

MINUTES
LAMBTON COUNTY COUNCIL
(OPEN SESSION)

July 7, 2004

Lambton County Council was in session in the Council Chambers, Wyoming, Ontario, at 12:30 p.m. on the above date. Warden in the Chair; Roll called; All members present.

Disclosures of Pecuniary Interest: None.

In-Camera

#1: McGugan/Bilton: That the Warden declare that County Council go in-camera to discuss a matter concerning labour relations and employee negotiations and to discuss a matter concerning the proposed or pending acquisition/disposition of land by the municipality. Carried.

Open Session

The Warden declared that County Council go back into open session.

Report of the Closed Session Meeting of Council dated July 7, 2004

#2: Burns/Foubister: That Council rise and report. Carried.

Ms. L. Ross noted that the following resolutions were passed during the Closed Session meeting of July 7th, 2004:

Human Resources Services Report dated July 7, 2004

Memorandum dated July 7, 2004 Regarding the Tentative Agreement CEP Roads

#3: Jamieson/MacDougall: That County Council ratify the tentative agreement reached on June 3, 2004 with CEP Roads; and further,

That this motion be released in Council this day, July 7, 2004. Carried.

Memorandum dated July 7, 2004 Regarding the Tentative Agreement Ontario Nurses' Association Local 19 – Community Health Services Department

#4: Boushy/Perry: That County Council ratify the tentative agreement reached on June 8, 2004 with the Ontario Nurses' Association Local 19 – Community Health Services Department; and further,

That this motion be released in Council this day, July 7, 2004. Carried.

#3: Burns/Foubister: That Council adopt the report of the Closed Session meeting. Carried.

Delegations

#4: Burns/Dedecker: That we invite Ms. Carla Nell, Vice-President, Tax Policy, Municipal Tax Equity Consultants Inc., within the Bar, to speak to County Council regarding the County amending its 2004 tax rates concerning the Industrial Tax Class. Carried.

#5: Foubister/Perry: That we invite Mr. Gerald Mills of Kime, Mills, Dunlop, within the Bar, to present to County Council the County of Lambton's 2003 Consolidated Financial Statements and Management Letter. Carried.

(F) #6: Bradley/McGugan: That one (1) of the two (2) Standing Committees be appointed to the Audit Committee, and that the function alternate from one Committee to the other, year after year. Carried.

Minutes

The Lambton County Council (OPEN SESSION) minutes dated May 26, 2004 were presented.

#7: Burns/Foubister: That this day's minutes be adopted as presented. Carried.

The Lambton County Council (OPEN SESSION) and (CLOSED SESSION) minutes dated June 2, 2004 were presented.

Re: Motion #6 of the Lambton County Council (OPEN SESSION) minutes dated June 2, 2004 regarding the Bluewater Health Foundation hospital funding.

County Council directed that motion #6 be corrected to change the starting year from 2005 to 2006.

(A) #8: Dedecker/Arnold: That this day's minutes be adopted as corrected. Carried.

(F)

Correspondence

7-2-04 A letter from the Association of Municipalities of Ontario (A.M.O.), dated May 27, 2004, requesting nominations to the 2004-2005 A.M.O. Board of Directors. If the County wishes to nominate a person for election to the Board of Directors, then a resolution is to be submitted indicating the full name of the nominee, his or her municipal title, and the caucus for which the person is being nominated. Nominations must be received no later than 4:30 p.m., on Friday, July 23, 2004.

- (A) #9: Davidson/McGugan: That Councillor Carolyn Jamieson be nominated to sit on the 2004-2005 A.M.O. Board of Directors. Carried.

7-9-04 A letter from the City of Kawartha Lakes, dated June 3, 2004, requesting consideration of its resolution, that the City write a letter to the Minister of Municipal Affairs, strongly opposing the waste of staff time and money with respect to the Province's Municipal Performance Measurement Program (MPMP) and to request that this program stop as soon as possible.

7-10-04 A copy of a letter from Elinor Mifflin, Clerk of the Municipality of Chatham-Kent to J.D. Leach, Clerk of the City of Vaughan, dated May 26, 2004, advising of its resolution concerning the G.S.T. Rebate and the P.S.T., requesting that the Federal and Provincial Governments share 5% of the Gasoline Tax with Municipalities, that the Provincial Government fully exempt Municipalities from the Retail Sales Tax on the purchase of all goods and that the Provincial Government share a portion of the Ontario Sales Tax with Municipalities.

