

MINUTES
LAMBTON COUNTY COUNCIL
(OPEN SESSION)

April 6, 2005

Lambton County Council was in session in the Council Chambers, Wyoming, Ontario, at 10:30 a.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: Dedecker/Burns: That the Warden declare that County Council go in-camera to discuss a matter concerning labour relations and employee negotiations as well as personal matters about identifiable individuals. Carried.

Open Session

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

2005 Budget

Lambton County Council went into the 2005 Budget Session, reviewed all special Committee minutes and made resolutions on an exception basis as recorded on the attached minutes dated 06/04/2005, numbered 4 – 10, as well as the Recorded Votes.

(B) #2: Kirkland/McManaman: That the 2005 County Budget be approved as amended.

A recorded vote, starting with Councillor Dick Kirkland, was requested by Councillor Cam Ivey, on motion #2 of this day's minutes.

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

Yeas - 23; Nays - 9.

Motion carried.

Adjournment

County Council then adjourned for lunch at 12:20 p.m.

Reconvene

County Council reconvened at 1:00 p.m. All members present except S. Arnold and T. Case.

Regular Business

In-Camera

#3: Perry/MacDougall: That the Warden declare that County Council go in-camera to discuss a matter concerning labour relations and employee negotiations as well as personal matters about identifiable individuals. Carried.

Open Session

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

Report of the Closed Session Meeting of Council dated April 6, 2005

#4: Burns/J. Murray: That Council rise and report. Carried.

Ms. L. Ross noted that there were no resolutions to report from the Closed Session meeting of April 6, 2005.

#5: Burns/J. Murray: That County Council adopt the report of the Closed Session meeting. Carried.

Delegations

#6: MacDougall/Kirkland: That we invite Mr. Leonard Kozachuk, Senior Project Manager, URS Canada Inc., within the Bar, to speak to County Council regarding the Planning, Preliminary Design and Class Environmental Assessment Study for Highway 402 from the Bluewater Bridge Plaza easterly for 16 km. to Mandaumin Road (County Road #26). Carried.

#7: Foubister/McManaman: That we invite Ms. Agnes Soulard, Executive Director, Lambton Elderly Outreach and Mr. Michael Burton, District Manager, Canadian Red Cross, within the Bar, to speak to County Council regarding the issue of price increases for Meals on Wheels. Carried.

Monthly Staff Presentation Re: Activities and Issues

#8: Foubister/Jamieson: That we invite Ms. Lola Dudley, Manager, Housing Services, within the Bar, to present an overview of the Housing Services Department's operations. Carried.

Minutes

The Lambton County Council (OPEN SESSION) and (CLOSED SESSION) minutes dated March 2, 2005 was presented.

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

Correspondence

4-5-05 Re: Hospital Funding Correspondence and Petitions as follows:

- (A) A letter from Stephanie F. Donaldson, President of the Greater Grand Bend Community Association, requesting to address Council regarding the extension of the property tax levy for the construction of a new hospital at the Norman Street Site; and,
- (B) Petitions received from residents living in the Municipality of Lambton Shores, opposing the decision of Lambton County Council to provide \$15 million to the Bluewater Health Foundation capital building project.

- * #10: Ivey/ : That Council allow the delegation from the Greater Grand Bend Community Association to appear before Council as requested. Motion lost.
* No Seconder.
* Ruled out of order by the Warden.

4-3-05 A letter from the Town of Midland, dated January 31, 2005, requesting support of its resolution to provide an exemption for Veterans Licence Plates issued by the Ministry of Transportation, for vehicles driven by a veteran or a veteran being a passenger within.

- (A) #11: Foubister/Kirkland: That County Council endorse correspondence 4-3-05 regarding the exemption for Veterans Licence Plates issued by the Ministry of Transportation, for vehicles driven by a veteran or a veteran being a passenger within, and ask staff to direct the matter to local Councils for their consideration as well. Carried.

