

MINUTES
LAMBTON COUNTY COUNCIL
(OPEN SESSION)

May 5, 2004

Lambton County Council was in session in the Council Chambers, Wyoming, Ontario, at 12:30 p.m. on the above date. Deputy Warden in the Chair; Roll called; All members present except Warden Todd Case, D. Kirkland and B. McManaman.

Disclosures of Pecuniary Interest: None.

In-Camera

#1: Murray/Jamieson: That the Deputy Warden declare that County Council go in-camera to discuss a matter concerning the proposed or pending acquisition/disposition of land by the municipality and to discuss a matter subject to solicitor-client privilege. Carried.

Open Session

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

Delegations

#2: Burns/Jamieson: That we invite Messrs. Roger Moyer and Bruce Curtis from the Ministry of Municipal Affairs and Housing, within the Bar, to speak to County Council to outline the Ministry's business and to discuss informally how the Ministry might work together in the months ahead. Carried.

#3: McGugan/Perry: That we invite Mr. Tony Pacheco, C.E.O., YMCA of Sarnia-Lambton, within the Bar, to speak to County Council regarding raising funds for the YMCA's renovation and restructuring of two existing facilities to create The YMCA Learning and Career Centre and The YMCA Dow Spirit Mind and Body Centre. Carried.

(B) #4: Dedecker/Boushy: That the request from Mr. Tony Pacheco of the YMCA of Sarnia-Lambton, be forwarded to the 2005 Budget process. Carried.

Minutes

The Lambton County Council (OPEN SESSION) and (CLOSED SESSION) minutes dated March 25, 2004 were presented.

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

The Lambton County Council (OPEN SESSION) and (CLOSED SESSION) minutes dated April 7, 2004 were presented.

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

Carried.

Correspondence

5-1-04 A letter from Mr. John Hogg, President/CEO, Cole Layer Trumble Canada Inc., dated March 19, 2004, requesting that County Council pass a resolution supporting the concept of a competitive property assessment system in Ontario.

5-6-04 A letter from The Honourable Dalton McGuinty, Premier of Ontario, dated March 29, 2004, providing an update on the government's progress to build strong communities in the Province and outlining the plan to move forward.

5-22-04 A letter from J. S. Burke, Deputy Minister, Ministry of Municipal Affairs and Housing, dated April 21, 2004, providing an update regarding the Province's current plan concerning municipal costs incurred in response to the power outage of August 14, 2003. The government understands that some Municipalities incurred unexpected extraordinary incremental costs. The decision to compensate Municipalities and other public authorities was made and communicated by the previous government in August 2003. In light of the considerable debt inherited by the previous government, it was decided not to proceed with the compensation program.

#7: Ivey/McGugan: That correspondence 5-1-04, 5-6-04 and 5-22-04 be received and filed.

Carried.

Reports to Council

a) Human Resources Services Report – May 5, 2004

Part B, Item 2 – Corporate Manager's Report

(A) #8: Boushy/Murray: That the Corporate Manager's Report as set out in Part A and Part B be
(F) accepted as presented. Carried.

b) Finance Department Report – May 5, 2004

Part B, Item 4 – Corporate Manager's Report

(A) #9: MacDougall/Jamieson: 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 – Centralized Cash Control – Canadian Imperial Bank of Commerce (CIBC)

- (A) #10: Jamieson/Davidson: That the Warden and Clerk be authorized to sign the revised
(F) Centralized Cash Control Agreement. Carried.

Part C, Item 2 – 2004 First Quarter Variance Analysis

- (A) #11: Perry/Murray: That the Corporate Manager, Financial Services/Treasurer's Report and the
(F) recommendations contained therein, be accepted as presented. Carried.

Part C, Item 3 – Write-off of County Portion of Property Taxes

- (A) #12: Dedecker/Bradley: That the Corporate Manager, Financial Services/Treasurer's Report
(F) and the recommendations contained therein, be accepted as presented. Carried.

Part C, Item 4 – 2004 Tax Policy

- (A) #13: Bradley/McGugan: That the Corporate Manager, Financial Services/Treasurer's Report
(F) and the recommendations contained therein, be accepted as presented.

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

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

Yeas - 23; Nays - 9.

Motion carried.

Mrs. Patricia Davidson, Mayor of the Town of Plympton-Wyoming, thanked the Finance Department staff for its memorandum regarding the structure and operation of MPAC.

c) Provincial Offences Administration (P.O.A.) Report – May 5, 2004

Part B, Item 4 – Corporate Manager’s Report

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

Minutes

Mr. Wm. Bilton presented the Infrastructure and Development/Social and Health Services Committee minutes dated April 21, 2004.

Re: Motion #18 regarding Part C, Item 1 a) – Correspondence 3-23-04 from the Sarnia Police Services Board on the County-wide 9-1-1 call taking issue.

- (A) #15: Ivey/Burns: That we amend motion #18 of the Infrastructure and Development/Social and
(F) Health Services Committee minutes dated April 21, 2004 to exclude the Village of Point Edward and to amend the cost to \$28,866.82. Carried.

