aware of the fact that when a customer is
14 seeking to move and has a new transformer, that there
15 is an obligation on the customer to prepare a site
16 plan before it can be installed?

17 MR. RICHARD LLOYD: I'm not aware of
18 that, no. No.

19 MR. MICHAEL WATSON: And -- and you
20 weren't aware of -- and -- and I take it you weren't
21 aware of the fact that usually the way that's done is
22 to have an expert consultant hired to do that?

23 MR. RICHARD LLOYD: Probably, yes.
24 Okay.

25 MR. MICHAEL WATSON: Right. But you

1 weren't aware of that at the time either? All right.

2 And then going further up, we see:

3 "Per our discussion, Rusty's time,
4 i.e., internal to PowerStream, is
5 assisting in creating the required
6 drawing."

7 I take it you weren't aware of that
8 either?

9 MR. RICHARD LLOYD: No, no.

10 MR. MICHAEL WATSON: Going back up,
11 "Paul, please see" -- and now this goes to you:

12 "Please see email trail below.
13 Perhaps you can settle. Let deputy
14 mayor know we've taken swift
15 action."

16 Et cetera. Can you now understand the
17 comment about going above and beyond or, you know,
18 going beyond the norm given all of that background?

19 MR. RICHARD LLOYD: Now that I see
20 that, yes, I do.

21 MR. MICHAEL WATSON: And I take it
22 that you weren't aware of this?

23 MR. RICHARD LLOYD: No.

24 MR. MICHAEL WATSON: All right. Thank
25 you. Now, briefly, just a couple of points about the

1 June 27th meeting. We've been through this many
2 times. But you -- and could I ask, please, for
3 Exhibit 21, which is CPS4397, to be brought up?

4

5

(BRIEF PAUSE)

6

7 MR. MICHAEL WATSON: All right. And -
8 - and you will remember that this was the presentation
9 that was made by Collus by Mr. Houghton and Mr. -- Mr.
10 Houghton to Council in camera. You will remember
11 that?

12

MR. RICHARD LLOYD: Yes, I do.

13

14 MR. MICHAEL WATSON: And if we could
15 turn, please, to page 24. There are just a couple of
16 things I wanted to ask about here.

16

MR. RICHARD LLOYD: Okay.

17

18 MR. MICHAEL WATSON: And you'll see --
19 you will remember that there was all of this about the
20 next steps and so on --

20

MR. RICHARD LLOYD: Yes, I do.

21

22 MR. MICHAEL WATSON: -- and the
23 formation of the team?

23

MR. RICHARD LLOYD: Correct.

24

25 MR. MICHAEL WATSON: And you were
named as the Council representative?

1 MR. RICHARD LLOYD: That's right.

2 MR. MICHAEL WATSON: All right. And -
3 - and if we could look, please, I believe it is at
4 slide 11 here. We're going backwards. This has to do
5 with book value because you've talked about book value
6 a few times, right?

7 MR. RICHARD LLOYD: Yes.

8 MR. MICHAEL WATSON: And -- and do you
9 see -- and -- and I take it fro -- from my memory of
10 this meeting, the -- the minutes show that the meeting
11 -- the in camera portion lasted two (2) hours and
12 thirty-nine (39) minutes. I'm not asking you to
13 verify that, but do you remember that it was a lengthy
14 meeting?

15 MR. RICHARD LLOYD: Yes, I -- yes, I
16 do.

17 MR. MICHAEL WATSON: All right. And
18 so I take it that this -- this slide deck was gone
19 through and explained at length to everybody on
20 Council?

21 MR. RICHARD LLOYD: It was, yes.

22 MR. MICHAEL WATSON: Thank you. And
23 we see in the first bullet point it says:

24 "In theory, regulated utilities
25 should sell at values close to their

1 book value since they are regulated
2 based on their actual costs and by
3 applying a regulated return on their
4 invested capital."

5 MR. RICHARD LLOYD: That's what I was
6 trying to explain la -- earlier, but thank you.

7 MR. MICHAEL WATSON: All right. I --
8 I understand. Now, in fairness, it does say, going
9 on:

10 "In practice, utilities often trade
11 at a premium above book value."

12 MR. RICHARD LLOYD: Right.

13 MR. MICHAEL WATSON: And that was
14 explained to you, as well?

15 MR. RICHARD LLOYD: Yeah.

16 MR. MICHAEL WATSON: Now, you -- in
17 your evidence a short time ago you talked about
18 Collingwood, and we've heard something about this
19 before, having acquired Thornbury, Stayner, and
20 Clearview in years gone past?

21 MR. RICHARD LLOYD: Yes.

22 MR. MICHAEL WATSON: All right. And -
23 - and I -- I take it that this had happened during
24 your tenure on Council, which has been forever?

25 MR. RICHARD LLOYD: Thank you. Yes.

1 MR. MICHAEL WATSON: And -- and from
2 what you said, I take it the Town of Collingwood had
3 managed to acquire these utilities, of these three
4 (3), and fold them into Collus at book value?

5 MR. RICHARD LLOYD: I believe so, yes.

6 MR. MICHAEL WATSON: And was any of
7 these acquisitions done by RFP?

8 MR. RICHARD LLOYD: None, I don't
9 believe. Yeah, I think it was regulated by the
10 Province.

11 MR. MICHAEL WATSON: Well, sure,
12 they're regulated by the Province. But I'm just
13 talking about the way in which the --

14 MR. RICHARD LLOYD: Yeah, no.

15 MR. MICHAEL WATSON: -- transactions
16 unfolded.

17 MR. RICHARD LLOYD: It wasn't.

18 MR. MICHAEL WATSON: All right. And I
19 take it what happened, as is often the case, is that
20 Collingwood/Collus simply approached these
21 municipalities and engaged in negotiations?

22 MR. RICHARD LLOYD: Exactly.

23 MR. MICHAEL WATSON: All right. And
24 are you familiar with the fact that this is often how
25 it's done?

1 MR. RICHARD LLOYD: Yes.

2 MR. MICHAEL WATSON: And I think
3 that's enough for that slide. Thank you. And are you
4 aware of the fact, or do you remember the figure,
5 that, ultimately, PowerStream paid approximately one
6 point six (1.6) times book value for its 50 percent of
7 the shares of Collus?

8 MR. RICHARD LLOYD: Yes.

9 MR. MICHAEL WATSON: All right. And
10 what was your view of that and that payment by
11 PowerStream?

12 MR. RICHARD LLOYD: The financial part
13 was a windfall when I seen it. And I also remember
14 Ontario Hydro's was higher. But I felt very
15 comfortable with -- with -- very good, excited about
16 PowerStream.

17 But, more importantly, I was more in
18 the other 70 percent of the -- the evaluation that we
19 were doing, or the -- on -- on everything but the
20 financial.

21 MR. MICHAEL WATSON: There's one (1)
22 more point then. And then I will finish, Your Honour.
23 I just want to ask you a little bit about the
24 evaluation of the RFP proposals then, or the bids as
25 they are --

1 MR. RICHARD LLOYD: Yes.

2 MR. MICHAEL WATSON: -- sometimes
3 called. Again, we've been through this, not quite ad
4 nauseam, but almost. Could we bring up, please,
5 CPS8756.0001? This is the -- the August 29th minutes.
6 And we've been through a lot of these. There are just
7 two (2) small points I want to ask you about.

8 All right. And could we go, please --
9 we didn't talk about this earlier with you, Mr. Lloyd,
10 page 3, please. And we didn't get to that. Yes. And
11 I wanted to talk about the second paragraph which is
12 after the seven (7) numbered items. It says:

13 "Mr. Houghton suggested that each
14 member of the strategy team will
15 receive a copy of the completed RFPs
16 for their individual review. And
17 then we would get together and
18 discuss and review as a team. We
19 will then present the results to our
20 Board, and then ultimately to
21 Council."

22 MR. MICHAEL WATSON: You saw that?

23 MR. RICHARD LLOYD: Yes, I do.

24 MR. MICHAEL WATSON: And that was the
25 proposal that was made to the team?

1 MR. RICHARD LLOYD: That's right.

2 MR. MICHAEL WATSON: Right. And then
3 if we could go to the last page, please. And then the
4 second last par -- well, I guess it's the last
5 paragraph apart from the meeting terminating. It
6 said:

7 "Mr. Houghton reaffirmed that each
8 member of the strategy team wishes
9 to receive a copy of the RFP package
10 and each member will review and rate
11 the proposal. The team would then
12 get together and review as a group
13 and explain the ratings that were
14 given."

15 And I take it then that that was the
16 proposal that was made in this meeting?

17 MR. RICHARD LLOYD: And supported.

18 MR. MICHAEL WATSON: Well, by
19 everybody?

20 MR. RICHARD LLOYD: Yes.

21 MR. MICHAEL WATSON: All right. And
22 so the idea, I take it, therefore -- and when --
23 often, RFPs use -- not actually to mean the RFP
24 because the RFP is the request for a proposal that's
25 set out, right?