- * Amend motion #10 of the Lambton County Council (Open Session) minutes dated April 6, 2006, so that it shows that it was ruled out of order by the Warden under the Rules of Procedure – see Council May 4, 2005, mot. #5.

4-1-05 A letter from the Township of St. Clair, dated January 17, 2005, requesting endorsement of its resolution to ask the Province of Ontario to interact with the College of Physicians and Surgeons to ensure that qualified students (physicians) from other areas besides the United States and Canada, can enroll in the Practice Assessment Program in a timely and expedient manner and to ensure that a larger number of students (physicians) are accepted into the necessary programs.

- (A) #12: Dedecker/Burns: That County Council endorse correspondence 4-1-05 to ask the Province of Ontario to interact with the College of Physicians and Surgeons to ensure that qualified students (physicians) from other areas besides the United States and Canada, can enroll in the Practice Assessment Program in a timely and expedient manner and to ensure that a larger number of students (physicians) are accepted into the necessary programs. Carried.

4-2-05 A Members' Advisory from the Federation of Canadian Municipalities (F.C.M.), dated February 1, 2005, advising that the Government of Canada has announced a formula for sharing the federal gas tax, which opens the way for negotiations with Provincial and Territorial Governments that should see money flowing quickly following the upcoming Budget. The Government will contribute \$5 billion over five (5) years according to an allocation formula that includes most of F.C.M.'s recommendations.

4-4-05 A letter from the Municipality of Kincardine, dated January 26, 2005, advising of its resolution to petition the Province of Ontario to ensure that fair, equitable and sustainable funding is made available to conservation authorities in order to continue to deliver the existing programs and meet the challenges of the future.

4-14-05 A copy of a letter from The Regional Municipality of Halton to the Association of Municipalities of Ontario (A.M.O.), dated February 9, 2005, requesting endorsement of its resolution recognizing the benefits realized by Municipalities via the united voice that A.M.O. presents to the Provincial and Federal Governments as set out in Halton Region's Report CH-01-05.

4-19-05 A copy of a letter from the Municipality of West Nipissing to the Association of Municipalities of Ontario (A.M.O.), dated February 2, 2005, regarding hospital funding and requesting support of its resolution to petition the Honourable George Smitherman, Minister of Health and Long Term Care, to address the funding inequities that exist and renew the Provincial Government's commitment to provide effective medical care to rural and northern communities in Northern Ontario.

4-20-05 A letter from Mr. Duncan McTavish, Secretary/Treasurer of the Lambton County Rural Game Protective Association, dated March 10, 2005, extending an invitation to County Council to attend the Lambton County Rural Game Protective Association Annual Banquet and Meeting to be held on Thursday, April 21, 2005, at the Clearwater Arena and Community Centre in Sarnia.

4-25-05 A letter from the Town of East Gwillimbury, dated March 16, 2005, advising of its resolution to request the Province of Ontario to provide financial assistance to the Town of East Gwillimbury in the amount of \$705,000.00 for the 2005 fiscal year, to prevent both a potential property tax increase in excess of the average rate of inflation and a reduction in the Town's level of service to its businesses and residents.

4-26-05 A letter from the County of Huron, dated March 15, 2005, requesting support of its resolution to request the Governments of Canada and Ontario to: a) delay the implementation of Ontario's Nutrient Management Act and define more clearly any Regulations and enforcement duties or responsibilities of the Province or Municipalities; b) immediately implement an action plan to address the farm income crisis by ensuring that the CAIS program delivers real income support and administratively flows in a timely manner; c) provide an immediate cash payment of new money to Ontario's grains and oilseed farmers of \$300 million to allow the planting of crops this year; d) commit to extending the Self-Directed Risk Management Program for horticulture farmers until a suitable program is developed; and, e) delay any new legislation and regulations that will economically burden farmers until these outstanding issues are resolved.

#13: Bradley/Foubister: That the above correspondence items be received and filed. Carried.