7-11-04 A copy of a letter from Elinor Mifflin, Clerk of the Municipality of Chatham-Kent to Sylvia Hammer, Administrator-Clerk of the Township of Adelaide Metcalfe, dated May 26, 2004, endorsing the resolution from the Township of Adelaide Metcalfe that the Province of Ontario make available to the Municipal Property Assessment Corporation on a regular and ongoing basis, records of all births and deaths in the Province as recorded by the Vital Statistics database maintained by the Ministry of Consumer and Business Services.

7-14-04 A Member Communication Alert from the Association of Municipalities of Ontario (A.M.O.), dated June 8, 2004, advising that Municipal Affairs and Housing Minister John Gerretsen introduced a Bill in the Provincial Legislature to amend the *Municipal Act* to guarantee consultation with Municipalities on matters that affect Municipal Governments.

- #10: Bradley/Burns: That correspondence 7-9-04, 7-10-04, 7-11-04 and 7-14-04 be received and filed. Carried.

7-12-04 A letter from The Municipality of Lambton Shores, dated June 9, 2004, advising that it has some concerns about the motion passed by Lambton County Council on June 2nd, 2004 to collect 15 million dollars on the levy for the Bluewater Health capital building project. Lambton Shores did agree to support the motion if the funding from the member Municipalities was based on usage and not on assessment. Lambton Shores is concerned that two (2) Municipalities were not represented at the meeting and the motion to table was denied. Lambton Shores believes that the issue must be revisited and options explored.

7-13-04 A letter from Lynda Hillman-Rapley, The Lakeshore Advance, dated June 9, 2004, advising that the attached letters concerning the additional 15 million dollar funding to the Bluewater Health Foundation, for the construction of the hospital in Sarnia, have been forwarded to the County upon request of the authors. The authors are displeased with Council's motion to approve the funding.

7-15-04 A copy of a letter from the Township of Brooke-Alvinston to the Municipality of Lambton Shores, dated June 14, 2004, advising of its motion supporting Lambton Shores' concerns regarding the motion passed by Lambton County Council to collect 15 million dollars on the levy for the Bluewater Health capital building project (Sarnia Hospital).

7-16-04 A letter from Cathy Haldenby, President, Bluewater Health Foundation, dated June 14, 2004, expressing their appreciation for supporting better health care in Lambton County by committing 15 million dollars to the State of the Heart Campaign.

7-19-04 A copy of a letter from M. McLean from the City of Sarnia, to The Observer, dated June 8, 2004, regarding the additional 15 million dollar funding to the Bluewater Health capital building project. M. McLean is displeased with Council's decision and feels that this issue should be revisited.

7-20-04 A letter from the Township of Warwick, dated June 23, 2004, expressing its serious concerns with respect to the 15 million dollar levy for the capital building project of Bluewater Health (Sarnia Hospital). The Township of Warwick advises that it does not deem the funding of hospital services a municipal responsibility and would like the issue to be revisited.

#11: Foubister/McManaman: That correspondence 7-12-04, 7-13-04, 7-15-04, 7-16-04, 7-19-04 and 7-20-04 be received and filed. Carried.

Reports to Council

a) Human Resources Services Report – July 7, 2004

Part A, Item 1 – Early Retirement Incentive Plan (ERIP)

(W) #12: Davidson/Kirkland: That the County policy on Early Retirement Incentive Plan (ERIP) be
(P) accepted as presented. Carried.
(F)

Part B, Item 1 e) – Memorandum dated July 7, 2004 Regarding Christmas Eve and New Year’s Eve Potential Closure and Policy

- (W) #13: Boushy/Bilton: That the County policy on Christmas Eve and New Year’s Eve Closure be
(F) accepted as presented. Carried.
(P)

Part B, Item 2 – Corporate Manager’s Report

- (A) #14: Jamieson/MacDougall: That the Corporate Manager's Report as set out in Part A and Part
(F) be accepted as presented. Carried.

b) Finance Department Report dated July 7, 2004

Part B, Item 4 – Corporate Manager’s Report

- (A) #15: Ivey/Perry: That the Corporate Manager's Report as set out in Part A and Part B be
(F) accepted as presented. Carried.