1 MR. RICHARD LLOYD: That's correct.

2 MR. MICHAEL WATSON: It's the actual
3 bids or proposals that come back that we're talking
4 about here. Is that right?

5 MR. RICHARD LLOYD: That's correct.

6 MR. MICHAEL WATSON: Okay.

7 MR. RICHARD LLOYD: Yes.

8 MR. MICHAEL WATSON: And so the idea
9 was then that when those packages came in, and we've
10 heard some evidence about this, each member of the
11 team would get a copy of each of the packages from
12 each of the bidders --

13 MR. RICHARD LLOYD: That's correct.

14 MR. MICHAEL WATSON: -- however many
15 that turned out to be, right?

16 MR. RICHARD LLOYD: Right.

17 MR. MICHAEL WATSON: Because, at that
18 point, you didn't know, did you?

19 MR. RICHARD LLOYD: We didn't at that
20 point.

21 MR. MICHAEL WATSON: You did know that
22 four (4) of them were being invited in for
23 presentations --

24 MR. RICHARD LLOYD: That's right.

25 MR. MICHAEL WATSON: -- but they might

1 decide to go ahead and bid or they might not?

2 MR. RICHARD LLOYD: Yeah. And I
3 think, at one (1) point, it was five (5), and it was
4 taken down to four (4).

5 MR. MICHAEL WATSON: Well, indeed.
6 And that was St. Thomas. And we don't have to go into
7 that again. And is it the case then that that process
8 in fact was followed? And when the proposals came in
9 from the four (4) bidders, that each of the members of
10 the -- of the Strategic Task Team got their separate
11 copies of each one (1) of the four (4)?

12 MR. RICHARD LLOYD: We did, yes.

13 MR. MICHAEL WATSON: And then you --
14 you had them yourselves, took them away wherever you
15 wanted to do it, at home or wherever?

16 MR. RICHARD LLOYD: Yeah.

17 MR. MICHAEL WATSON: You reviewed
18 them?

19 MR. RICHARD LLOYD: That's right.

20 MR. MICHAEL WATSON: Scored them?

21 MR. RICHARD LLOYD: Yes.

22 MR. MICHAEL WATSON: And then came
23 back to the first meeting where they were discussed
24 within the STT?

25 MR. RICHARD LLOYD: Exactly, in

1 detail.

2 MR. MICHAEL WATSON: Right. And then,
3 as -- as I understand it, and there has been some
4 other evidence, the actual numerical scores then were
5 then tabulated.

6 And I think you gave some evidence
7 about Pam Hogg being involved in that?

8 MR. RICHARD LLOYD: That's correct.

9 MR. MICHAEL WATSON: -- and then were
10 displayed for the team?

11 MR. RICHARD LLOYD: That's correct.

12 MR. MICHAEL WATSON: And were any of
13 those scores changed at all as a result of the
14 discussion?

15 MR. RICHARD LLOYD: Not at all, no.

16

17 (BRIEF PAUSE)

18

19 MR. MICHAEL WATSON: One (1) last
20 question. At the beginning of his questions, Mr.
21 Chenoweth asked you whether, in your view, the
22 information that PowerStream received, which -- and I
23 won't use your term for it, but let's just say the
24 information that PowerStream received affected the
25 bidding. And you said PowerStream would have been the

1 successful bidder anyway.

2 Do you remember that answer?

3 MR. RICHARD LLOYD: Yes, I do.

4 MR. MICHAEL WATSON: Could you please
5 explain that answer? Why do you say that?

6 MR. RICHARD LLOYD: When I look at --
7 at all the scoring that we did, I just feel that
8 PowerStream was a perfect fit for us. I think
9 geographically they're a great fit, being in the City
10 of Barrie, Vaughan, and Markham, and it just made
11 sense for where we're going in the future with -- with
12 the rail and everything else. It would be a good fit.

13 Also, their presentation was good. It
14 was great. I go through it. They -- they --

15 MR. MICHAEL WATSON: I'm sorry, are
16 you talking about their proposal that they actually
17 submitted?

18 MR. RICHARD LLOYD: Yeah. When we --
19 when we went through it all. And -- that's correct.
20 And in fact Council was taken aback that -- that it
21 was commented that Ed Houghton and I had the same
22 scores, but there are scores even above what we had,
23 if I remember right. So I think it was a great
24 process. I think it was -- they were the ones that,
25 it was theirs to lose.

1 MR. MICHAEL WATSON: Those are my
2 questions, Your Honour. Thank you.

3 THE HONOURABLE FRANK MARROCCO: Thank
4 you.

5 Go ahead, Mr. Fryer.

6

7 CROSS-EXAMINATION BY MR. TIM FRYER:

8 MR. TIM FRYER: Justice Marrocco, Mr.
9 Lloyd. Thank you.

10 What I wanted to begin reviewing with
11 you actually has to do with one (1) of your other
12 previous terms on Council. The 2001 -- 2000/2001
13 Council, and you were a member of, you had spoke about
14 it earlier, approved the purchase of municipal assets
15 of the neighbouring communities of Thornbury, Creemore
16 and Stayner.

17 MR. RICHARD LLOYD: That's correct.

18 MR. TIM FRYER: You recall this?

19 MR. RICHARD LLOYD: Yes.

20 MR. TIM FRYER: Do you recall any
21 particulars about the decision of those communities
22 since they were considering other offers such as from
23 Hydro One?

24 MR. RICHARD LLOYD: I've -- if I
25 remember right, they thought that Collus was by far

1 the partner that they wanted, the services we could
2 provide, the reputation we had. I think that's why
3 the negotiations went extremely well.

4 MR. TIM FRYER: Do you recall any
5 things from Council, Town Council, Collingwood
6 Council, from assurances to those communities going
7 forward?

8 MR. RICHARD LLOYD: Repeat that -- I'm
9 sorry.

10 MR. TIM FRYER: Was there any
11 assurances put forward by Town Council to those
12 communities as they were going through the
13 negotiations?

14 MR. RICHARD LLOYD: I think we were
15 assuring them the same rate as what we have in
16 Collingwood, which was a positive for them, I think
17 the rate structure was. I'm going back --

18 MR. TIM FRYER: I --

19 MR. RICHARD LLOYD: -- decades, but I
20 think that's what it was, was the rate structure was
21 very attractive for them, the service we could provide
22 to them, and I think it also opened the doors for
23 other services we provide, which was water. We -- the
24 wastewater we look after in the Town -- the Clearview
25 Township, as we speak. So it opened up the door for

1 a whole bunch of opportunities for both of us.

2 MR. TIM FRYER: But you would say that
3 they wanted rate protection, long-term rate
4 protection, and they felt that that was best handled
5 by it being with Collus?

6 MR. RICHARD LLOYD: Yes.

7 MR. TIM FRYER: Okay. That was a very
8 successful transaction, providing long-term rate
9 protection to the ratepayers of those communities
10 especially. It helped with Collingwood customers as
11 well, and earning a very good return on the acquired
12 assets, and eventually when a hundred percent of
13 Collus was sold, that return was fully maximized.

14 Would you agree with that statement?

15 MR. RICHARD LLOYD: Yes.

16 MR. TIM FRYER: Moving away from that
17 and to the term of the elected 2010 to '14 Council, in
18 the very first few months the Council had started a
19 process leaning towards considering the selling of its
20 most valuable asset.

21 Was this part of your campaign
22 platform?

23 MR. RICHARD LLOYD: Never.

24 MR. TIM FRYER: Okay. How then did
25 you come to support this initiative?

1 MR. RICHARD LLOYD: It came out --
2 again it was brought to our attention, as you're
3 aware, what the province -- the move afoot of the
4 province to decrease the LDCs in the province.

5 MR. TIM FRYER: Okay. Was it also a
6 concern about the level of debt that the Town was
7 holding?

8 MR. RICHARD LLOYD: No. It really
9 didn't -- well, I want to touch on that too. I'm glad
10 you brought it up.

11 The level of debt that the Town was
12 holding was locked in to debentures, and debentures
13 for anybody watching is the same as a mortgage, and to
14 try and pay down that debenture, the penalties are so
15 severe because you're locked in, that honestly it
16 doesn't make sense.

17 Even when we got our money back from
18 it, from the sale, it didn't -- talking with the
19 Treasurer and going through it all, it didn't make any
20 sense to -- to pay down the debt because the penalties
21 would have been just astronomical. It was okay to
22 have the funds so that we wouldn't go further into
23 debt, but to actually pay the debt, it -- it didn't
24 make sense.

25 MR. TIM FRYER: So I'd like to ask if

1 I could have ALE0005133.0002, and it would be the
2 eighteenth (18th) slide. It's the slide that came
3 from the December 5th in camera session.

4

5 (BRIEF PAUSE)

6

7 MR. TIM FRYER: And if we could get
8 the full -- onto the screen, just the -- perfect.

9 So I wanted to talk about the third
10 bullet. So again utilizing your business experience
11 to provide us an understanding of what you expected in
12 regards to whether or not the resulting 60/40 percent
13 debt-to-equity ratio limited Collus' ability to grow?

14 So we'll review -- if -- if you had a
15 chance to read that third bullet --

16 MR. RICHARD LLOYD: Let me read it for
17 a second.

18 MR. TIM FRYER: Yes.

19

20 (BRIEF PAUSE)

21

22 MR. RICHARD LLOYD: Thank you.

23 MR. TIM FRYER: Okay. So first
24 reviewing the one (1) option, which, and I'll read it:

25 "Set aside a portion of the proceeds

1 for future growth of Collus."

2 So in regards to that particular option
3 in that bullet, any portion of the proceeds set aside
4 for future growth of Collus?

5 MR. RICHARD LLOYD: After the
6 transaction was completed, no.

7 MR. TIM FRYER: Okay. Why not? Did
8 Collus not ask?

9 MR. RICHARD LLOYD: It -- it -- I
10 don't know. I -- I think what had happened, and I'm
11 speculating at this time, that the Treasurer in the
12 Town of Collingwood was involved, and we looked at --
13 at different options that were available to us.

