

MINUTES
LAMBTON COUNTY COUNCIL
(OPEN SESSION)

October 6, 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 except S. Arnold.

Disclosures of Pecuniary Interest: None.

In-Camera

#1: MacDougall/McGugan: That the Warden declare that County Council go in-camera to discuss a personal matter about an identifiable individual, as well as a matter subject to solicitor/client privilege. Carried.

Open Session

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

Report of the Closed Session Meeting of Council dated October 6, 2004

#2: Perry/Davidson: That Council rise and report. Carried.

Ms. L. Ross noted that there were no resolutions to report from the Closed Session meeting.

#3: Perry/Davidson: That Council adopt the report from the Closed Session meeting. Carried.

Minutes

The Lambton County Council (OPEN SESSION) and (CLOSED SESSION) minutes dated September 1, 2004 and September 16, 2004 were presented.

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

Correspondence

10-11-04 A letter from the Municipality of Lambton Shores, dated September 14, 2004, enclosing a copy of a letter from Mrs. Ethel Whittington advising that Mrs. Whittington received her tax bill for her property in Port Franks, showing an expense for the hospital project. She has no interest in supporting this expense as her permanent home is in London and does not feel that she should be responsible for the development and cost.

#5: Dedecker/Bilton: That correspondence 10-11-04 be received and filed. Carried.

Reports to Council

a) Human Resources Services Report – October 6, 2004

Part B, Item 2 – Corporate Manager’s Report

- (A) #6: Foubister/MacDougall: That the Corporate Manager’s Report as set out in Part A and Part B
(F) be accepted as presented. Carried.

b) Finance Department Report dated October 6, 2004

Part B, Item 3 – Corporate Manager’s Report

- (A) #7: Dedecker/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 10-12-04 and 10-13-04

- #8: Ivey/Foubister: That correspondence 10-12-04 and 10-13-04 be received and filed. Carried.

Part C, Item 2 – 2005 Borrowing By-Law (see By-Law #53 of 2004)

- (A) #9: Ivey/McGugan: That By-Law #53 of 2004 being “A By-Law to Authorize Bank
(F) Borrowings of a fixed term by the County of Lambton to a maximum of \$11,000,000.00” be
deferred to the November 6th, 2004 County Council meeting, to allow time for staff to examine
additional term options. Carried.

c) Provincial Offences Administration (P.O.A.) Report – October 6, 2004

Part B, Item 4 – Corporate Manager’s Report

- (A) #10: Ivey/McManaman: That the Corporate Manager’s Report as set out in Part A and Part B be
(F) accepted as presented. Carried.

d) Legal Services/Clerk’s Report

The following item was presented to Council for its information:

- i) Memorandum dated September 27, 2004 regarding the Revenue Development Information Report.

e) C.A.O. Report

The following items were presented to Council for its information:

- i) Memorandum dated September 28, 2004 regarding the Strategic Plan Update – Research Park;
- ii) Memorandum dated September 28, 2004 regarding Television (Cogeco) Coverage; and,
- iii) General Managers' Updates – August, 31 and September 21, 2004.

Minutes

Mr. Wm. Bilton presented the Infrastructure and Development/Social and Health Services Committee minutes dated September 15, 2004.

- (A) #11: Bilton/Burns: That this day's minutes be adopted as presented (motions #1 to #19).
(3) Carried.

Mr. D. Boushy presented the Community Services/Information Technology Committee minutes dated September 15, 2004.

- #12: Boushy/McManaman: That this day's minutes be adopted as presented (motions #1 to #15).
Carried.

Notice of Motions

a) Election of the Warden and Deputy Warden

#13: Bradley/Foubister: **WHEREAS** the County of Huron has adopted a process of electing their Warden in public session with recorded votes; and,

WHEREAS such a process brings accountability and transparency to the election of the key Official with the County of Lambton and its budget of over \$130 million;

THEREFORE, that the Procedure Manual be changed so that Section 3.2 as it relates to the Warden selection and 3.4 as it relates to the Deputy Warden selection would read:

3.2 (a) The Warden shall be elected by a recorded standing vote in public session at the first meeting of County Council.

