

**MINUTES**  
**COMMITTEE OF THE WHOLE**

**September 3, 2003**

A meeting was held at the County Building 12:30 p.m. on the above date.

Present: Chair R. Brown, Warden Todd Case. Members: Wm. Bilton, M. Bradley, P. Davidson, J. Dedecker, J. Foubister, K. Hart, C. Ivey, C. Jamieson, A. Khan, D. Kirkland, J. Kowalyshyn, D. McGugan, R. O'Hara, A. Pole and A. Syer. Also Mr. J. Innes, Corporate Manager, Financial Services/Treasurer; Mr. C. Doyle, Corporate Manager, Human Resources Services; Ms. C. Thayer, General Manager, Community Services; Mr. J. Kutuba, General Manager, Infrastructure and Development Services; Mr. K. Dick, General Manager, Social and Health Services; Mr. R. G. Van Horne, Chief Administrative Officer and Ms. L. Ross, Solicitor/Clerk, General Manager, Corporate Services.

Absent: None.

**HUMAN RESOURCES**

**Part B, Item 7 – Corporate Manager's Report**

- (A) #1: Ivey/Jamieson: That the Corporate Manager's Report as set out in Part A and Part B be  
(F) accepted as presented. Carried.

**FINANCIAL SERVICES**

**Part B, Item 6 – Presentation by Mr. John Innes Regarding Court Security Costs**

- (A) #2: Davidson/Bradley: That we recommend to Mr. Thomas that the Sarnia-Lambton model for  
(F) court security costs based on assessment be adopted, that there be full disclosure of information  
between the two (2) parties, that the costs be assessed on the levy, that there be a local dispute  
resolution process implemented and that there not be special purpose bodies or joint management  
committees created. Carried.

**Part B, Item 9 – Corporate Manager's Report**

- (A) #3: Dedecker/Foubister: 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 – Final Billing of the Capped Property Tax Classes – By-Law No. 37 of 2003**

- (A) #4: Jamieson/Kirkland: That the Committee recommend to County Council the approval of By-  
(F) Law No. 37 of 2003 being "A By-Law to Establish Decrease Limits for Certain Property  
Classes". Carried.

Part C, Item 2 – Correspondence 10-9-03

- (A) #5: Ivey/Bradley: That the County instruct Tourism Sarnia-Lambton to return the \$8,000.00  
(F) surplus from the \$25,000.00 allocation paid to Tourism Sarnia-Lambton. Carried.

Part C, Item 3 – Correspondence 10-10-03 and 10-11-03

- (A) #6: Dedecker/Khan: That, in recognition of the St. Clair Parks Commission's ongoing efforts to  
(F) address its revenue shortfall, the Committee recommends to County Council that it lift its hold  
on the balance of the 2003 operating grant and direct staff to recommence payments. Carried.

Notice of Motion

- (A) Mr. Mike Bradley, Mayor of the City of Sarnia, gave Notice of Motion, to be discussed at the  
October 1<sup>st</sup>, 2003 County Council meeting, that he would be requesting a change to the  
legislation for the St. Clair Parks Commission so that the County, as the major funding party, be  
able to appoint a majority of the members of the Board.

Part C, Item 4 – Correspondence 10-12-03 and 10-13-03

- (A) #7: Foubister/McGugan: That correspondence 10-12-03 be endorsed and that staff respond to  
correspondence 10-13-03 as requested. Carried.

**PROVINCIAL OFFENCES ADMINISTRATION**

Part B, Item 7 – Corporate Manager's Report

- (A) #8: Davidson/Khan: 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 – Correspondence 10-7-03 and 19-8-03

- (A) #9: Jamieson/Hart: That correspondence 10-7-03 and 10-8-03 be endorsed. Carried.

**CORRESPONDENCE**

9-6-03 A letter from Lambton College, dated June 24, 2003, thanking the County of Lambton for its generous pledge of \$200,000.00 to the Targets of Excellence in Education Campaign.

9-7-03 A letter from the City of Toronto, dated July 7, 2003, requesting endorsement of its resolution to support the action of the Communications, Energy and Paperworkers Union and the Canadian Union of Public Employees, as they defend against the appeal launched by the Ontario Government with regards to the April 19, 2002 Superior Court decision to stop the sale of Hydro One at the Ontario Court of Appeal and that this support be 25 percent (or up to a maximum of \$40,000.00) of the legal fees.

#10: Bradley/Ivey: That correspondence 9-6-03 and 9-7-03 be received and filed. Carried.

### **LEGAL SERVICES/CLERK**

Memorandum dated August 19, 2003 Regarding the Rules of Procedure on Delegations – By-Law No. 36 of 2003

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- (A) #11: Khan/Kowalyshyn: That Council amend the Procedural Manual to clarify the procedure for delegation requests on a matter previously decided by Council and reconsideration procedures. Carried.