14 MR. TIM FRYER: So we won't speculate.
15 We'll -- we'll just move on then.

16 So another option that's listed there
17 says:

18 "PowerStream will be there."

19 So in regards to that -- if only
20 PowerStream put more equity in, that would change the
21 50/50.

22 MR. RICHARD LLOYD: Possibly.

23 MR. TIM FRYER: Yeah. So most likely
24 not an option that the Town would be considering?

25 MR. RICHARD LLOYD: But, you know,

1 that's a -- that's -- so perhaps if we were buying a
2 neighbouring utility and there would -- there would be
3 a possibility that perhaps our shares would decrease
4 in Collus but we'd -- we'd also have shares from
5 another utility. That's, for instance, Wasaga Beach.
6 If we're able to acquire Wasaga Beach --

7 MR. TIM FRYER: yeah. And again I --
8 we can get into --

9 MR. RICHARD LLOYD: Okay.

10 MR. TIM FRYER: -- a debate on that,
11 and I didn't want to.

12 SO the final option that's listed
13 there, which I would suggest to you is the likely one
14 (1) that would happen, would be to further leverage to
15 something different than 60/40, so something like
16 70/30.

17 And I just wondered if you recognized
18 what kind of impact that would have on the Company's
19 return?

20 MR. RICHARD LLOYD: No idea, but again
21 you're speculating because this didn't happen. I
22 don't know of any time that -- if I can finish.

23 MR. TIM FRYER: And -- well, again I
24 was just looking for an answer.

25 MR. RICHARD LLOYD: Okay.

1 THE HONOURABLE FRANK MARROCCO: No,
2 just -- you go ahead and finish your answer.

3 MR. RICHARD LLOYD: Thank you.

4 What would happen in this situation,
5 there was never anybody, to my knowledge, that came
6 forth for us to -- to buy or -- or get involved in. I
7 see what it says here. Hypothetically you're throwing
8 all these other things out that I'm not aware that
9 ever happened. I don't know of other shares or other
10 companies or -- or other LDCs getting into the mix of
11 this thing.

12 My knowledge, it was just PowerStream
13 and Collingwood at this point in time and in the
14 future. I don't know of any deal that was a deal-
15 breaker that came to the table to Council to say, oh
16 gee, if we could have done this. So hypothetically
17 there's a lot of things you could come up with, but
18 this is the debt-to-equity deal at this point in time.

19

20 CONTINUED BY MR. TIM FRYER:

21 MR. TIM FRYER: Yes. Thank you for
22 that. But again, not hypothetical, if the only option
23 you had was to increase leveraging, then how would it
24 impact your company's return in future dividends?

25 MR. RICHARD LLOYD: You're saying

1 "if."

2 MR. TIM FRYER: No. I'm saying if
3 that happens, what happens with your return and your -
4 - and your dividend?

5 MR. RICHARD LLOYD: Again I'm just
6 telling you that -- that in my opinion that you're
7 using hypothetical "if's," that what would happen if,
8 maybe if.

9 MR. TIM FRYER: Okay. So --

10 MR. RICHARD LLOYD: It wasn't
11 something that happened.

12 THE HONOURABLE FRANK MARROCCO: I
13 think --

14 MR. TIM FRYER: We'll move on.

15 THE HONOURABLE FRANK MARROCCO: -- Mr.
16 Fryer was just asking you a hypothetical question.

17 MR. RICHARD LLOYD: Thank you.

18 THE HONOURABLE FRANK MARROCCO: What
19 would happen if that happened?

20 MR. RICHARD LLOYD: And I agree with
21 that.

22 THE HONOURABLE FRANK MARROCCO: So
23 just answer it.

24 MR. RICHARD LLOYD: Yeah, and I can
25 answer that very clearly.

1 Hypothetically if in fact that
2 happened, the -- the share ratio would obviously
3 decrease, something would have to give. Either that
4 or we, of the Town of Collingwood, would have to pull
5 up money to do it.

6 We did have additional debenture debt,
7 as you're quite aware. We weren't anywhere near our
8 max or anything like that. We had reserves as well.

9 The finances of the Town of Collingwood
10 weren't in ruin by any means. Our debt ratio was
11 fairly high, but if I can -- do you want me to explain
12 about the debt ratio or just leave that?

13 MR. TIM FRYER: I don't --

14 THE HONOURABLE FRANK MARROCCO: No,
15 no, let's try and keep this within some sort of --

16 MR. RICHARD LLOYD: Yeah.

17 THE HONOURABLE FRANK MARROCCO: --
18 bounds here because we'd like to --

19 MR. RICHARD LLOYD: Yeah.

20 THE HONOURABLE FRANK MARROCCO: --
21 keep moving along.

22 MR. TIM FRYER: I think the statement
23 I would finish with is they'd be negatively re-
24 affected.

25

1 CONTINUED BY MR. TIM FRYER:

2 MR. TIM FRYER: So one (1) other item
3 that kind of relates to -- I guess in -- in leaving
4 the -- the topic, as the process of becoming an equal
5 partner with the much larger entity, PowerStream,
6 these aspects of this bullet weren't explored any
7 further than -- than that December 5th discussion?

8 MR. RICHARD LLOYD: I don't think
9 there was any other discussion in the future, no.

10 MR. TIM FRYER: Okay. So one (1)
11 other item that relates a little bit to -- to what
12 we've been talking about.

13 Do you recall that the strategic
14 partner task team decided early in the process that
15 there would be only one (1) spokesperson for the
16 group, and if so, do you recall who?

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

19 MR. TIM FRYER: I -- I thought you
20 might remember.

21 So you noted yesterday about an alleged
22 discussion that occurred between myself and you --

23 MR. RICHARD LLOYD: That's correct.

24 MR. TIM FRYER: -- when
25 uncharacteristically, as you testified, I approached

1 you at your place of business. You didn't provide any
2 proof, so from your earlier statement you will
3 appreciate today that I'm just asking for certainty --
4 you have no further evidence to present about the
5 alleged incident?

6 MR. RICHARD LLOYD: Repeat the last
7 part of that?

8 MR. TIM FRYER: You have no further
9 evidence to present about that alleged incident, about
10 you and I meeting?

11 MR. RICHARD LLOYD: No. And there was
12 witnesses to the meeting, so.

13 MR. TIM FRYER: Okay. So that -- that
14 that being the case, since you found it inappropriate,
15 you obviously will have a vivid memory of it. This
16 will help with some of the questions I pose. I'd like
17 to look at the paragraph 446, and then the linked
18 email. And we have seen it before but if it can be on
19 the screen.

20 You testified that you remembered
21 sending this email --

22 THE HONOURABLE FRANK MARROCCO: One
23 (1) -- one (1) -- one (1) second. We have to get it -
24 -

25 MR. TIM FRYER: Sorry.

1 THE HONOURABLE FRANK MARROCCO: -- on
2 the screen.

3 MR. TIM FRYER: And then just the
4 linked email would be best.

5 THE HONOURABLE FRANK MARROCCO: Well -
6 - well, just a minute. Please put 446 back on the
7 screen. Have you had a chance to read it?

8 MR. RICHARD LLOYD: Thank you, sir.

9 THE HONOURABLE FRANK MARROCCO: I
10 mean, you've seen it before but -- I think.

11 MR. RICHARD LLOYD: Yeah, I've seen it
12 before. Yes.

13 THE HONOURABLE FRANK MARROCCO: All
14 right. Now, you want -- Mr. Fryer, you wanted the --

15 MR. TIM FRYER: To look at the linked
16 --

17 THE HONOURABLE FRANK MARROCCO: --
18 email that's linked to it?

19 MR. TIM FRYER: -- document, yes,
20 please.

21

22 (BRIEF PAUSE)

23

24 MR. TIM FRYER: Just for reference --

25 THE HONOURABLE FRANK MARROCCO: It's

1 coming, yeah.

2

3 CONTINUED BY MR. TIM FRYER:

4 MR. TIM FRYER: So if you could just
5 scroll it down a little bit and just leave it there, I
6 think would be fine.

7 So you testified that you remembered
8 sending this email on December 6th, 2011.

9 MR. RICHARD LLOYD: That's correct.

10 MR. TIM FRYER: Okay. After
11 discussion with Mayor Cooper. So on behalf of the
12 mayor too?

13 MR. RICHARD LLOYD: Repeat that again?

14 MR. TIM FRYER: Was it on behalf of
15 the mayor as well?

16 MR. RICHARD LLOYD: No. That was my
17 letter. That's right.

18 MR. TIM FRYER: So fair enough. But
19 she was aware of it, from your conversation?

20 MR. PAUL BONWICK: Your Honour, just
21 as a point of correction on the bottom email, it says
22 "I will discuss." It doesn't say "I have discussed."

23 THE HONOURABLE FRANK MARROCCO: So --
24 thank you, Mr. Bonwick. It does say that.

25 MR. TIM FRYER: And -- and just above

1 --

2 THE HONOURABLE FRANK MARROCCO: It
3 does indeed say that, yes.

4

5 CONTINUED BY MR. TIM FRYER:

6 MR. TIM FRYER: -- if I could, at the
7 start of it, it does say "Earlier today, Mayor Cooper
8 and I discussed last night's presentation." So that's
9 why I was inquiring to see if through that
10 conversation there'd been any discussion.