Reports to Council

a) Human Resources Services Report – April 6, 2005

Part B, Item 2 – Corporate Manager's Report

(A) #14: Burns/Perry: 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 – April 6, 2005

Part B, Item 4 – Corporate Manager's Report

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

Part C, Item 1 – Correspondence 4-21-05 and 4-22-05

#16: Jamieson/MacDougall: That correspondence 4-21-05 and 4-22-05 be received and filed.
Carried.

Part C, Item 2 – Correspondence 4-23-05

Tourism Sarnia-Lambton has withdrawn its request to seek support from Council regarding the March 2006 Ontario Winter Games, to be held in Lambton County.

Part C, Item 3 – Correspondence 4-24-05

- (T) * #17: Ivey/MacDougall: That further information be sought and that correspondence 4-24-05 be tabled until such information is obtained. Carried.

c) Provincial Offences Administration (P.O.A.) Report – April 6, 2005

Part B, Item 4 – Corporate Manager’s Report

- (A) #18: MacDougall/Ivey: 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

Memorandum dated March 30, 2005 Regarding Goals and Objectives of the C.A.O.

- (A) #19: Dedecker/Foubister: That the memorandum dated March 30, 2005 regarding the Goals and Objectives of the C.A.O., be accepted as presented. Carried.

The following items were presented to Council for its information:

- i) Memorandum dated March 29, 2005 regarding the City/County Agreement;
- ii) Sarnia Lambton Economic Partnership Annual General Meeting Minutes of February 24, 2004;
- iii) General Managers’ Updates – January 11, 18 and 25, 2005, February 1 and 8, 2005, and March 15, 2005.

Minutes

Mr. J. Dedecker presented the Infrastructure and Development/Social and Health Services Committee minutes dated March 16, 2005.

#20: Dedecker/Foubister: That this day’s minutes be adopted as presented (motions #1 to #19). Carried.

Mr. J. Dedecker presented the minutes of the Joint Meeting of the Standing Committees dated March 16, 2005.

- (A) #21: Dedecker/Jamieson: That this day’s minutes be adopted as amended (motions #1 to #11).
(3) Carried.

* Lift from the table motion #17 of the Lambton County Council (Open Session) minutes dated April 6, 2005 regarding correspondence 4-24-05 from the Lambton Youth Choir – see Council May 4, 2005, mot. #21.

* Refer correspondence 4-24-05 to the 2006 Budget – see Council May 4, 2005, mot. #22.

Ms. C. Jamieson presented the Community Services/Information Technology Committee minutes dated March 16, 2005.

Re: Motion #13 – Part A, Item 1 – Meals on Wheels Program

- (A) #22: Ivey/Perry: That motion #13 of the Community Services/Information Technology
(F) Committee minutes dated March 16, 2005 be deleted;

That pricing in all Homes' meal programmes (hot and frozen) as well as visitor and apartment meals, be established at \$5.00 for an all inclusive meal as of July 2, 2005, with further increases of 50 cents every six months thereafter until full cost recovery is achieved; and further,

That production costs be reviewed annually by the dietary supervisors in order to determine the costs of producing the meals. Carried.

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

OTHER BUSINESS

Ms. C. Jamieson, Deputy Mayor of the Municipality of Lambton Shores, brought County Council up to date regarding a recent presentation at the Association of Municipalities of Ontario (A.M.O.) Board meeting of April 1st, 2005, concerning issues such as the gas tax allocation from the Federal Government.

Mr. G. Perry, Mayor of the Village of Oil Springs, spoke to County Council regarding the Local Health Integration Networks (LHINs). The boundary lines have again been changed to include the entire County in the same LHINs.

By-Laws

#24: Bilton/Boushy: That By-Laws #12 and #14 to #18 of 2005, as circulated, be taken as read a first and second time. Carried.

#25: Burns/Dedecker: That By-Laws #12 and #14 to #18 of 2005, as circulated, be taken as read a third time and finally passed. Carried.

