

MINUTES
LAMBTON COUNTY COUNCIL
(OPEN SESSION)

November 24, 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: Boushy/Foubister: That the Warden declare that County Council go in-camera to discuss a matter concerning labour relations and employee negotiations. Carried.

Open Session

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

Report of the Closed Session Meeting of Council dated November 24, 2004

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

Ms. L. Ross noted that there were no resolutions to report from the Closed Session meeting of November 24th, 2004.

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

Delegation

#4: Foubister/MacDougall: That we invite Mr. George Mallay, General Manager, Sarnia Lambton Economic Partnership, within the Bar, to update County Council on activities and issues of the Sarnia Lambton Economic Partnership. Carried.

Minutes

The Lambton County Council (OPEN SESSION) and (CLOSED SESSION) minutes dated November 3, 2004 were presented.

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

The Lambton County Council (OPEN SESSION) minutes dated November 9, 2004 were presented.

#6: Kirkland/Perry: That this day's minutes be adopted as presented. Carried.

Local Health Integration Networks (LHINs)

- (A) #7: Bradley/Boushy: That the County object to the Local Health Integration Networks (LHINs) model as currently proposed by the government, due to the lack of true consultation and the concern that LHINs are divisive by nature and will only exacerbate problems existing within the health care sector;

That the Province should outline full costing of any such LHIN proposal, prior to implementation; and further,

That the motion be sent to the Premier, M.P.P.s, all local Municipalities, the Honourable George Smitherman, Minister of Health and Long-Term Care and to the Opposition Leaders. Carried.

Correspondence

11-23-04 A letter from the Township of Wellesley, dated November 4, 2004, requesting endorsement of its resolution that rural Ontario and Canada demand their fair share of the gas tax revenues as promised by Mr. Paul Martin, Mr. John Godfrey and others, and that the formula for sharing the revenues recognizes the special needs of the small Municipality – rural Canada, and the infrastructure affordability issues that they face as being on par with the needs of the urban centres across the Province and country.

11-26-04 A letter from the Township of Augusta, dated November 8, 2004, requesting endorsement of its resolution to urge the Minister of Finance and the Province of Ontario to re-examine the access to the gas tax fund allocation to be distributed so that Municipalities that are without public transportation would also be assisted.

- (A) #8: Jamieson/McManaman: That we endorse correspondence 11-23-04 and 11-26-04 as presented. Carried.

11-24-04 A letter from the Honourable John Gerretsen, Minister of Municipal Affairs and Housing, dated November 3, 2004, advising that the Ministry will be instituting a special recognition program for Long Standing Service by Municipal Politicians with twenty-five (25) years or more of service. The Ministry is requesting assistance in bringing forward the names of eligible Councillors. The following is the criteria for recognition for Long Standing Service by Municipal Politicians: i) Municipal Councillors/Politicians currently serving on Council; and, ii) twenty-five (25) years or more of service on Municipal Councils, as of January 1, 2004.

- (A) #9: MacDougall/Burns: That the County of Lambton nominate Mr. Joseph Dedecker, Councillor, who has served on County Council for twenty-six (26) years. Carried.

11-25-04 A letter from the Honourable John Gerretsen, Minister of Municipal Affairs and Housing, dated November 5, 2004, sending an invitation to participate in upcoming meetings to discuss the Government of Ontario's draft Greenbelt Plan for the Golden Horseshoe. The Government is proposing to bring more than a million acres of land into permanent protection. The protected area in the region, including the lands now protected by the Niagara Escarpment and Oak Ridges Moraine Conservation plans, would total more than 1.8 million acres.

#10: Murray/Perry: That correspondence 11-25-04 be received and filed. Carried.

Reports to Council

a) Human Resources Services Report – November 24, 2004

Part B, Item 2 – Corporate Manager's Report

(A) #11: Dedecker/McGugan: 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 November 24, 2004

Part A, Item 1 – Waiver of Upper-Tier Taxes (see By-Law No. 60 of 2004)

(A) #12: Foubister/McGugan: That Council approve By-Law No. 60 of 2004 (being "A By-Law to
(F) Authorize the waiver of Property Taxes for Upper-tier Purposes by the County of Lambton and to Establish the Criteria under which this may occur"), as presented. Carried.