11 MR. RICHARD LLOYD: No, I -- I don't
12 believe I did.

13 MR. TIM FRYER: So, now that's at
14 least five (5) months into the strategic partner
15 initiative.

16 MR. RICHARD LLOYD: Okay.

17 MR. TIM FRYER: Or maybe not. When
18 exactly did it occur?

19 MR. RICHARD LLOYD: What this --
20 letter?

21 MR. TIM FRYER: No. The date of the
22 alleged incident.

23 MR. RICHARD LLOYD: Of you coming to
24 my flower shop?

25 MR. TIM FRYER: Yeah.

1 MR. RICHARD LLOYD: I don't know the
2 date, I really don't. It's eleven (11), ten (10),
3 eight (8) -- eight (8) years ago. How can I remember?
4 You don't remember probably coming in.

5 MR. TIM FRYER: So you don't remember
6 the date. Was it -- was it like right around that
7 time -- was -- of the email? Is that when it was,
8 like, around --

9 MR. RICHARD LLOYD: I don't know. Go
10 -- maybe scroll up and see the other -- emails in this
11 trail. Just see if that jogs my memory or helps me.

12 MR. TIM FRYER: Probably scroll down,
13 I guess, and we can see what -- what's at the bottom,
14 because that would come first, and there's nothing
15 there.

16 So -- so all I'm saying is, you sent
17 this on December 6th.

18 MR. RICHARD LLOYD: That's correct.

19 MR. TIM FRYER: So had I just recently
20 been in and talked to you?

21 MR. RICHARD LLOYD: I can't remember
22 Tim, or Mr. Fryer, but I do know that there is an
23 actual email sent to Dean Muncaster that's above that.

24 MR. TIM FRYER: Yeah. So I guess I'll
25 refer back to the transcript from yesterday.

1 THE HONOURABLE FRANK MARROCCO: All
2 right. Just a minute. The email sent to Mr.
3 Muncaster is on this?

4 MR. RICHARD LLOYD: Yeah.

5 THE HONOURABLE FRANK MARROCCO: It
6 might help you with the date?

7 MR. RICHARD LLOYD: Thank you. It
8 would.

9 THE HONOURABLE FRANK MARROCCO: So
10 just December 6th. All right.

11 So this is December 6th from you to
12 Mr. Muncaster. Is there another email above that?

13 MR. RICHARD LLOYD: There's another
14 email.

15 THE HONOURABLE FRANK MARROCCO: That's
16 the response. And that's December 7th.

17 MR. RICHARD LLOYD: Maybe keep going
18 up. There is another email that I had sent to -- to
19 Mr. Muncaster. It was -- it was here yesterday. I
20 don't know if --

21

22 CONTINUED BY MR. TIM FRYER:

23 MR. TIM FRYER: So this is the one (1)
24 I'm asking about though.

25 MR. RICHARD LLOYD: Okay.

1 MR. TIM FRYER: So if we could just
2 scroll back to the -- to the December 6th.

3 So all I'm saying is you sent this on
4 December 6th to advise the Chair, and you said
5 yesterday:

6 "I thought -- thought it was
7 inappropriate. I didn't say much at
8 the time. I was more surprised
9 because Tim wasn't the type of
10 person... I got thinking of it ...
11 in the committee and said this isn't
12 appropriate. And I think that -- I
13 believe that I wasn't the only one
14 (1) that was lobbied."

15 And then further:

16 "I just got hold of Mr. Muncaster
17 and said, You got to deal with
18 this."

19 So that would be this email, right?

20 MR. RICHARD LLOYD: No. There is
21 another email. There's positively another --

22 MR. TIM FRYER: Okay.

23 MR. RICHARD LLOYD: -- email in this
24 document that --

25 MR. TIM FRYER: This is the one (1)

1 I'm talking about.

2 MR. RICHARD LLOYD: Okay.

3 MR. TIM FRYER: So what you're saying
4 is that statement doesn't relate to this email.

5 MR. RICHARD LLOYD: I have no idea.
6 They -- I'm sure this hearing can show where the email
7 was presented 'cause there was an email presented.
8 And then --

9 MR. TIM FRYER: I'm sorry. I'm asking
10 you about this email.

11 THE HONOURABLE FRANK MARROCCO:
12 Please -- please don't interrupt the witness in the
13 middle of an answer.

14 MR. TIM FRYER: Sorry, Sir.

15 THE HONOURABLE FRANK MARROCCO:
16 There's an earlier -- or a different email to
17 Mr. Muncaster and the date of that email is closer to
18 the meeting than -- than this one (1) is.

19 Is that -- is that what you're saying?

20 MR. RICHARD LLOYD: There was an email
21 prior to this because even this email, Your Honour,
22 says, "However, I remain concerned." I had already --

23 THE HONOURABLE FRANK MARROCCO: All
24 right.

25 MR. RICHARD LLOYD: -- sent an email

1 to -- to Dean after the meeting I had in my place of
2 business with Mr. Fryer. So there is definitely a
3 meeting -- of an email ahead of this one.

4 MR. TIM FRYER: Justice, I can -- I
5 can continue on, I think.

6

7 CONTINUED BY MR. TIM FRYER:

8 MR. TIM FRYER: So even though you can
9 get things done, if someone expected to have success
10 in lobbying you to make an attempt to change the mind
11 of the CAO about the strategic partnership initiative,
12 that wouldn't be a very realistic proposition, would
13 it?

14 MR. RICHARD LLOYD: What's the
15 question?

16 MR. TIM FRYER: Would it be a
17 realistic proposition for somebody to try to lobby you
18 to change the mind of the CAO about the strategic
19 partnership?

20 MR. RICHARD LLOYD: Well, I've had
21 lots of people discuss things with me, but I've never
22 had people that are part of the strategic task force
23 come to me and -- and lobby me, only yourself.

24 MR. TIM FRYER: Okay. So maybe it'd
25 be best to get a clearer picture of your recollection

1 of this by reviewing then what the alleged recent
2 actions that you referred to in this email were.

3 MR. RICHARD LLOYD: The other email
4 prior to this?

5 MR. TIM FRYER: So in the email -- in
6 the email, it says "recent actions."

7 MR. RICHARD LLOYD: That says what?

8 MR. TIM FRYER: Could we have the
9 email reference?

10 THE HONOURABLE FRANK MARROCCO: We'll
11 get it back on the screen.

12

13 CONTINUED BY MR. TIM FRYER:

14 MR. TIM FRYER: And just you'll see in
15 the -- in the body of the second paragraph --

16 MR. RICHARD LLOYD: Yes.

17 MR. TIM FRYER: -- you refer to recent
18 actions as perpetuating this --

19 MR. RICHARD LLOYD: What I see here
20 is:

21 "Tim and his obvious distaste for
22 the idea and his lack of
23 professionalism."

24 I thought the lack of professionalism
25 was -- at this point in time some of the meetings that

1 you were attending.

2 And if you go back over the email trail
3 that you see, there was lots of time that you weren't
4 attending the meetings or you weren't cooperative at
5 the meetings. But I was more concerned prior to this
6 whenever you'd come into the flower shop.

7 MR. TIM FRYER: Okay. So I asked you
8 in the third sentence, it says:

9 "I'm aware of -- you have a board
10 meeting on Friday, and I was hoping
11 that you would immediately go
12 in-camera at the beginning of the
13 meeting without staff and discuss
14 this recent actions."

15 So I'm asking you what the recent
16 actions are.

17 MR. RICHARD LLOYD: I don't know at
18 this point in time on this one, but there was
19 something you had done from the original email I sent
20 to Dean Muncaster -- there's something that you had
21 done that -- that I felt wasn't appropriate, and I
22 thought it was best that we discuss it.

23 MR. TIM FRYER: So it says "recent
24 actions," so that's not me coming into your shop.

25 MR. RICHARD LLOYD: No. There's

1 another email that is prior to this, and that's why --
2 Your Honour, if I can -- however, I remain concerned
3 because I never -- I had brought one (1) to him
4 previous to this.

5 MR. TIM FRYER: So now regarding the
6 question made towards conspiring to initiate an
7 in-camera disciplinary step, you needed to send this
8 email at 5:47 p.m. to ensure immediate consideration
9 because the Collus Board meeting was Friday.

10 MR. RICHARD LLOYD: Okay.

11 MR. TIM FRYER: Would you agree with
12 that? That's why you said that --

13 MR. RICHARD LLOYD: Sure. I guess so,
14 yes.

15 MR. TIM FRYER: Okay. So you also
16 used personal email addresses in order that they could
17 read your proposal as soon as possible. Would that --

18 MR. RICHARD LLOYD: Sure. Yes.

19 MR. TIM FRYER: And did they read it?

20 MR. RICHARD LLOYD: I have no idea.

21 MR. TIM FRYER: Did you regularly use
22 personal email addresses when completing town
23 business?

24 MR. RICHARD LLOYD: Oh yeah, lots of
25 time. A lot of people only had personal emails, as

1 well.

2 MR. TIM FRYER: Okay. So back again
3 to Mayor Cooper, as outlined in your message, you
4 discussed it further with her as you said you were
5 going to?

6 MR. RICHARD LLOYD: I'm sure I did,
7 yes. Don't remember -- but yes, I'm sure I did.

8 MR. TIM FRYER: Okay. So the
9 importance of that is -- and I'll refer back to the
10 transcript of Mayor Cooper -- when I asked:

11 "Are you aware of any conversations
12 between yourself and the deputy
13 mayor in regards to myself?"

14 And Ms. Sandra Cooper answered no.

15 MR. RICHARD LLOYD: Okay.

16 MR. TIM FRYER: So back to the
17 discussion then, do you recall what reasons were
18 provided to justify such a monumental request?