Part C, Item 1 a) and b) – Correspondence 7-3-04, 7-17-04

- (A) #16: Dedecker/McManaman: That correspondence 7-3-04 be endorsed and that 7-17-04 be
received and filed. Carried.

Part C, Item 1 c) – Correspondence 7-18-04

County Council spoke regarding the Assessment of recreational vehicles. Councillor Ivey noted that Lambton Shores’ Council supported a tag fee for 2004.

- #17: Dedecker/McManaman: That correspondence 7-18-04 be received and filed. Carried.

Part C, Item 2 – Ministry of Health and Long Term Care Annual Reconciliation Report

- (A) #18: MacDougall/McGugan: That the Warden be authorized to sign the Section IV declaration
(F) as required for this document to be filed with the Ministry. Carried.

Part C, Item 3 – Memorandum dated June 17, 2004 Regarding the Adjustment to the County’s per Kilometre Reimbursement Rate

- (A) #19: Foubister/McManaman: That the Corporate Manager, Financial Services/Treasurer’s
(F) Report and the recommendations contained therein, be accepted as presented. Carried.

Part C, Item 4 – Memorandum dated June 17, 2004 Regarding the Appointment of External Auditors

- (A) #20: Burns/Jamieson: That the Corporate Manager, Financial Services/Treasurer's Report and
(F) the recommendations contained therein, be accepted as presented. Carried.

Part C, Item 5 – 2004 Tax Rate By-Law

- (A) #21: Burns/Perry: That Council approve By-Law No. 42 of 2004 amending its taxes as
(F) previously established to reflect the impact of hard-capping in the broad Industrial Property Tax
Class. Carried.

c) Provincial Offences Administration (P.O.A.) Report – July 7, 2004

- (A) #22: MacDougall/Murray: That the Corporate Manager's Report as set out in Part A and Part B
(F) be accepted as presented. Carried.

d) Legal Services/Clerk's Report

Memorandum dated June 15, 2004 Regarding the Smoking By-Law – Set Fines & Short Form
Wording

- (A) #23: McManaman/Murray: That Council approve the attached set fines and short form wording
(F) and that staff be authorized to submit it to the Chief Judge (Provincial Division) for approval.
Carried.

e) C.A.O. Report

The following items were presented to Council for its information:

- i) Letter dated May 31, 2004 from the Ministry of Community Safety and Correctional Services regarding Court Security;
- ii) Memorandum dated June 14, 2004 regarding the Chatham-Kent Lambton Administrators Group (CKLAG) Annual Report 2003; and,
- iii) General Managers' Updates dated June 1, June 8 and June 15, 2004.

Memorandum dated June 30, 2004 Regarding the Chamber of Commerce Road Trip

- #24: Dedecker/Jamieson: That the County provide up to \$500.00 for the cost of the bus. Defeated.

- (A) #25: Ivey/McGugan: That the matter be brought back to Council in September 2004, once the issues are further developed. Carried.

Minutes

Mr. Wm. Bilton presented the Infrastructure and Development/Social and Health Services Committee minutes dated June 16, 2004.

Re: Motion #12 Regarding the Smoke-Free By-Law – Implementation Plan

- (A) #26: Bilton/Foubister: That, with respect to motion #12 of the Infrastructure and Development/Social and Health Services Committee minutes dated June 16, 2004, items 1 and 2 be approved as presented and that the item with respect to Designated Outdoor Smoking Areas be approved by County Council as a Policy Guideline, as apposed to an amendment to the By-Law. Carried.
(P)
- (A) #27: Bilton/McManaman: That this day's minutes be adopted as amended (motions #1 to #21). Carried.
(3)

Mr. D. Boushy presented the Community Services/Information Technology Committee minutes dated June 16, 2004.

- (A) #28: Boushy/Jamieson: That this day's minutes be adopted as presented (motions #1 to #13). Carried.
(3)

OTHER BUSINESS

Rules for Reconsideration

- (A) Staff were directed to bring back a report regarding the rules for reconsideration.

By-Laws

#29: Dedecker/Foubister: That By-Laws #40 to #43 of 2004, as circulated, be taken as read a first and second time. Carried.