Part B, Item 4 – Corporate Manager's Report

(A) #13: Davidson/Dedecker: That the Corporate Manager's Report as set out in Part A and Part B
(F) be accepted as presented. Carried.

Part C, Item 1 a) and b) – Correspondence 11-28-04 and 11-29-04

#14: Jamieson/McManaman: That correspondence 11-28-04 and 11-29-04 be received and filed. Carried.

Part C, Item 2 – Memorandum dated November 15, 2004 Regarding the 2005 Budget - Preliminary Impacts Report – Update

(A) #15: Ivey/Perry: That the Memorandum dated November 15, 2004 regarding the 2005 Budget -
(F) Preliminary Impacts Report – Update, be accepted as presented; and further,

The Council provide staff with direction to pursue the matter of Administrative Monetary Penalties on the finances of the County and to seek compensation from the Provincial Government for the expected loss of future revenues. Carried.

Part C, Item 3 – Memorandum dated November 15, 2004 Regarding the County Van

- (A) #16: McManaman/Perry: That we delete the existing policy and all references to it under which
(F) the County maintains a van for use by its staff and officials;
(P)

That the existing van be sold and that the proceeds be deposited in the reserve established to fund the replacement of the Warden's vehicle;

That the existing reserve established to fund the purchase of County owned vans be closed and the balance also transferred to the Warden's vehicle reserve; and further,

That staff who would normally have used the County's van be advised that when travelling on County business that they should now instead use rental vehicles from Enterprise Car rentals. Carried.

Part C, Item 4 – Memorandum dated November 15, 2004 Regarding the Per Diem Rate Applicable to Staff Travel on County Business

- (A) #17: Foubister/Bilton: That the reimbursement rate be set as \$80.00 effective November 1,
(F) 2004; and further,
(P)

That this policy be subject to annual review in the same manner as the County's rate of reimbursement for kilometers traveled on County business. Carried.

Part C, Item 5 – Memorandum dated November 12, 2004 Regarding 2004 Year-End "Reserves, Reserve Funds and Trust Funds"

- (A) #18: Dedecker/Arnold: That we accept the report on Reserves, Reserve Funds and Trust Funds
(F) and authorize the Corporate Manager, Financial Services/Treasurer to make the necessary accounting entries, subject to exact balances being determined at December 31, 2004. Carried.

c) Provincial Offences Administration (P.O.A.) Report – November 24, 2004

Part B, Item 4 – Corporate Manager's Report

- (A) #19: Ivey/MacDougall: That the Corporate Manager's Report as set out in Part A and Part B be
(F) accepted as presented. Carried.

d) C.A.O. Report

The following items were presented to Council for its information:

- i) Information to Councillors regarding COGECO coverage; and,
ii) General Managers' Updates – October 28 and November 9, 2004.

Minutes

Mrs. P. Davidson presented the Woodlot Committee minutes dated November 9, 2004.

#20: Davidson/Foubister: That this day's minutes be adopted as presented (motion #1). Carried.

Mr. Wm. Bilton presented the Infrastructure and Development/Social and Health Services Committee minutes dated November 17, 2004.

#21: Bilton/Burns: That this day's minutes be adopted as presented (motions #1 to #18).
Carried.

Mr. D. Boushy presented the Community Services/Information Technology Committee minutes dated November 17, 2004.

Re: Motion #15 – Part C, Item 4 – Memorandum dated November 5, 2004 Regarding Appointments to the Lambton Senior Citizens Home Corporation.

(T) #22: Burns/Bradley: That motion #15 of the Community Services/Information Technology Committee minutes dated November 17, 2004, be tabled, to allow staff to prepare a report with additional information regarding the requirements of the constitution of the Homes Corporations, as well as the interaction of staff and volunteers for both the Homes Corporations and the Homes for the Aged.
Carried.

(A) #23: Boushy/McManaman: That this day's minutes be adopted as amended (motions #1 to #21).
Carried.