19 MR. RICHARD LLOYD: I didn't --
20 honestly, I -- I didn't get something.

21 MR. TIM FRYER: Do you recall what
22 reasons were given to justify this kind of a request?

23 MR. RICHARD LLOYD: What I had sent?

24 MR. TIM FRYER: In our discussion?

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

1 remember now. No. And I -- again, I want to make it
2 clear that I think this was a second issue, second
3 incident.

4 THE HONOURABLE FRANK MARROCCO: I
5 really -- I heard that. You've said it, I guess,
6 three (3) or four (4) times. I'm actually -- and I
7 noticed a lot of repetition. I'm trying to pay
8 attention and get it the first time, and I understand
9 people repeat things to make sure that it sinks in.
10 But I'm following along as best I can here.

11 MR. RICHARD LLOYD: Thank you.

12

13 CONTINUED BY MR. TIM FRYER:

14 MR. TIM FRYER: So was there anyone
15 else in the store at the time?

16 MR. RICHARD LLOYD: All my employees.

17 MR. TIM FRYER: Okay. So it was in
18 normal work time?

19 MR. RICHARD LLOYD: Oh, yes. It was
20 during the day.

21 MR. TIM FRYER: A weekday or a
22 weekend?

23 MR. RICHARD LLOYD: It was during
24 operating hours, which would be Monday till Saturday.

25 MR. TIM FRYER: So again, for anyone

1 to be able to convince you about this, the discussion
2 would be a long one. Was it a long one?

3 MR. RICHARD LLOYD: The discussion --
4 no, we didn't. It didn't take long.

5 MR. TIM FRYER: And I know you spoke
6 yesterday about deciding it was inappropriate. So do
7 you recall stating that it wasn't appropriate for this
8 to happen?

9 MR. RICHARD LLOYD: To you?

10 MR. TIM FRYER: Yes.

11 MR. RICHARD LLOYD: No, I was shocked
12 to be honest with you.

13 MR. TIM FRYER: So you also testified
14 about micromanaging. Would you agree that the
15 deputy mayor of a Council sending a request, such as
16 this, to their OBCA (phonetic) corporation about one
17 (1) of their employees is an appropriate --
18 inappropriate step as well?

19 MR. RICHARD LLOYD: I thought that it
20 was very appropriate to get -- to let the -- the chair
21 know what had happened.

22 MR. TIM FRYER: Okay. Your testimony
23 raises some concerns. In Mr. Chadwick's evidence, it
24 is noted about harassment and confrontation by town
25 administration and dissatisfaction about Council

1 leadership for some former employees.

2 This treatment certainly fits with
3 those descriptions, too, which is most distribution --
4 disconcerting, would you think?

5 MR. RICHARD LLOYD: Is that a
6 question? No.

7 THE HONOURABLE FRANK MARROCCO: Just
8 wondering whether you agree with it or not --

9 MR. RICHARD LLOYD: Yeah. No. I
10 think that --

11 THE HONOURABLE FRANK MARROCCO: He'S
12 asking whether you agree with that statement.

13 MR. RICHARD LLOYD: I don't.

14

15 CONTINUED BY MR. TIM FRYER:

16 MR. TIM FRYER: So especially when the
17 CAO stated that he knew nothing about this particular
18 matter, but that will be for future discussion. So --

19 THE HONOURABLE FRANK MARROCCO:
20 Mr. Fryer, I appreciate that the accusation was made
21 or the suggestion was made that you had behaved
22 inappropriately and that you find that disturbing, and
23 I understand why you would.

24 But we have been on this for a few
25 minutes now. Is there much --

1 MR. TIM FRYER: I just was going to
2 close, Sir.

3 THE HONOURABLE FRANK MARROCCO: Oh,
4 okay. Fine.

5

6 CONTINUED BY MR. TIM FRYER:

7 MR. TIM FRYER: So did you make any
8 further recommendations to either the Collus Board or
9 the CAO for further such actions?

10 MR. RICHARD LLOYD: No. Not after
11 this letter.

12 MR. TIM FRYER: Perhaps in February
13 2012?

14 MR. RICHARD LLOYD: Not that I
15 remember.

16 MR. TIM FRYER: Again, you can only
17 remember so much. So you weren't involved in what
18 occurred then, as it had similar conspiratory aspects.

19 So one (1) last thing for you then.

20 Thank you. I will have no further
21 questions for this witness at this time.

22 THE HONOURABLE FRANK MARROCCO: And,
23 Mr. Fryer, that doesn't foreclose you giving your
24 version of that meeting at the appropriate time. Just
25 so you're -- you understand that. You are entitled --

1 you are entitled to give your version of that meeting
2 when the time comes.

3 Mr. Bonwick, are -- who's going next?

4 MR. PAUL BONWICK: Sorry.

5 THE HONOURABLE FRANK MARROCCO: I
6 think it's for -- I think it's for you. Mr. Watson's
7 already --

8 MR. PAUL BONWICK: Right. Your
9 Honour, I thought we were breaking at 1:00. Are we
10 sitting through?

11 THE HONOURABLE FRANK MARROCCO: 1:30.

12 MR. PAUL BONWICK: Okay, sorry.

13 THE HONOURABLE FRANK MARROCCO: And I
14 would like to finish the witness if I -- I would like
15 to complete -- the witness to complete his testimony.

16 MR. PAUL BONWICK: As would I, but
17 with all those hours of judicial counsel --

18 THE HONOURABLE FRANK MARROCCO: So go
19 ahead.

20 MR. PAUL BONWICK: Thank you. Do you
21 want me to go -- go up?

22 THE HONOURABLE FRANK MARROCCO: It
23 might be easier for everyone if you stand at the
24 lectern.

25

1 CROSS-EXAMINATION BY MR. PAUL BONWICK:

2 MR. PAUL BONWICK: Bounce around -- do
3 I have to turn it on or no? Okay. Thank you.

4 You're going to find I'm going to
5 bounce around, because over the course of the last
6 two (2) or three (3) days, I've been making notes as
7 various people been cross-examining you, as well as
8 the judicial counsel.

9 I think the first point that I wanted
10 to make and sort of get it under -- get out of the way
11 was the conflict of interest request that you sent to
12 Ms. Almas and forwarded to me. I really don't recall
13 it.

14 But the question to you is: Would it
15 make any sense whatsoever for me to ask you to ask the
16 clerk about a conflict of interest with your brother
17 that has provided services to the municipality over
18 the last 20 years?

19 MR. RICHARD LLOYD: None.

20 MR. PAUL BONWICK: I'm going to take
21 you back in time, Councillor Lloyd -- and perhaps this
22 will help counsel for the municipality, as well as the
23 judicial counsel and the Judge -- would you remember
24 when you and I sat on Council in the mid-90s? You
25 were -- your brother received an approval, and I don't

1 recall the exact detail, but I believe it was a
2 snowplow contract.

3 MR. RICHARD LLOYD: That's correct.

4 MR. PAUL BONWICK: I remember sitting
5 at Council with you during that period of time or -- I
6 think Mayor Garbutt was mayor at the time. And in
7 fact, the second bid instructed a lawyer to come
8 forward and challenge your vote and the ability to
9 award that contract to your brother. Do you recall
10 that instance?

11 MR. RICHARD LLOYD: I do, yes.

12 MR. PAUL BONWICK: And so the fact
13 that this conflict of interest has been floating
14 around for 20 years, I would submit that the clarity
15 you provided -- and I ask again -- the clarity that
16 you provided as it relates to your brother, in your
17 mind, would make some sense to try to put this to bed
18 once again.

19 MR. RICHARD LLOYD: Yes.

20 MR. PAUL BONWICK: Thank you. I'd
21 like to touch on the matter that was discussed at some
22 length regarding AGP, Amaizeingly Green Products, for
23 the benefit of those watching. And there was comments
24 about ethanol versus AGP. AGP was, in fact, the
25 ethanol plant to -- to be clear for the record.

1 We've had lengthy discussion -- and I'm
2 not going to revisit it -- in terms of the -- the end
3 result being the municipality was fully paid back in
4 your opinion or to your knowledge?

5 MR. RICHARD LLOYD: The municipality
6 got their taxes paid, and they got all the back
7 payment on the hydro and water.

8 MR. PAUL BONWICK: Could you tell me,
9 please, did that campaign that took place to get
10 PowerStream -- or sorry, to get PowerStream -- to get
11 AGP in a position to be able to pay back the
12 municipality and continue to run their business for a
13 couple years, did that in any way affect your
14 evaluation of the proposals that were submitted to
15 become a partner with Collus?

16 MR. RICHARD LLOYD: It had absolutely
17 nothing to do with it. It -- it's a completely
18 different file, complete -- sorry. No, it didn't.

19 MR. PAUL BONWICK: Okay. And I'm not
20 trying to cut you off, Mr. Lloyd. I'm just
21 respectful --

22 MR. RICHARD LLOYD: Yeah.

23 MR. PAUL BONWICK: -- of the Judge's
24 wishes, as mine, to try to get through this as quickly
25 as possible. But if you've got -- if you want to

1 expand on an answer, please feel free to do so.

2 Do you feel that that matter had any
3 impact on the unanimous support that the Collus share
4 had at the Board of Directors for Collus?

5 MR. RICHARD LLOYD: None whatsoever.

6 MR. PAUL BONWICK: Do you feel that
7 issue had any impact on the nine (9) councillors or
8 the eight (8) councillors that sat around and voted
9 unanimously on the share of the Collus?