#30: Jamieson/Kirkland: That By-Laws #40 to #43 of 2004, as circulated, be taken as read a third time and finally passed. Carried.

Adjournment

The Warden declared the meeting adjourned.

Time: 2:15 p.m.

Todd Case
Warden

Linda Ross
Solicitor/Clerk, General Manager,
Corporate Services

HUMAN RESOURCES SERVICES DEPARTMENT
CORPORATE MANAGER, HUMAN RESOURCES
SERVICES REPORT

July 7, 2004

PART A **Follow-up from Previous Month(s)**

1. Early Retirement Incentive Plan (ERIP) – copy attached

The ERIP program was introduced during years when the County was experiencing rising expenditures. It was created to assist the County by avoiding the potential of layoffs or other deployment initiatives.

The changes are housekeeping only and reflect current legislation and tax laws changes.

Recommendation

That the County policy on Early Retirement Incentive Plan (ERIP) be accepted as presented.

PART B **Monthly Activities**

1. Items of Interest

a) Labour Relations

See In-camera report.

There is a tentative agreement with CEP Roads and also ONA 19 representing nurses at the Community Health Services Division.

We are proceeding to Conciliation with CUPE 2557 which represents staff (excluding RN's) at North Lambton Rest Home and Lambton Meadowview Villa. The issues outstanding are all related to wages.

b) Legislative Updates

As Council is aware the provincial government has added a new payroll deduction to an employee's income based on their level of salary. The attached document details the amount by level of income which the employer is required to deduct from an employee's pay. This deduction is scheduled to commence with the first pay after July 1, 2004.

PART B **Monthly Activities (continued)**

c) Training and Development

Workshops for supervisory staff were delivered on:

- Effective Interviewing
- WHMIS Train the Trainer

Staff Training was offered on:

- Dealing with Difficult People
- Handling Aggressive Individuals
- Respect in the Workplace
- Meeting the Needs of Culturally Diverse Communities

We are currently developing the Fall/Winter training calendar and this will be sent to Council once completed. If any of your employees wish to participate in these sessions please call the Human Resources Department to enroll.

d) Health and Safety

I am pleased to report to Council that Human Resources have hired a new Occupational Health and Safety Coordinator in Mr. Rob Easton.

Rob brings 25 years of experience with him to this position and will be a valuable asset to the corporate team. He has worked in the automotive field for approximately 25 years, 16 of which were spent in Health and Safety and WSIB Claims Management.

Rob holds a diploma from St. Clair College in Computer Applications-Business Communications and Human Relations. He also holds many industrial Health and Safety and WSIB certifications.

e) Updates (other)

Re: Christmas Eve and New Years Eve Scheduling.

Please see attached memo to Council and the draft policy.

PART B **Monthly Activities (continued)**

Recommendation

That the County policy on Christmas Eve and New Years' Eve closure be accepted as presented.

2. Corporate Manager's Report

Recommendation

That the Corporate Manager's Report as set out in Part A and Part B be accepted as presented.

PART C **Other Matters Requiring a Motion**

1. Nothing to report at this time.

PART C **Other Matters Requiring a Motion (continued)**

1. Correspondence (continued)

- b) 7-17-04 Letter from the Lambton College Foundation thanking Council for its “generous & thoughtful” pledge and acknowledging payment of the County’s 2004 installment.

- c) 7-18-04 Letter from the Clerk of the Province’s Standing Committee on Finance and Economic Affairs requesting comments regarding the assessment of recreational vehicles.

Recommendation

That correspondence 7-3-04 be endorsed, 7-17-04 be received and filed, and that Council provide staff with direction as to how to respond to 7-18-04.

2. Ministry of Health and Long Term Care Annual Reconciliation Report

Recommendation

That the Warden be authorized to sign the Section IV declaration as required for this document to be filed with the ministry.

3. Adjustment to County’s per Kilometer Reimbursement Rate

Staff were asked to examine whether the current reimbursement rate for travel for the County should be adjusted. Attached is a memo detailing staff’s analysis and recommendations.

Of equal concern for staff is the fact that its per diem rates have not been changed since 1988. Staff are reviewing this matter and a further report this fall on the issue will be brought to Council for its consideration.

Recommendation

That the Corporate Manager, Financial Services/Treasurer’s Report and the recommendations contained therein be accepted as presented.