### **C.A.O. ITEMS**

Memorandum dated August 27, 2003 Regarding the Committee of the Whole

- (A) #12: Bradley/Dedecker: That the Committee of the Whole be eliminated and that the items formerly part of the Committee of the Whole become part of the regular County Council agenda. Carried.

Memorandum dated August 27, 2003 Regarding the City/County Agreement

#13: Ivey/Jamieson: That the City/County Agreement not be renewed in its present form.

#14: Khan/Kowalyshyn: That the matter be tabled to allow staff time to bring back a report regarding the “fall away” section.

A recorded vote, starting with Councillor Arnold Pole, was requesting by Councillor Anne Khan, on motion #14 of this day’s minutes.

B. Bilton	No	M. Bradley	No (3)
R. Brown	Yes (3)	T. Case	Yes (2)
P. Davidson	No (3)	J. Dedecker	No (3)
J. Foubister	No (3)	K. Hart	No
C. Ivey	No (3)	C. Jamieson	No (2)
A. Khan	Yes (3)	D. Kirkland	Yes
J. Kowalyshyn	Yes (3)	D. McGugan	Yes
R. O'Hara	Yes (2)	A. Pole	Yes (2)
A. Syer	Yes		

Yeas - 18; Nays - 19.

Motion defeated.

A recorded vote, starting with Councillor Karen Hart, was requested by Councillor Cam Ivey on motion #13 of this day's minutes.

B. Bilton	No	M. Bradley	No (3)
R. Brown	No (3)	T. Case	No (2)
P. Davidson	No (3)	J. Dedecker	No (3)
J. Foubister	No (3)	K. Hart	No
C. Ivey	Yes (3)	C. Jamieson	Yes (2)
A. Khan	No (3)	D. Kirkland	No
J. Kowalyshyn	No (3)	D. McGugan	No
R. O'Hara	No (2)	A. Pole	No (2)
A. Syer	No		

Yeas - 5; Nays - 32.

Motion defeated.

(A) #15: Bradley/Foubister: That the City/County Agreement be renewed for a five (5) year time frame with the non-applicable sections being deleted. Carried.

#16: Jamieson/ : That the term be amended to three (3) years. Motion lost. No seconder.

Adjournment

The Chair declared the meeting adjourned.

Time: 1:37 p.m.

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Rod Brown  
Chair

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Linda Ross  
Secretary

**HUMAN RESOURCES SERVICES**  
**CORPORATE MANAGER'S REPORT**

September 03, 2003

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

1.      None.

**PART B**      **Monthly Activities**

1.      Accounts

Nothing to report.

2.      Labour Relations

ONA 116 Marshall Gowland Manor

We have been unsuccessful in achieving a negotiated settlement thus far and are proceeding to conciliation October 28.

SEIU 220

These negotiations are proceeding with the major issue being wages. Another day is booked for September 23 and if we are not successful we will be filing for conciliation.

Non-Union Association

In September we will begin negotiations with this group. The agreement will expire on December 31, 2003.

3.      Legislative Updates

Nothing to report.

4.      Other Human Resource Items

Councillors and Staff Remuneration Survey

As you recall from July's report, Human Resources has conducted the survey and is currently compiling the council remuneration and staff salary data. This report will be presented in October.

**PART B**      **Monthly Activities (continued)**

Internal Equity Review Update

As you will recall from the May Report to Council, Phase 1 of this initiative has been completed. The review of positions potentially affected by restructuring and those implemented in the last 12 months (Phase II) has been undertaken. We are reviewing the impact of the data and will again report to Council in October.

In Camera Item

See attached in camera report.

5.      Occupational Health and Safety

Interim NEER Report

The next NEER report will be received from WSIB sometime in August, reflecting the claim activity up to and including June, 2003. Further information will be provided in October.

6.      Training and Development

Our Corporate Training and Development Co-ordinator has recently been certified for in-house delivery of Non-Violent Crisis Intervention.

Attached to the report are two documents:

- i) Training Calendar – Fall 2003; and,
- ii) Supervisors' Training Program – Fall 2003.

Training priorities have been extracted from needs assessments and developed into a cumulative program of training sessions.

Training calendars have been designed for all employees and a separate training calendar has been designed to meet the needs of supervisory staff (see attachments).

External consultants have been contacted and sessions planned to cover specialized areas of expertise (for the fall: Excel (4 sessions), Municipal Freedom of Information, "Who Moved my Cheese" and Resident Abuse).