10 MR. RICHARD LLOYD: None whatsoever.

11 MR. PAUL BONWICK: Judicial Counsel
12 went back in time to 2008-2009, and they were
13 inquiring about our relationship, the work you did at
14 Eden Oak Aggregates and subsequently Blue Mountain
15 Aggregates.

16 MR. RICHARD LLOYD: Right.

17 MR. PAUL BONWICK: Arguably three (3)
18 years, four (4) years before the prospective sale of
19 Collus came on.

20 Did that situation, the litigation that
21 came out between myself and Mr. Di Poce, your
22 involvement, continued involvement in that operation,
23 did that in any way impact your decision in terms of
24 how you scored with the strategic task force team?

25 MR. RICHARD LLOYD: None whatsoever.

1 MR. PAUL BONWICK: Would that have had
2 any impact on the Collus Board in terms of how they
3 deemed to go to a 50 percent share, subsequently
4 reviewing through the task force, or at the end of the
5 day, supporting the share sale?

6 MR. RICHARD LLOYD: Not related at
7 all, no.

8 MR. PAUL BONWICK: I'd like to go to
9 the discussions regarding Gemba. I appreciate the
10 fact that you did not know that I was involved with
11 Gemba. There was some discussion or some questions
12 put to you with regards to whether you felt it was
13 appropriate that somebody might get favoured
14 consideration for work with the municipality because
15 they were a friend or they were a brother or they were
16 a relationship.

17 I would like to pose the question on
18 the opposite side. Do you -- do you believe somebody
19 should be prejudiced by way of providing services if
20 in fact they're able to provide qualified service,
21 because they're your friend or because they have a
22 relative on Council?

23 MR. RICHARD LLOYD: No. And in fact,
24 sometimes it is that way though, because they --
25 sometimes everybody is so nervous that they won't bid

1 a job.

2 MR. PAUL BONWICK: Are you familiar
3 with Mr. Craig Fisher, who was the operating officer
4 and president of Gemba? Did you know Craig?

5 MR. RICHARD LLOYD: No.

6 MR. PAUL BONWICK: Okay, so you would
7 not have been aware that he was a certified
8 engineering technologist?

9 MR. RICHARD LLOYD: No.

10 MR. PAUL BONWICK: Are you familiar
11 with the scope of service that was provided by Gemba?

12 MR. RICHARD LLOYD: I know nothing
13 about the company other than when I knew that they
14 were working at Collus or PUC that it made sense to.

15 MR. PAUL BONWICK: Were you aware that
16 the contracts that were left were in the neighbourhood
17 of \$7,500.

18 MR. RICHARD LLOYD: No.

19 MR. PAUL BONWICK: Okay. Do you --
20 are you aware of the fact that department heads or
21 municipal officials, when they have knowledge and
22 understanding of a local firm or an outside firm with
23 the ability to do a certain job, that they have an
24 authority within a certain ceiling to hire that
25 company so that they can do their day-to-day

1 operations and meet regulations and do those kinds of
2 things.

3 MR. RICHARD LLOYD: I've always been
4 that way, yes.

5 MR. PAUL BONWICK: Did the work that
6 Gemba did in terms of helping the Municipality achieve
7 statutory compliance with regards to fuel tank
8 systems, did that in some way affect you or, in your
9 opinion, members of your strategic task force advisory
10 I might get that acronym wrong. Did it in some way
11 impact your decision on how you scored five bids from
12 LDCs from across the province?

13 MR. RICHARD LLOYD: It had absolutely
14 nothing to do with it. No.

15 MR. PAUL BONWICK: Do you think that
16 the work that Gemba did for the Municipality had some
17 sort of effect on the Board of Directors at Collus, as
18 they decided and recommended moving forward with a 50
19 percent share, subsequently recommending it to
20 Council?

21 MR. RICHARD LLOYD: None whatsoever.

22 MR. PAUL BONWICK: Do you think your
23 Council colleagues, and I appreciate that this might
24 be speculative, but you would know if it was brought
25 up in camera or elsewhere, at any time would the Gemba

1 -- the work that Gemba was doing for Collus Public
2 Works, the water company, the fire and police
3 department, at any time would that have effected
4 Council's decision to unanimously support the sale of
5 Collus?

6 MR. RICHARD LLOYD: No, none

7 whatsoever. MR. PAUL BONWICK: There was
8 substantial discussion related to the widening of
9 First Street, you forwarding me an e-mail as it
10 related to the acquisition of that property.

11 For the purpose of the Judicial Inquiry
12 and those at home, could you reflect on what was
13 actually at that corner at the time?

14 MR. RICHARD LLOYD: That corner was a
15 Mount View Hotel which was at zero lot line, not only
16 on Hurontario Street, but also on the parkway.

17 First Street had been reconstructed and
18 there was a choke in the highway that did -- didn't
19 function the highway properly. I know the previous
20 Council tried to buy it and perhaps expropriate or
21 whatever, and they were not successful.

22 MR. PAUL BONWICK: Do you recall the
23 Mountain View during this period of time being closed
24 and actually condemned by the fire department?

25 MR. RICHARD LLOYD: Yes, it was.

1 THE HONOURABLE FRANK MARROCCO: I'm
2 sorry, was Mountain View the name of the hotel?

3 MR. PAUL BONWICK: Yes.

4 MR. RICHARD LLOYD: Yes, that's right,
5 Mountain View Hotel.

6

7 CONTINUED BY MR. PAUL BONWICK:

8 MR. PAUL BONWICK: During your
9 involvement in trying to bring together the various
10 players to try to achieve a deal that would allow the
11 Municipality, and I've got to word this properly, was
12 it your intention to try to meet the master plan to
13 see First Street widened in order to provide a five
14 (f) or six (6) lane corridor down the first -- down
15 First Street from Huron Street?

16 MR. RICHARD LLOYD: Yes, it was.

17 MR. PAUL BONWICK: In some way did the
18 widening of First Street, the private acquisition of
19 the condemned hotel and subsequent building of Rexall
20 impact your scoring at the strategic advisory
21 assessment?

22 MR. RICHARD LLOYD: None whatsoever.

23 MR. PAUL BONWICK: Do you think that
24 it had some impact on your colleagues that were
25 sitting on that committee?

1 MR. RICHARD LLOYD: None whatsoever.

2 MR. PAUL BONWICK: Do you think that
3 the Board at Collus was cognizant of the fact that I'd
4 been involved in helping expand that corridor and in
5 some way that would give them a positive light on
6 moving towards a recommendation to a 50 percent share,
7 and then subsequently recommending to Council that
8 they support PowerStream's bid?

9 MR. RICHARD LLOYD: None at all, no.

10 MR. PAUL BONWICK: In your meetings
11 with Council, did the matter ever come up with regards
12 to the work I was doing back then, as it related to
13 the expansion of that highway and the subsequent
14 acquisition and how that might impact their vote on
15 whether they would move to 50 percent share and
16 subsequently sell shares?

17 MR. RICHARD LLOYD: No.

18 MR. PAUL BONWICK: There was some
19 discussion about my involvement with Walker's Industry
20 and penning a letter for you for consideration that
21 you send to the Niagara Escarpment Commission.

22 Do you recall that?

23 MR. RICHARD LLOYD: Yes, I do.

24 MR. PAUL BONWICK: You did
25 acknowledge, in fact, that I sent you the letter and

1 whether you made any minor changes or not, you -- you
2 signed it and sent it through?

3 MR. RICHARD LLOYD: Right.

4 MR. PAUL BONWICK: Do you recall what
5 that was in regards to?

6 MR. RICHARD LLOYD: The letter was in
7 support of Walker Industries, which is the gravel pit
8 in Duntroon. They were trying to expand and they were
9 having a lot of -- I was also a witness at their
10 hearing.

11 MR. PAUL BONWICK: Would you be -- are
12 you familiar in any way, and it's a rhetorical
13 question, perhaps, but are you familiar in any way
14 with some of the relationships I might have with
15 senior management there?

16 MR. RICHARD LLOYD: Repeat that again,
17 I'm sorry.

18 MR. PAUL BONWICK: Are you familiar
19 with some of the relationships, the personal
20 relationships that I have with the executive
21 management team or the management team at Walker's?

22 MR. RICHARD LLOYD: Oh, yes. Yes.

23 MR. PAUL BONWICK: So would it give
24 you any surprise that if they were asking me to help
25 advise them, pro bono basis, would it give you any

1 surprise that on their behalf I might be giving them
2 some suggestions or helping bring other politicians on
3 board to help defend their jobs?

4 MR. RICHARD LLOYD: Not at all, that's
5 what you do. You help people.

6 MR. PAUL BONWICK: Did the Walker
7 incident, the expansion of the quarry, somehow some --
8 have some impact on your scoring through the strategic
9 task force or the strategic advisory team on the bids
10 that were submitted for Collus?

11 MR. RICHARD LLOYD: It had absolutely
12 nothing to do with it, no.

13 MR. PAUL BONWICK: Do you think that
14 the Walker incident had some impact on the rest of the
15 team that was scoring during that time?

16 MR. RICHARD LLOYD: No.

17 MR. PAUL BONWICK: Do you think the
18 Collus Board was concerned about my involvement in
19 volunteering for Walkers and helping defend their
20 position?

21 MR. RICHARD LLOYD: No.

22 MR. PAUL BONWICK: Do you think
23 Council was concerned about it?

24 MR. RICHARD LLOYD: No.

25 MR. PAUL BONWICK: There's been

1 significant discussion centred around my engagement on
2 a number of different files that have some level of
3 impact with the municipality, either directly or
4 indirectly.