PART C **Other Matters Requiring a Motion** (continued)

4. Appointment of External Auditors

Attached is a Report detailing the results of the CKLAG Request for Proposals from Auditors process the County recently participated in.

Recommendation

That the Corporate Manager, Financial Services/Treasurer's Report and the recommendations contained therein be accepted as presented

5. 2004 Tax Rate By-Law

Recommendation

That Council approve By-law No. 42 of 2004 amending its taxes as previously established to reflect the impact of Hard-capping in the broad Industrial property tax class.

PROVINCIAL OFFENCES ADMINISTRATION (P.O.A.) – FINANCE DEPARTMENT
CORPORATE MANAGER, FINANCIAL SERVICES/
TREASURER’S REPORT

July 7, 2004

PART A **Follow-up from Previous Month(s)**

1. POA Additional Court Time

Implementation of the new additional Wednesday afternoon court sitting was achieved effective June 2nd, although there has been some confusion around when matters should be set with the result that some subpoenas have been issued for wrong times. The Province continues to use the court room in the morning meaning that security is needed for the entire day. This has resulted in Sarnia Police expressing concerns over the impact this has on its resources whenever the Provincial Court finishes early and its officers must remain available for the afternoon POA Court.

Otherwise, staff believes having this increased flexibility will assist in the scheduling of matters which would otherwise be difficult to set. The Trial Co-ordinator can schedule exparte trials where only the officer is needed therefore reducing the amount of time officers are sitting waiting to give evidence in the regular sittings.

PART B **Monthly Activities**

1. Accounts and Verification

Total for the month of April: \$31,988.44
A listing of the accounts will be available at the meeting.

- i) Are there any items significantly over Budget? No
- ii) Are there any items significantly under Budget? No
- iii) Were all items purchased in accordance with County Policy? Yes
- iv) Are there any items significantly not in the Budget? No

2. Revenue and Verification

Revenues received during the month of April: \$157,609.26

- i) Were any receipts not included in the current year’s budget? No
- ii) Were any receipts significantly less than budgeted? No
- iii) Were any receipts significantly more than budgeted? No

PART B **Monthly Activities (continued)**

3. Items of Interest

a) Monthly Statistical Report

Attached is the Statistical Report to the end of May 2004. Charges are again lower than the previous year due to the rainy weather over the Victoria Day weekend. A total of 455 tickets were issued in the Lambton Shores area over the holiday weekend.

b) New Court Staff

We are sorry to advise of the departure of Mona Walsh, our court monitor/administration clerk. Mrs. Walsh and her family are relocating to Newfoundland where her husband has a new job.

Mrs. Walsh's position was posted and the successful candidate is Debra Gowdy. Debra brings 15 years court related experience in the Criminal Court, Probation and Parole fields. She started with the County on May 25th and has very quickly become proficient in her duties (she was of great assistance with the entry of ticket data from over the holiday weekend). She is being trained in the court room as she will be back-up court monitor in the absence of the trial Co-ordinator.

While Ms. Gowdy completes her training, our in-house Collection Clerk, Ms. Vermeiren, who is also trained as a court monitor, was required to cover POA Courts for the past few weeks because of staff illness. We are very fortunate to have such versatile staff.

c) Municipal Court Managers Association Conference

The Spring MCMA conference was held in Sault Ste. Marie from May 31 to June 2, 2004. Court Services Supervisor Cheryl Blum attended.

The new Board of Directors was announced and Mr. Innes was named as the new Director for the West Region. This appointment to the board is for a two year term. Mr. Innes will also function as the "Policy Lead" responsible for the Association's Legislative Committee.

The conference was very beneficial and staff are looking forward to many of the announced ICON enhancements scheduled for June 28th. Mrs. Blum found the Fraud Prevention session very informative and plans to implement many of the suggestions within the office.

PART B **Monthly Activities (continued)**

The Association also confirmed the decision to now hold one annual conference instead of the two in recognition of the budget restraints currently facing many municipalities. The next conference will be hosted by Windsor on June 5-8th, 2005.

4. Corporate Manager's Report

Recommendation

That the Corporate Manager's Report as set out in Part A and Part B be accepted as presented.

PART C **Other Matters Requiring a Motion**

No matters to report at this time.