Re: Motion #21 regarding Part C, Item 2 – Proposed Recreation Centre Management Contract with the Red Cross, Sarnia-Lambton Branch.

- (A) #16: Bradley/Davidson: That motion #21 of the Infrastructure and Development/Social and
(F) Health Services Committee minutes dated April 21, 2004 be referred back to the Committee in order to explore other options. Carried.

- (A) #17: Bilton/Burns: That this day’s minutes be adopted as amended (motions #1 to #24).
Carried.

Mr. D. Boushy presented the Community Services/Information Technology Committee minutes dated April 21, 2004.

Re: Motion #13 regarding Part B, Item 3 c) – Items of Committee Interest – Ministry of Health and Long-Term Care Visit – Installation of Televisions in Long-Term Care Facility Lounges.

- (A) #18: MacDougall/Murray: That we delete motion #13 of the Community Services/Information
(F) Technology Committee minutes dated April 21, 2004. Carried.

- (A) #19: MacDougall/Bradley: That County Council refer the issue of televisions in lounges of long-term care facilities to staff, that they will provide an opportunity for input from Residents' Associations for better solutions to meet "range of activities" directives from the Ministry of Health and Long-Term Care. Carried.
- (A) #20: Boushy/MacDougall: That this day's minutes be adopted as amended (motions #1 to #20). Carried.

Notice of Motion

#21: Boushy/Burns: That the Community Services General Manager, after consulting with Lambton County Chaplains, draw up a schedule of the three Chaplains taking turns to open our regular monthly meetings with non-denominational prayers; and further,

That any other religious leader who indicates willingness would also be accommodated.

Defeated.

OTHER BUSINESS

Mr. Mike Bradley, Mayor of the City of Sarnia, spoke to County Council regarding the County of Lambton's Smoke-Free By-Law and the issue of public education for restaurant and bar owners.

Mr. Jim Burns, Mayor of the Township of Enniskillen, informed County Council that there will be a Volunteer Appreciation Night to honour Bill and Dorothy Abraham. Tickets are available through Mr. Burns.

Mr. Joseph Dedecker, Mayor of the Township of St. Clair, distributed a letter to County Council, dated April 29, 2004, from the Township of St. Clair, regarding a resolution to upgrade the Ontario Power Generation plant to reduce existing levels of hydrocarbon emissions. The following is a summary of the letter.

5-23-04 A letter from the Township of St. Clair, dated April 29, 2004, requesting endorsement of its resolution that the Provincial Government and Ontario Power Generation be petitioned in the interim, to upgrade the existing plant to reduce existing levels of hydrocarbon emissions; that the Provincial Government be petitioned to keep the St. Clair Township site in operation until such time as it can be converted to or replaced with a cleaner alternative source of energy; that the Provincial Government be petitioned to use the existing St. Clair Plant to develop a "Centre of Excellence" for the clean burning of "green" fossil fuels.

- (A) #22: Davidson/Jamieson: That the County of Lambton endorse the resolution from the Township of St. Clair as outlined in correspondence 5-23-04. Carried.

By-Laws

#23: Murray/Perry: That By-Laws #18 to #25 of 2004, as circulated, be taken as read a first and second time. Carried.

#24: Jamieson/MacDougall: That By-Laws #18 to #25 of 2004, as circulated, be taken as read a third time and finally passed. Carried.

Adjournment

The Deputy Warden declared the meeting adjourned.

Time: 3:00 p.m.

Jim Foubister
Deputy Warden

Linda Ross
Solicitor/Clerk, General Manager,
Corporate Services

HUMAN RESOURCES SERVICES DEPARTMENT
CORPORATE MANAGER, HUMAN RESOURCES
SERVICES REPORT

May 5, 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

We are in negotiations with our three (3) CUPE union groups for Community Health Services Group, Long Term Care and Office, Clerical and Technical Employees. We hope to conclude these negotiations and report back to Council over the next few months.

We are also in negotiations with our Nurses (represented by ONA) at Community Health Services. Further information will be forthcoming in the next few months as well.

In our Roads Department we are at Conciliation with CEP Roads Union Local 2004. We have a few outstanding items in this first collective agreement with wages and hours of work for winter operations remaining. We are tentatively scheduled for Conciliation in the second week of May.

- b) Legislative Updates

We are currently developing workshops to inform and train managers, supervisors and employees on Bill C-45: An Act to Amend the Criminal Code and how this impacts upon the criminal liability of organizations. For the first time there is a Criminal Code duty to take reasonable steps to prevent workplace accidents.

Bill C-45 casts a very wide net. It is more far-reaching than all existing occupational health and safety (OH&S) legislation. Directors, officers and corporate decision-makers as well as employees now face legal liability.

PART B **Monthly Activities (continued)**

c) Training and Development

We continue to conduct workshops for supervisory staff on:

Competent Supervisor (2 days -- Health and Safety due diligence);
Workplace Accommodation;
Progressive Discipline;
Coaching Your Employees; and,
Situational Leadership.

Staff training was offered on:

PowerPoint Presentations;
Dealing with Difficult People;
Non Violent Crisis Intervention (2 sessions and refresher – 2 sessions at LMV);
Paths to Cooperation;
New Employee Orientation (2 sessions);
Respect in the Workplace (5 sessions – one session at LMV).