5 You're familiar with my background?

6 MR. RICHARD LLOYD: I am.

7 MR. PAUL BONWICK: You're aware of the
8 fact that I sat on the BIA back in the early mid-90s?

9 MR. RICHARD LLOYD: You did, yes.

10 MR. PAUL BONWICK: As an executive
11 member?

12 MR. RICHARD LLOYD: Yes.

13 MR. PAUL BONWICK: You're aware of the
14 fact that I sat on Municipal Council?

15 MR. RICHARD LLOYD: Yes.

16 MR. PAUL BONWICK: You're aware of the
17 fact that I maintained an office up until a year and
18 change ago within the BIA?

19 MR. RICHARD LLOYD: Yes.

20 MR. PAUL BONWICK: So going back in
21 time, because the BIA letter was another one (1) that
22 was brought up, knowing that I had sat on the
23 executive of the BIA, knowing that I had a business in
24 the BIA, would it make sense to you that I might help
25 profile their issue with the mayor, the deputy mayor,

1 in terms of allowing the BIA to have a larger say in
2 how dollars are spent within the downtown core?

3 MR. RICHARD LLOYD: Perfect sense to
4 me.

5 MR. PAUL BONWICK: Did my involvement
6 in supporting the BIA at that time have some sort of
7 impact on how you scored the bids that were submitted
8 from the various LDCs in terms buying the 50 percent
9 share?

10 MR. RICHARD LLOYD: None whatsoever.

11 MR. PAUL BONWICK: Do you think the
12 rest of your team on that strategic task force was
13 impacted in some way by the fact that I was
14 voluntarily supporting the BIA in getting a greater
15 say in how dollars were spent in the downtown core?

16 MR. RICHARD LLOYD: None whatsoever.

17 MR. PAUL BONWICK: Do you think the
18 Board of Collus had some sort of impact related to my
19 volunteering and pushing for the BIA agenda?

20 MR. RICHARD LLOYD: None.

21 MR. PAUL BONWICK: Do you think
22 Council, at the end of the day, who voted unanimously,
23 did so with the thought in mind that I had somehow
24 been involved with the -- advancing the BIA's say in
25 expenditures in the downtown core?

1 MR. RICHARD LLOYD: None.

2 MR. PAUL BONWICK: At any time did the
3 Councillors, during this process, did somebody from
4 the Board or one (1) of the colleagues that you sat on
5 with the strategic advisory task force, bring to your
6 attention, or anybody else's for that matter, concerns
7 over my interaction?

8 MR. RICHARD LLOYD: None. No.

9 MR. PAUL BONWICK: You've heard some
10 of the record, and again condolences for your former
11 father passing away, but you've heard some instance as
12 it relates to -- I'm going to skip that. Since I'm
13 out of time here.

14 So you've heard some instance in terms
15 of me meeting with the CAO to discuss my involvement,
16 is that correct?

17 MR. RICHARD LLOYD: that's correct.

18 MR. PAUL BONWICK: You're aware of the
19 fact that Ms. Alma earlier last week stated that in
20 fact I had met with her and declared my involvement
21 with PowerStream.

22 MR. RICHARD LLOYD: Yes.

23 MR. PAUL BONWICK: You stated that
24 PowerStream met with you and other members of the
25 Collingwood Council team and staff to declare my

1 involvement --

2 MR. RICHARD LLOYD: On June 29th,
3 correct.

4 MR. PAUL BONWICK: Correct.

5 In your twenty-five (25) years sitting
6 around Council, have you ever seen an outside entity
7 go to that extent to declare that somebody is going to
8 be involved when clearly they're not in a conflict of
9 interest?

10 MR. RICHARD LLOYD: That's why I was
11 surprised that they did, and I've -- I'm on record as
12 saying that. I've never seen that.

13 MR. PAUL BONWICK: There's been
14 significant discussion around the numerous pieces of
15 correspondence that I've prepared, you were asked
16 specifically about a memo, and you've stated for the
17 record that you did not give me any of that
18 information.

19 You've commented about -- it is
20 accurate to say, though, that you've had conversations
21 with me, as well as many other people in the community
22 and the business community on any multitude of
23 different matters when you think that there's an
24 opportunity to help advance Collingwood's agenda.

25 Is that fair?

1 MR. RICHARD LLOYD: That's -- that's
2 correct.

3 MR. PAUL BONWICK: During our
4 discussions over any multitude of different matters,
5 do you remember ever qualifying with me to say you
6 shouldn't tell anybody else this, you -- you're not
7 allowed to use this information.

8 Do you ever recall having a
9 conversation where you're pouring some sort of
10 covenant on top of the conversation?

11 MR. RICHARD LLOYD: No.

12

13 (BRIEF PAUSE)

14

15 MR. PAUL BONWICK: There's been some
16 reference, Mr. Lloyd, to some coalition on behalf of
17 either defence counsel or -- or not defence counsel,
18 sorry, Collingwood's counsel or the judicial counsel
19 about aligning your scores with Mr. Houghton's.

20 I spent some time last night and I'm --
21 have you had a chance to look in detail at the
22 scoring?

23 MR. RICHARD LLOYD: I have not, no.

24 MR. PAUL BONWICK: Is it possible to
25 bring -- bring that document up? It's CPS0006920.

1 THE HONOURABLE FRANK MARROCCO: Yes,
2 it is I think.

3 MR. PAUL BONWICK: What a great
4 Canadian.

5

6 CONTINUED BY MR. PAUL BONWICK:

7 MR. PAUL BONWICK: Just slowly stand
8 down for Mr. Lloyd to kind of review.

9

10 (BRIEF PAUSE)

11

12 THE HONOURABLE FRANK MARROCCO: Can
13 you -- can you read it that quickly?

14 MR. RICHARD LLOYD: No, but that's
15 okay.

16

17 CONTINUED BY MR. PAUL BONWICK:

18 MR. PAUL BONWICK: Perhaps what we can
19 do is go to the bottom which does the -- if I'm not
20 mistaken, it does the totality of all the scores.
21 Right.

22 So, Mr. -- Mr. Lloyd, are you aware of
23 the fact that if your scoring was removed entirely
24 that it would have not of impacted the ranking of the
25 scores?

1 I know you --

2 MR. RICHARD LLOYD: I wasn't aware of
3 that.

4 MR. PAUL BONWICK: -- was going to say
5 you didn't get a chance to read it closely enough,
6 because it did go by fairly quickly.

7 THE HONOURABLE FRANK MARROCCO: But
8 that -- that's the position you're taking. That if
9 you subtract his scoring out --

10 MR. PAUL BONWICK: Right.

11 THE HONOURABLE FRANK MARROCCO: -- you
12 get the same result.

13 MR. PAUL BONWICK: Correct.

14 THE HONOURABLE FRANK MARROCCO: Is
15 that -- well, I don't know whether you've had a chance
16 to do the math but if there's a problem, I'm sure
17 we'll hear about it.

18 MR. PAUL BONWICK: I'm absolutely
19 positive of that.

20

21 CONTINUED BY MR. PAUL BONWICK:

22 MR. PAUL BONWICK: If you did the same
23 thing with Ms. Cooper and removed her from the scoring
24 -- and it's unfortunate because I'm trying to rush
25 through this --

1 THE HONOURABLE FRANK MARROCCO: No,
2 take your -- we can spend an extra minute or two (2),
3 go ahead.

4

5 CONTINUED BY MR. PAUL BONWICK:

6 MR. PAUL BONWICK: If we -- if you did
7 do the calculation -- I don't want to put words in
8 your mouth.

9 Would it appear to be reasonable based
10 on the scoring that you see here, if you took Ms.
11 Cooper out of the equation, that the scoring while it
12 would be reduced, it would be reduced proportionately
13 so and PowerStream would still win?

14 MR. RICHARD LLOYD: And I didn't do
15 that analyzation but that's an interesting thing.

16 MR. PAUL BONWICK: Again, just based
17 on the -- and I'm sure I'll get challenged on this, if
18 this is inaccurate, but are you aware of the fact, Mr.
19 Lloyd, that if you substitute your first place -- first
20 place picks throughout the process and swapped them
21 with the third place, the weighting still would not
22 change?

23 MR. RICHARD LLOYD: I wasn't aware of
24 that, okay.

25 MR. PAUL BONWICK: What I'm trying to

1 -- for the benefit of the Judge and those at home and
2 the Judicial Inquiry -- is state that this was with
3 some of the most highly qualified people in the
4 country, with people that have a love for community
5 and a love for Collus.

6 This is almost a consensus with all
7 task force members in terms of their assessment. It's
8 -- would you agree with that?

9 MR. RICHARD LLOYD: I would.

10 MR. PAUL BONWICK: I've got to go very
11 quickly to the Danny Baggs' situation and God bless
12 Danny. He passed away a couple of years ago.

13 MR. RICHARD LLOYD: Unfortunately,
14 yes.

15 MR. PAUL BONWICK: I was glad to see a
16 resolution to that particular matter. Could you
17 please tell me, did that matter somehow affect your
18 scoring?

19 MR. RICHARD LLOYD: Not at all.

20 MR. PAUL BONWICK: Did that matter
21 affect the scoring from your colleagues? You've gone
22 on the record to state you didn't share that story
23 with them?

24 MR. RICHARD LLOYD: Not at all.

25 MR. PAUL BONWICK: Do you think that

1 situation where I reached out to PowerStream to help a
2 Barrie business, not a client of mine, do you think
3 that somehow impacted the Collus board or Council?