OTHER BUSINESS

Ms. Carolyn Jamieson, Deputy Mayor of the Municipality of Lambton Shores, spoke to County Council regarding the Community Development Corporation (CDC), and the St. Clair Parks Commission. It was noted that both Boards are in the midst of completing strategic planning exercises. It therefore makes sense to extend their terms for an additional period of one (1) year.

(A) #24: Jamieson/Ivey: That Council renew the appointment of the existing four (4) representatives to the St. Clair Parks Commission for an additional term of one (1) year.
Carried.

(A) #25: MacDougall/Bradley: That Council renew the appointment of the existing three (3) representatives to the Community Development Corporation Board for an additional term of one (1) year.
Carried.

Mr. Jim Foubister, Councillor of the City of Sarnia, spoke to County Council regarding the Grand Opening of the Methadone Clinic in the County.

Mr. Dave Boushy, Councillor of the City of Sarnia, thanked Warden Case on behalf of County Council, for his term in office.

Mrs. Patricia Davidson, Mayor of the Town of Plympton-Wyoming, announced that she will be running for Warden.

Ms. Carolyn Jamieson, Deputy Mayor of the Municipality of Lambton Shores, passed on thanks from Kernohan Motors, for the Recognition Plaque, acknowledging their generous donation for five consecutive years, of a minivan for the Lambton Heritage Museum's innovative in-school Christmas program.

Warden Todd Case thanked Council for their support during his term in office.

Mr. William Bilton, Mayor of the Township of Dawn-Euphemia, discussed the recent tour held by the Warden, himself and staff, at the Community Health Services Department. Their high level of service was noted, as well as the need for additional accommodation space.

By-Laws

#26: Kirkland/MacDougall: That By-Laws #59 to #62 of 2004, as circulated, be taken as read a first and second time. Carried.

#27: Arnold/Bilton: That By-Laws #59 to #62 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

November 24, 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) Labour Relations

- i) As you may know many municipal employers are dealing with the changes with respect to OHIP premium language contained in their union collective agreements and the changes to the provincial Income Tax Act. This issue is being litigated across the Province and staff continue to assess the potential impact on County operations.

- b) Legislative Update

- i) As stated in my November 3, 2004 report to Council, the County is required by Pay Equity legislation to achieve and maintain its Pay Equity Plans for all unionized and non-unionized staff. This process has not been undertaken by the County since 1999 -2000. Human Resources have started this process with our first information and “kick-off” meeting scheduled for November 18th.

- c) Health and Safety

- i) NEER Report

The updated NEER statements have finally been received and reviewed by Human Resources. The surcharges and/or rebates are listed below for each rate group.

PART B **Monthly Activities (continued)**c) Health and Safety (continued)

NEER Rate Groups	Rebate/(Surcharge)
845 - Municipal Operations	\$ 9,038
851 - Homes for the Aged	(\$181,248)
817 - Libraries and Museums	\$ 483
861 - Health Unit and Day Care	\$ 1,343
905 - Social Housing	\$ 463
590 - Land Ambulance	\$ 36,421

Overall the County is in a surcharge position for the 2004 year of (\$133,500). This increase is based on the County's accident record (NEER experience rating) for the years' 2001, 2002 and 2003. During these years the County's accident record was above our expected NEER costs.

A proactive approach to address the high number of accidents and incidents in the Homes is underway. This will take time as the NEER surcharge is a running three year window.

d) Training and Development

Since the last report to council our Training and Development coordinator has been completing the mandatory workshop Respect in the Workplace. Senior Services staff has participated in workshops on Respect in the Workplace, Resident Abuse as well as Emergency Procedures and Back Care.

Ontario Works staff have received refresher training for non-violent crisis intervention.

2. Corporate Manager's ReportRecommendation

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.

FINANCE DEPARTMENT
CORPORATE MANAGER, FINANCIAL SERVICES/
TREASURER'S REPORT

November 24, 2004

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

1. Waiver of Upper-tier Taxes

By-law No. 60 of 2004 detailing the circumstances, mechanisms and authorities under which the County will forgive upper-tier taxes is included in your agenda for this meeting. Finance staff have been in communication with area municipal Treasurers advising them of this action and will perform further follow-ups once the By-law has been approved.

Recommendation

That Council approve By-law No. 60 of 2004 as presented.