Lower tier municipalities and CKLAG partners have been accessing computer training, and Competent Supervisor Training and Non-Violent Crisis Intervention training as well as supervisory training.

Additionally Customer Service Workshops are being developed for Administrative Staff.

d) Health and Safety

We have set up training sessions to discuss the County's Workplace Accommodation Guidelines. The sessions will be attended by most managers and supervisors from the 3 homes at this time.

e) NEER Report

The first quarterly NEER report will not be available until sometime in late April or early May. This report will be an indicator as to what position the County will be in this September with regard to surcharges and rebates.

PART B **Monthly Activities (continued)**

I would also like to inform Council that Bill Seymour will be leaving the County as the Health and Safety Coordinator in June. Bill has spent over 30 years in the health and safety field with the last 12 years' here at the County. Please join me in wishing Bill well in his retirement.

We are currently advertising to replace Bill and further information will be forthcoming.

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 B **Monthly Activities (continued)**

b) Appointment of a Deputy Treasurer

A By-law to appoint Nancy King as Deputy Treasurer is being presented for your consideration. Mr. Innes will be off work for an indefinite period beginning May 13, 2004 and this appointment will ensure continuity during his absence.

c) Municipal Tax Equity

The services of Municipal Tax Equity (MTE) have been retained to represent the interests of the County and its constituent municipalities before the Assessment Review Board in the appeal of 67 properties for which the assessed values as returned for the 2004 taxation year appear to be significantly understated. In addition to these appeals, MTE will also provide representation in 125 existing appeals by third parties and 33 requests for reconsideration where it is believed that values have been overstated.

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. Centralized Cash Control - CIBC

It is necessary to amend the County's banking arrangements to include the accounts opened for the County of Lambton Community Development Corporation.

Recommendation

That the Warden and Clerk be authorized to sign the revised Centralized Cash Control Agreement.

PART C Other Matters Requiring a Motion (continued)

2. 2004 First Quarter Variance Analysis

Recommendation

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

3. Write-off of County Portion of Property Taxes

Recommendation

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

4. 2004 Tax Policy

Recommendation

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

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

May 5, 2004

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

1. Master Court Plan

The Master Court Plan approved by the His Worship Ponton in January seems to be working fairly well. Staff is not experiencing any backlog in the setting of Part 1 trials, although the plan allows for more Part 1 trial time than currently needed. However, as the Trial Co-ordinator has the authority to schedule both Part 1 and Part 3 matters into the plan as needed, we continue to utilize all available court time.

The pre-trial day is also working very well as any matters from a pre-trial can go directly into the court room for a guilty plea. This procedure prevents lengthy trials and defendants needing to return back to court only to plead guilty.

2. Sarnia Golf and Curling Club

PART B **Monthly Activities**

1. Accounts and Verification

Total for the month of March: \$4,048.60

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 significantly not in the Budget? | No |

2. Revenue and Verification

Revenues received during the month of March: \$18,847.00

- | | | |
|------|--|----|
| 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 March 2004.

b) Use of In-Car Computers by O.P.P.

Staff is very impressed by the rotary computers now being used in 14 O.P.P. cars within Lambton. These machines produce “typed” tickets, which help to reduce data entry errors because they are much easier to read. Their use should also lead to a reduction in tickets quashed because either a Justice of the Peace could not read the handwriting, or the wrong fine amount was used.

c) POA Courtroom

As of February 1st, 2004, The Regional Senior Justice has reassigned Ontario Court of Justice, Provincial Division to begin sitting in our POA courtroom every Wednesday. This court list consists of Peace Bond hearings, Young Offender POA matters and other matters heard by a Justice of the Peace.

This change has affected the POA administration office. Staff has noticed a significant increase in the number of people attending the front counter on Wednesdays and an increase in the number of calls received but which should have directed to Provincial Court staff. Mrs. Blum and the Provincial Supervisor will monitor the impact on both Provincial and POA staff and report to the Regional Senior Justice as needed.

d) In-House Collection Data Base

The Collection Clerk has completed inputting all data into her collection database. While Ms. Vermeiren was completing this task, it was necessary to temporarily suspend the use of our external collection agency. Implementing this database will allow for the better tracking of defaulted fines. It also assists Staff to prepare the two “in house” letters that are now sent before assigning cases to the external agency. Although this has caused a temporary drop in the amount of defaulted fines recovered, staff believes that it will ultimately result in increased revenues being realized.

PART B **Monthly Activities (continued)**

e) Fish and Wildlife Conservation Act

Guilty pleas from two defendants on six counts for offences under the Fish and Wildlife Conservation Act resulted in a total of \$6,912.50 in dedicated fines on February 12, 2004. The two hunters were charged by the Ministry of Natural Resources for hunting offences in Moore Township in December 2003. Four additional Fish and Wildlife charges were also withdrawn in court.

f) Municipal Prosecutor

Municipal Prosecutor, Jodi Burness has returned to work on April 1st from a shorter than expected maternity leave following the birth of her twin daughters in December 2003.

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.