3.4 (a) The Deputy Warden shall be elected by a recorded standing vote in public session at the first meeting of County Council.

A recorded vote, starting with Councillor Gord Perry, was requested by Councillor Joseph Dedecker on motion #13 of this day's minutes.

| | | | |
|---------------|---------|-------------|---------|
| S. Arnold | Absent | B. Bilton | No (1) |
| D. Boushy | No (3) | M. Bradley | Yes (3) |
| J. Burns | No (1) | T. Case | No (2) |
| P. Davidson | No (3) | J. Dedecker | No (3) |
| J. Foubister | Yes (3) | C. Ivey | No (3) |
| C. Jamieson | No (2) | D. Kirkland | No (1) |
| B. MacDougall | No (3) | D. McGugan | No (1) |
| B. McManaman | No (2) | J. Murray | No (3) |
| G. Perry | No (1) | | |

Yeas - 6; Nays - 29.

Motion defeated.

b) Council Participation on the Performance Appraisal for the Position of Chief Administrative Officer

#14: Bradley/Boushy: **WHEREAS** County Council at the present time has no input into the Chief Administrative Officer's performance review; and,

WHEREAS the Chief Administrative Officer is the sole employee of County Council, is responsible for all other employees of the County and the County's \$130 million budget;

THEREFORE, that the County of Lambton adopt a performance appraisal system that allows individual Council input and is a positive exercise for giving guidance to the employee and the overall direction of Council from the County Councillors, and further recommend that County Council adopt the new performance review process for the year 2005 which would involve input from all County Councillors in a manner similar to the process currently used by the City of Sarnia; and further,

THAT a committee composed of the present Warden, the Past Warden, the two Heads of Committee and the Deputy Warden from County Council be the Performance Review Committee. The process would consist of an initial meeting with the C.A.O. and all of County Council to review the goals and objectives of the C.A.O. for the year ahead, followed by a performance review sheet being sent to each County Councillor to complete and return to the Committee who would then be mandated to complete the review process and make salary recommendations to County Council.

- (A) **#15:** Burns/Ivey: That we delete the phrase “**and make salary recommendations to County Council**”.

A recorded vote, starting with Councillor Patricia Davidson, was requested by Councillor Mike Bradley on motion #15 of this day’s minutes.

| | | | |
|---------------|---------|-------------|---------|
| S. Arnold | Absent | B. Bilton | Yes (1) |
| D. Boushy | No (3) | M. Bradley | No (3) |
| J. Burns | Yes (1) | T. Case | Yes (2) |
| P. Davidson | Yes (3) | J. Dedecker | Yes (3) |
| J. Foubister | No (3) | C. Ivey | Yes (3) |
| C. Jamieson | Yes (2) | D. Kirkland | No (1) |
| B. MacDougall | Yes (3) | D. McGugan | Yes (1) |
| B. McManaman | Yes (2) | J. Murray | Yes (3) |
| G. Perry | Yes (1) | | |

Yeas - 25; Nays - 10.

Motion carried.

A recorded vote, starting with Councillor William Bilton, was requested by Councillor Mike Bradley on motion #14 of this day’s minutes, as amended.

| | | | |
|---------------|---------|-------------|---------|
| S. Arnold | Absent | B. Bilton | Yes (1) |
| D. Boushy | Yes (3) | M. Bradley | Yes (3) |
| J. Burns | Yes (1) | T. Case | Yes (2) |
| P. Davidson | Yes (3) | J. Dedecker | Yes (3) |
| J. Foubister | Yes (3) | C. Ivey | Yes (3) |
| C. Jamieson | Yes (2) | D. Kirkland | Yes (1) |
| B. MacDougall | Yes (3) | D. McGugan | Yes (1) |
| B. McManaman | Yes (2) | J. Murray | Yes (3) |
| G. Perry | Yes (1) | | |

Yeas - 35; Nays - 0.