**PART B**      **Monthly Activities (continued)**

7.      Corporate Manager's Report

Recommendation

That the Corporate Manager, Human Resources Report for September 03, 2003 as set out in Part A and Part B be accepted as presented.

**PART C**      **Other Matters Requiring a Motion**

Nothing to report.

cc:      R. Van Horne  
         Linda Ross  
         H.R. Team

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

**September 3, 2003**

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

1. MTE has now completed the final phase of its regular activities on behalf of the County and its constituent municipalities (the 2003 Capping Reports). Individual reports were e-mailed to each municipality on August 20, 2003. The By-law necessary to facilitate the billing of the capped property classes (see memorandum attached) is referenced in "Part C".
2. Finance staff have received and reviewed the individual variance reports received from each Division. The summary report has been prepared, but was not available for General Managers to review prior to finalization of this agenda. Once this review has occurred, the report will be distributed well in advance of Council's next meeting, at which time it will be placed on the agenda for discussion.
3. It was determined during the meeting between Finance and Roads Departmental staff that there were no projects in the County's 2003 Capital Budget that met the criteria for or required financing from OMEIFA.
4. Finance staff continues to coordinate the submission of monthly SARS supplemental funding requests to the Province. This will continue until such time as the Province advises us to stop. No significant expenses are now being incurred (the majority of reports are "nil") and to date the Province has flowed 100% of all amounts claimed.
5. Attached is the updated draft of the County's 2002 Financial Statements. This version now incorporates the PSAAB mandated accruals which were not previously shown. The County's external auditors will be present at Council's October 2003 meeting to answer questions and review their Management Letter, which will be circulated in the agenda for that meeting.
6. Attached is correspondence from MTE providing an update as to the status of its activities on behalf on the County before the Assessment Review Board relating to Ontario Power Generation properties.
7. The deadline for acceptance of applications from staff to participate in the County's recently approved Computer Purchase Plan was August 15, 2003. A total of 62 (sixty-two) applications with a total value of \$123,554.11 were received. The order has been placed with the County's strategic supplier, and deliveries are expected to occur before month's end.

**PART B**      **Monthly Activities**1.      Monthly Accounts

Monthly Accounts for Corporate Services are presented in the amount of \$5,189,742.54 (see attached). With regards to their content, please be advised that:

- |   |      |
|---|------|
| a) Are there any items significantly over Budget?             | No.  |
| b) Are there any items that were not in the Budget?           | No.  |
| c) Were all items purchased in accordance with County Policy? | Yes. |
| d) Are there any items significantly under Budget?            | No.  |

2. Attached are Howard Lucas' reports for June 2003 and the current month's purchasing activities.
3. Attached is Janet Smith's monthly report on internal audit activities.
4. Attached is a memo from the Province indicating the County has again received a "pay equity" grant. The amount of the payment was \$17,075.80.
5. Attached is a letter from MPAC regarding OMAF and the designation of farm lands as "FT" so they can receive the reduced tax rate.
6. Attached is a copy of Mr. Innes' presentation regarding the funding of Court Security Costs given to Mr. Hugh Thomas in support of his fact-finding visit to the County on August 14, 2003. Mr. Thomas advised that he intends to report to the Minister with his observations and conclusions by the middle of September 2003.
7. Attached are a number of information bulletins and publications that could be of interest to Committee members:
  - AMO, MFOA and AMCTO relating to municipal tax matters.
  - Various news articles from the Toronto Star & Globe and Mail.
  - Revised constitution of CKLAG.
  - An "update" regarding initiatives being undertaken by MPAC.
8. As noted in Mr. Lucas' Purchasing Activities Report this month, RAC Software has been awarded the purchase following the Request for Proposal for the County Budgeting Software.

**PART B**      **Monthly Activities (continued)**

The cost of acquiring this software was within the amount provided for in the 2003 Capital Budget. It was also in accordance with the County's Purchasing Policy and was therefore approved by Mrs. Ross, General Manager, Corporate Services.

Note that the County asked for a Request for Proposal, and did not tender it. Price was therefore not the sole determining factor.

In our situation, both prices submitted were within 10% of each other. Prices ranged from \$101,395.00 to \$113,263.75. The preferred candidate did not necessarily have the lowest price, however. Although Questica's numbers appear, at first glance, to be lower, they were not considered to be firm enough by the Committee because their software was not yet fully developed.

Other reasons they were not selected include the following:

- The lower cost supplier could not demonstrate a functional Operating Budget program.
- The cost of acquiring the lower cost software did not reflect the need for the County to have sufficient licenses of another type of software. Although this does not present a problem today (the County already has the software in question), it could greatly restrict the County's ability to modify its computer systems, thereby either increasing future costs or limiting the ability of the County to take advantage of other technologies.
- The lower cost bidder stated it would refuse to sign the contract proposed by the County and bid on by the other party.
- The lower cost supplier's Reporting protocols (a primary goal in acquiring this new software) were considerably more cumbersome and less flexible than those of the selected vendor.