4 MR. RICHARD LLOYD: Not at all.

5 MR. PAUL BONWICK: Are you familiar
6 with what is referred to in the business arena as a
7 nondisclosure agreement?

8 MR. RICHARD LLOYD: Yes.

9 MR. PAUL BONWICK: Could you share
10 with me what your thoughts are in terms of the
11 responsibilities of signatories to a nondisclosure
12 agreement.

13 MR. RICHARD LLOYD: If you work for
14 someone and you sign a nondisclosure agreement, you're
15 not to disclose any information to anyone.

16 MR. PAUL BONWICK: Thank you. And
17 would it be fair -- safe to say that's a reciprocal
18 agreement, both signatories have to be obliged by that?

19 MR. RICHARD LLOYD: I agree, yes.

20 MR. RICHARD LLOYD: And so then you
21 stated that you're not in conflict with any activities
22 that I do.

23 MR. RICHARD LLOYD: Totally not, yes,
24 you're right.

25 MR. PAUL BONWICK: You've heard

1 testimony from Sandra Cooper and all these various
2 sources that have said she didn't have conflict with
3 what she did.

4 MR. RICHARD LLOYD: That's correct.

5 MR. PAUL BONWICK: So there's been
6 questions about -- to you about, did you think to ask
7 Mr. Bonwick this, did you think to ask Mr. Bonwick
8 that.

9 If I'm not conflict with you, do you
10 think you have a right to ask me questions about my
11 business dealings?

12 MR. RICHARD LLOYD: Sure, if I want
13 to.

14 MR. PAUL BONWICK: Do you think I have
15 a responsibility to answer and perhaps is a better
16 question?

17 MR. RICHARD LLOYD: No, you don't.

18 MR. PAUL BONWICK: In fact,
19 understanding that nondisclosure agreements -- and I
20 believe the judicial counsel has had several witnesses
21 sign them. Nondisclosure agreements are standard
22 fare within the business sector.

23 MR. RICHARD LLOYD: Yep.

24 MR. PAUL BONWICK: And so, in fact,
25 would you agree that if I've signed one (1) of these

1 it's my obligation, my legal obligation, not to share
2 information as it relates to my discussions, my
3 emails, my involvement with any one (1) client?

4 MR. RICK LLOYD: I do understand that
5 and I also understand that this come up as an issue
6 one (1) other time and you very much made it aware to
7 me that you don't speak about any of the business
8 involvements you have, because of nondisclosure
9 agreements.

10 MR. PAUL BONWICK: I'm going to try to
11 close out here in the next two (2) or three (3)
12 minutes.

13 There was an e-mail -- there was
14 different e-mails that you forwarded on to me from
15 time to time and I reflect that you are a bit of a
16 micromanager, as you stated. That being said, one (1)
17 specifically that you forwarded on to me was to Mr. --
18 you had spoke about some involvement with Mr. Adams in
19 an e-mail and it was -- was it related to Mr. West?
20 Was that the --

21 MR. RICK LLOYD: I think that was the
22 one, yes.

23 MR. PAUL BONWICK: Are you aware,
24 based on your 25 years in municipal politics, is it
25 reasonable or standard fare that municipal --

1 municipal politicians, deputy mayor's throughout the
2 province try to maintain and maintain a favoured
3 relationship with reporters outside of the context of
4 the relationship with the mayor?

5 MR. RICK LLOYD: I've tried my
6 damnest, the whole creative politics, yes.

7 MR. PAUL BONWICK: For good reason, I
8 would argue.

9 Would you agree that at times it's
10 better to get out in front of a story that a reporter
11 may be running with, rather than following it?

12 MR. RICK LLOYD: Always.

13 MR. PAUL BONWICK: You've been
14 questioned fairly thoroughly on optics versus
15 conflict, and I -- I think it's so important that the
16 judge, the Inquiry, the people at home, appreciate
17 that we're looking through a lens that was eight (8)
18 years ago, and whether it was Ms. Wingrove or whether
19 it's you or Ms. Cooper, whomever it is, I appreciate
20 the fact that it's eight (8) years ago.

21 I think it's fair to say, would you
22 agree, that it's hard to remember e-mails from three
23 months ago or six months ago?

24 MR. RICK LLOYD: Almost impossible at
25 times.

1 MR. PAUL BONWICK: This -- this deal
2 about optics, so with your 25 years on Council you've
3 explained you've been briefed a -- at AMO conferences,
4 as it relates to conflict of interest, you've said the
5 guiding light there is the Municipal Conflict of
6 Interest Act, but there's been some suggestion that
7 you needed to be equally as preoccupied about the
8 optics of any of the decisions you're making.

9 I guess my question to you would be: Do
10 you think that elected officials should lead and
11 participate as a result of the optics in the community
12 or do you think that they should lead and participate
13 in terms of what they think is best for the community?

14 MR. RICK LLOYD: If you live in optics
15 and fear all the time of making decisions, you
16 wouldn't make any decisions. You'd get nothing done.
17 And that's why they have a Municipal Act and that's
18 why it's clearly stated what you can or can't do.

19 MR. PAUL BONWICK: Would you agree
20 that there's been more than one (1) politician that
21 has lost his job as a result of taking a leadership
22 and a -- a committed proactive role versus following
23 what the poll suggests they should do?

24 MR. RICK LLOYD: Yes.

25 MR. PAUL BONWICK: I'm going to -- I'm

1 going to close out with a question that I thought
2 should quite frankly be asked by everybody that
3 questions you, and that is would you say the process
4 was robust that you went through in terms of the
5 share, the sale, partnership, subsequent partnership,
6 with PowerStream?

7 MR. RICK LLOYD: Yes, I would.

8 MR. PAUL BONWICK: Would you say it
9 was extremely involved in terms of the number of
10 people that had their hand in it to try to deliver the
11 best product?

12 MR. RICK LLOYD: Between the la --
13 lawyers and consultants and Council and staff and the
14 strategic partnership team, yes.

15 MR. PAUL BONWICK: Do you believe that
16 at the end of the d -- the end of the day, you
17 delivered the best product possible in terms of this
18 partnership, both to the Collus, the ratepayers, and
19 the taxpayers of Collingwood?

20 MR. RICK LLOYD: Yes, I did.

21 MR. PAUL BONWICK: Thank you.

22 I -- I apologize because I did miss one
23 (1) little tab here and I'm going to try to be quick
24 about it.

25 The counsel for the Municipality was

1 asking you questions about a million dollars I
2 allegedly made out of this transaction or out of the
3 events that have transpired.

4 MR. RICK LLOYD: Yes.

5 MR. PAUL BONWICK: And I tried to
6 write down the exact wording, but I believe do you
7 find it strange or do you understand that people might
8 take exception to Mr. Bonwick making \$1 million, that
9 was sort of the line of questioning.

10 Do you recall that?

11 MR. RICK LLOYD: That's right.

12 MR. PAUL BONWICK: Right. But in
13 fact, the record shows, as you've demonstrated, that
14 there was not \$1 million build out of this
15 transaction.

16 MR. RICK LLOYD: That's correct.

17 MR. PAUL BONWICK: But to go a step
18 further than that, you run a business, correct?

19 MR. RICK LLOYD: Pardon me?

20 MR. PAUL BONWICK: You run a
21 construction business, correct?

22 MR. RICK LLOYD: Yes, I do.

23 MR. PAUL BONWICK: You spoke about
24 recently bidding on \$5.5 million --

25 MR. RICK LLOYD: \$5.2 million.

1 MR. PAUL BONWICK: \$5.2 million
2 contract. Had you had been successful, had Lloyd
3 Contracting been successful in securing that \$5.2
4 million contract, would Rick Lloyd have made \$5.2
5 million?

6 MR. RICK LLOYD: I wish.

7 MR. PAUL BONWICK: And it's important
8 to articulate this, because people see large numbers
9 and those projecting a negative narrative or trying to
10 create a conspiracy will say he made this or he made
11 that. But you can appreciate, of course, that the
12 cost of doing business comes off whatever the billings
13 are.

14 MR. RICK LLOYD: That's correct.

15 MR. PAUL BONWICK: Thank you.

16 Are you aware of the fact that when we
17 are dealing with the solar vent that I had in my
18 employ at one (1) time no less than four (4) people
19 responsible for that file?

20 MR. RICK LLOYD: No, I wasn't aware of
21 that.

22 MR. PAUL BONWICK: Okay, thank you.

23 Then that kind of negates the need to
24 go down that path.

25 Mr. Lloyd, I want to thank you for your

1 time, and that'll conclude my comments, Your Honour.

2 MR. RICK LLOYD: Thank you.

3 THE HONOURABLE FRANK MARROCCO: Thank
4 you, Mr. Bonwick.

5 Is there any -- oh, Mr. Marron?

6 MR. GEORGE MARRON: For the record, I
7 have no questions.

8 THE HONOURABLE FRANK MARROCCO: Okay,
9 any re-examination?

10 MR. JOHN MATHER: No re-examination.

11 THE HONOURABLE FRANK MARROCCO: Thank
12 you very much, Mr. Lloyd. And we're -- I should tell
13 you tomorrow the Town would like us out by four
14 o'clock, because there's some work or maintenance or
15 upgrade of some kind that is scheduled, so we will
16 stop tomorrow at four o'clock.

17

18 --- Upon adjourning at 1:43 p.m.

19

20

21 Certified Correct,

22

23 _____

24 Wendy Woodworth, Ms.

25

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