Motion carried unanimously.

c) All In-Camera Matters to be Addressed in Writing

- (A) **#16:** Bradley/Foubister: **WHEREAS** there have been numerous occasions where verbal reports have been given in-camera which are often subject to dispute as to the nature of the report and which leaves no record for present and future Councillors; and,

WHEREAS numerous government reports and inquiries have recommended verbal culture in-camera be eliminated with as much dependence on written form as possible;

THEREFORE, that Lambton County Council add to their Procedure Manual that whenever possible, all reports on in-camera matters as described in the Municipal Act of any significance, be in writing and that all Offers to Purchase for the sale of land, either initiated or received by the County of Lambton, be in writing and presented to Council. In situations where new information or an emergency exists, a simple majority of County Council could override this clause to deal with that situation.

A recorded vote, starting with Warden Todd Case, was requested by Councillor Mike Bradley on motion #16 of this day's minutes.

| | | | |
|---------------|---------|-------------|---------|
| S. Arnold | Absent | B. Bilton | Yes (1) |
| D. Boushy | Yes (3) | M. Bradley | Yes (3) |
| J. Burns | Yes (1) | T. Case | Yes (2) |
| P. Davidson | No (3) | J. Dedecker | No (3) |
| J. Foubister | Yes (3) | C. Ivey | Yes (3) |
| C. Jamieson | No (2) | D. Kirkland | Yes (1) |
| B. MacDougall | Yes (3) | D. McGugan | Yes (1) |
| B. McManaman | Yes (2) | J. Murray | Yes (3) |
| G. Perry | Yes (1) | | |

Yeas - 27; Nays - 8.

Motion carried.

OTHER BUSINESS

Ms. Carolyn Jamieson, Deputy Mayor of the Municipality of Lambton Shores, reminded County Councillors of the Lambton Colour and Craft Festival in North Lambton on October 16th and 17th. All are welcome.

Mr. Joseph Dedecker, Mayor of the Township of St. Clair, questioned how the County would deal with the additional costs of implementing an E-genda programme.

By-Laws

#17: Bilton/Boushy: That By-Laws #48 to #52 and #54 to #55 of 2004, as circulated, be taken as read a first and second time. Carried.

#18: Burns/Bradley: That By-Law #48 to #52 and #54 to #55 of 2004, as circulated, be taken as read a third time and finally passed. Carried.

Adjournment

The Warden declared the meeting adjourned.

Time: 1:45 p.m.

Todd Case
Warden

Linda Ross
Solicitor/Clerk, General Manager,
Corporate Services

HUMAN RESOURCES SERVICES DEPARTMENT
CORPORATE MANAGER, HUMAN RESOURCES
SERVICES REPORT

October 6, 2004

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

1. No matters to report at this time.

PART B **Monthly Activities**

1. Items of Interest

- a) Health and Safety

- i) Workwell Audit

An employer that reports any accidents/injuries to WSIB is a potential candidate for a Workwell Audit conducted through WSIB. Due to the number of reported claims to WSIB, the County's Long Term Care facilities are a potential candidate for this program. In preparation for this potential audit and with the goal of eliminating accidents/injuries in the Homes, the OH&S Coordinator is working with the Long Term Care Facilities and WSIB consultants to deal proactively with concerns that may arise through this audit process. We are undertaking a self assessment process so as to ensure our full compliance, if audited.

- ii) Upcoming Initiatives to Reduce Injuries

As mentioned previously the Occupational Health and Safety Coordinator will be concentrating his efforts on proactive health and safety programs. To this end the County will be joining a WSIB Safety Group Program for 2005 with other like employers in order to improve our overall safety rating. Benefits for joining this group are: networking with other employers; access to various successful processes and procedures; and, while participating in the Safety Group employers are exempt from WSIB Workwell Audit, so long as they participate and follow the designed programs.

The WSIB Safety Group program requires participating employers to complete at least five elements as designed by WSIB. The information is very important in dealing with WSIB and particularly in meeting our obligations under the Act.

PART B **Monthly Activities (continued)**

a) Health and Safety (continued)

 iii) NEER Report

 The NEER statements have now been received, but it was discovered by Human Resources that some of the names on the statements are in the wrong rate groups. This error will have a significant influence on the Performance Indices on the statements. We have forwarded the corrections to the WSIB and are awaiting the corrected version.