PART B **Monthly Activities**

1. Accounts and Verification

Total for the month of September 2004: \$2,625,114.11

A listing of the accounts will be available at the meeting.

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|------|--|-----|
| 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 that were not in the Budget? | No |

2. Revenue and Verification

Revenues received during the month of September 2004: \$1,087,380.00

- | | | |
|------|--|----|
| 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) Projected Year-end Surplus

Attached is a Report updating the projected year-end surplus position of the Corporation based on new &/or additional information that has become known.

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. Correspondence

a) 11-28-04 Letter from MTE to MPAC requesting corrections to the 2005 Tax Collector's Roll as Returned.

b) 11-29-04 Letter from MPAC regarding the cancellation of this year's annual assessment update & its impact.

Recommendation

That the correspondence be received & filed.

2. 2005 Preliminary Budget Impacts – Update #1

Attached is a report detailing new &/or additional impacts that are expected to affect the County's 2005 combined Operating and Capital Budget.

Recommendation

a) That the Report be accepted as presented.

b) That Council provide staff with direction to pursue the matter of Administrative Monetary Penalties on the finances of the County and to seek compensation from the Provincial Government for the expected loss of future revenues.

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

3. Scheduled replacement of the County Van

Attached is a report analyzing the continued need for the County maintaining a van for use by its staff and officials.

Recommendation

That the Report and its recommendations be accepted as presented.

4. Per Diem Rate for Staff

Attached is a report recommending changes to the County's Per Diem rate for Staff traveling on County Business.

Recommendation

That the Report and its recommendations be accepted as presented.

5. 2004 Year-end Schedule of Reserves, Reserve Funds & Trust Funds

Attached is a schedule detailing activity in Reserves, Reserve Funds & Trust Funds year to date and expected transactions to December 31, 2004.

Recommendation

That the Report and its recommendations be accepted as presented.

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

November 24, 2004

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

1. Suncor Energy Products Fine

October 22, 2004 Justice of the Peace Gale on agreed statement of facts accepted the Suncor Energy plea to a charge of failing to take every precaution reasonable for the protection of a worker at a workplace contrary to the Occupational Health and Safety Act. The Ministry of Labour had charged the company after an August 14, 2003 incident in which a young man unfortunately died.

The company was fined \$406,250.00. \$325,000.00 of this, representing the maximum for a first offence, will be retained by the County when paid. The remaining \$81,250.00 is a victim surcharge which will be paid to the Province.

PART B **Monthly Activities**

1. Accounts and Verification

Total for the month of October 2004: \$9,582.08

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 October 2004: \$96,605.00

- 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 October 2004. During the O.P.P.'s annual autumn seat belt campaign (September 25th - October 3rd), a total of 152 offence notices were issued. A special "Operation Impact" over the Thanksgiving weekend also contributed to an increased number of tickets being issued. Statistics appear lower than previous months as the increase in other offences was offset by a decrease in parking offences.

b) West Region C.Q.C Managers Meeting

Mrs. Blum attended the final C.Q.C. (Concerns, Questions, and Comments) meeting hosted by outgoing Regional Senior Justice of the Peace Ponton in Kitchener on October 14th. His Worship is finishing his second term as Regional Senior Justice of the Peace and his successor will be announced in November.

The agenda covered many items including the ongoing lack of judicial resources and court closures for 2005. The demand for Criminal matters and bail hearings is taking priority over Provincial Offence matters. As a result, P.O.A. courts will not sit during March break and the three large municipalities (Windsor, London and Region of Waterloo) will not have trials during July and August. His Worship also indicated that additional schedule changes may impact in other sites, including Lambton.

c) Trial Coordinator's Meeting

The annual fall Trial Coordinator's meeting was held in London on October 19, 2004 with Leah Klompstra attending for Lambton. His Worship Ponton reiterated many of the same agenda items as the C.Q.C. meeting, again describing the lack of judicial resources and possibilities of court closures.

His Worship advised the Trial Coordinators that the confirmation/pre-trial process now in existence may change in the new year. Pre-trial changes are being considered to permit more Senior Justices to hear lengthy trials.

PART B **Monthly Activities (continued)**

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.