Note that the preferred vendor generally scored higher in all categories examined, with the exception of the cost.

9.      Corporate Manager's Report

Recommendation

That the Corporate Manager, Financial Services/Treasurer's Report as set out in Part A and Part B be accepted as presented.

**PART C**      **Other Matters Requiring a Motion**

1. In order to proceed with the final billing of the Capped Property Tax Classes, it is necessary for Council to adopt a By-law establishing decreased limits applicable to them. Accordingly By-law No. 37 of 2003 is being presented.

Recommendation

That the Committee recommends to Council approval of the By-law as presented.

2. 10-9-03 - Attached is a letter from Tourism Sarnia Lambton. Mr. Usher, General Manager/Executive Director is seeking direction from Council regarding the additional funding it approved earlier this summer.

Recommendation

That Mr. Usher be reminded that the funds provided were an advance against any funding Council may provide in 2004, and therefore be guided accordingly.

3. 10-10-03 and 10-11-03 - Attached are 2 (two) letters from the St. Clair Parks Commission. The first details the Commission's efforts to date in addressing its revenue shortfall. The second requests Council to release the hold it placed on its 2003 grant to the Commission earlier this year. As this hold was the result of a specific Resolution of Council, it is necessary for Council to approve a second Resolution reversing this prohibition in order for additional funding to be flowed.

Recommendation

That in recognition of the St. Clair Parkway Commission's ongoing efforts to address its revenue shortfall, the Committee recommends to Council that it lift its hold on the balance of the 2003 operating grant and direct staff to recommence payments.

4. Attached is the following correspondence:
  - a. 10-12-03 Letter from the City of Vaughan re: Resolution – Tax Referendum
  - b. 10-13-03 Letter from the Chatham-Kent Health Alliance requesting the County to complete the Donor Recognition Permission Form so that they may have accurate information to complete the donor walls to acknowledge the many donations received during the *Your Health, Your Future* campaign.

Recommendation

That Committee recommend to Council that it endorse item (a) and refer item (b) to its 2004 budget deliberations.



**PART B**      **Monthly Activities (continued)**

Mrs. Blum asked Mr. Vale, Provincial Crown Attorney how to handle the reissue of summons and was told that unless some action was taken at the time of adjournment, the charges cannot be revived.

The Ministry of Transportation prosecutor feels differently and has approached her legal department for instructions. Many of the Part 3 charges lost were M.T.O. charges.

4. On June 26, 2003, Suncor Energy Products Inc. plead guilty to a charge dated from March 21, 2003 for failing to submit Annual Well Status reports contrary to the Provincial Standards Act. The company was fined \$4,000.00, plus a victim fine surcharge of \$1,000.00 for a total \$5,000.00. The fine was paid within the 30 days given by the Justice of the Peace.

Again on July 31, Her Worship Rogers found an American owned company guilty *in absentia* of two counts for the same offence in Sombra Township on March 21, 2003. A conviction was registered and a fine of \$25,000.00 plus victim surcharge to total \$31,250.00 was imposed and thirty days time to pay was given by the Justice.

5. The Ministry of Transportation and the OPP commercial vehicle inspectors continue to conduct commercial vehicle inspection blitzes in the area. The most recent blitz on July 23<sup>rd</sup> focused on smaller commercial vehicles such as dump trucks, tandem axle trucks and delivery vehicles. Of the 27 (twenty-seven) trucks stopped, 9 (nine) had mechanical deficiencies that removed them from the road until repaired. 5 (five) charges were laid against the operators for a variety of commercial vehicle charges ranging from \$100.00 to \$390.00.
6. The Municipal Court Managers Association West Region Caucus meeting was held on Friday August 8<sup>th</sup> at Widder Station Golf & County Club. Mr. Innes and Mrs. Blum acted as hosts of the meeting, the first time it has been held in Lambton County. Participants were also given the opportunity to enjoy golfing after the meeting while others brought their families and enjoyed the beach in Grand Bend.

7. Corporate Manager's Report

Recommendation

That the Corporate Manager, Financial Services/Treasurer's Report as set out in Part A and Part B be accepted as presented.

**PART C**      **Other Matters Requiring a Motion**

1. The following correspondence has been received:
  - 10-7-03 County of Grey – MFOA letter regarding Dedicated Fines.
  - 10-8-03 United Counties of Leeds & Grenville – Administrative Monetary Penalties.

**Recommendation**

That the Committee recommend to Council that both letters/motions be endorsed.