 At this time of year we would normally be reporting any rebates and/or surcharges for the County, but due to the required changes on our reports this will be reported at a later date. We still believe the County to be in a surcharge position but final numbers will be reported once received.

b) Training and Development

 We continue to design and implement programs to meet the needs of management and staff as per our Training and Development Calendar sent to Council in September.

 In addition, new workshops have been identified and planned for the fall on: leadership for registered nursing staff; stress management for long term care staff; non-violent crisis intervention refresher training for Ontario Works staff; occupational health and safety certification; and performance appraisals.

 The Training and Development Coordinator for the County, Susan Weatherston, is chairing the CKLAG Training sub-committee. The main goal of this committee is the identification of potential benefits for joint learning initiatives and opportunities for the group. The group has undertaken and identified new initiatives which will support the County in future learning opportunities. Such programs/initiatives are in the area of E-learning for mandatory programs such as WHMIS and sharing of information from one member organization to another. Other areas the group is investigating are training programs on financial management for supervisory staff as well as maximizing the resources for sharing of training and development opportunities specifically as it related to having trainers from one CKLAG member delivering training in a members organization.

PART B **Monthly Activities (continued)**

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) 10-13-04 Copy of a letter from Greg Sorbara, Minister of Finance responding to a Sarnia-Lambton Chamber of Commerce letter regarding property taxation and the County's decision to adjust 2004 tax ratios.

Recommendation

That the correspondence be received and filed.

2. 2005 Borrowing By-Law

Attached is a report recommending that the County's unfinanced long term debt be financed via term loans from the C.I.B.C.

Recommendation

That Council approve By-law No. 53 of 2004 authorizing borrowing from the C.I.B.C. sufficient to satisfy the permanent long-term capital financing needs of the Corporation.

PART B **Monthly Activities (continued)**3. Items of Interest (continued)b) Court Schedule

During the 2nd and 4th weeks of September, Lambton POA courts have been closed by the Regional Senior Justice of the Peace. These closures happen twice yearly, in the spring and the fall and it is mandatory that Justices attend the training sessions. The court will also close on Wednesday, October 20th for a Regional Justice's Meeting at which Mr. Innes will be speaking in his capacity as Director for the West Region of the MCMA.

A bilingual court day has been scheduled for September 21st at 11:00 to hear 5 matters. The services of the Municipal Prosecutor will not be needed as the trials are for Ministry of Transportation issued tickets and it is the responsibility of that Ministry to provide a prosecutor. A bilingual court monitor from Chatham has also been hired for the day.

c) Hydro Outage

On September 10th at about 10:00 a.m. the hydro went out in a large portion of the second floor at the Lambton Shared Services Centre, including the POA court room. As this was a "summons first attendance" court, the room was full of people. It was necessary to recess the court until the duration of the outage could be determined. Fortunately, the court was able to resume using a battery operated recorder to adjourn matters and set dates. (The hydro was restored about two hours later). Once power was restored, the court continued in a normal matter, although it did sit until 5:30 PM as some prosecutors wished to complete their trial matters instead of making a return trip to Sarnia.

d) Clerk/Monitor Training

Debra Gowdy the newly hired clerk/monitor participated in a Court Monitor training program recently held in Chatham. Ms. Gowdy passed and received excellent remarks from the trainer. Although Ms. Gowdy is now deemed competent as a court monitor, she is nonetheless subject to a minimum 3 month "mentoring period" before she can be certified. The transcripts which she produces will also need to be proof read for accuracy during this 3 month period by an experienced court reporter.

PART B **Monthly Activities (continued)**

e) West Region Provincial Offences Court Managers Meeting

Lambton hosted the Court Managers caucus meeting at the Lambton Shared Service Centre on September 15th. The 4 hour open table discussion proved to be very beneficial. It was decided to hold these meetings on a regular basis 3 times a year and in conjunction with the MCMA's annual spring conference.

It is always interesting and somewhat surprising to learn how differently each POA office operates, making this open forum an excellent opportunity to compare procedures and best practices.

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**

1. No matters to report at this time.