Adjournment

The Warden declared the meeting adjourned.

Time: 2:30 p.m.

Patricia Davidson
Warden

Linda Ross
Solicitor/Clerk, General Manager,
Corporate Services

HUMAN RESOURCES SERVICES DEPARTMENT
CORPORATE MANAGER, HUMAN RESOURCES
SERVICES REPORT

April 6, 2005

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 Ontario Health Premium (OHP) language contained in their union collective agreements and the changes to the provincial Income Tax Act. A recent decision by Arbitrator G. Brent in the matter of H. J. Heinz Company and United Food and Commercial Workers favours the employer on the OHP subject. This brings the total to ten (10) cases sent to arbitration of which the employer has been successful in seven (7) cases.

- ii) The County has received notification from CAW Local 302 to commence bargaining for a new collective agreement. This collective agreement expired on March 31, 2005. CAW represents all workers at Marshall Gowland Manor except registered nursing staff.

- iii) Notice to bargain has also been received from the Ontario Nurses' Association representing registered nurses at Marshall Gowland Manor and a second notice to bargain for registered nurses at North Lambton Rest Home and Lambton Meadowview Villa.

- b) Pay Equity Update

The initial start-up group for this project, The Lambton County Employees Association, has been completed. Members of this group include staff from Libraries, Museums and Provincial Offences Court. We now will be moving forward with the Management and Exempt Employees group.

Please see attached communication to employees on this subject.

PART B **Monthly Activities** (continued)

c) Dress Code Policy

For your information the updated Dress Code Policy is attached. This policy was updated to ensure all employees are aware of our responsibility for acceptable business casual attire.

d) Health and Safety

i) As previously reported to Council one of our initiatives for 2005 is to work closely with Rate Group 851 (Homes for the Aged). Physical Demands Analysis (PDA) has now been completed at each of the Homes. This information is very important when reporting accidents to the Workers Safety and Insurance Board, and for the modified work programs which assist in lowering our overall costs for injured workers.

The OH&S Coordinator continues to work with management from the Homes for the Aged in an effort to ensure workers continue to work safely. We have scheduled training in the Homes for:

- Accident Investigation
- Lift Training
- Joint Occupational Health and Safety Training
- WSIB Reporting

ii) NEER Update

The Homes for the Aged will be in a surcharge position for this year and the following two years. There have been two lost time accidents so far in 2005 as well as an employee who has been placed in LMR (Labour Market Reentry). These incidents have created this surcharge. The December 31, 2004 Performance Index for rate Group 851 is currently 2.91. Any Performance Index rating above 1.00 will result in a surcharge.

e) Training and Development

Training for the first quarter has focused on the delivery of a range of computer training programs. Training programs have been provided on:

- Crystal training (report writing capability)
- Excel (beginner and advanced)

PART B **Monthly Activities** (continued)

e) Training and Development (continued)

- Word (beginner and advanced)
- PowerPoint
- Better Written Business Communication

First Aid and CPR training was delivered, meeting our legislated obligations. “Lunch and learn” sessions were made available to staff to improve interviewing skills as well as assist staff in managing stress effectively. There has been 140 County and non-County staff who have taken part in the training sessions offered in the first quarter of 2005.

Training sessions are beginning to attract interest from external sources. Currently 65 County staff and 32 non-County staff are registered in training sessions for the Spring (April and May) sessions.

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)**

3. Items of Interest (continued)

b) Commodity Tax Practice Review

The County's commodity tax consultants, Robert Brakel & Associates Ltd. recently completed its review of our practices, controls and reporting of GST and ORST. They found a total of \$5,470.78 in taxes recoverable, a rather insignificant amount for an organization the size and complexity of the County, and reported that our practices were extremely good and very complete.

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. 4-21-05 and 4-22-05 - Letters from MPAC

Letters dated February 24, 2005 and March 17, 2005 from MPAC regarding recent changes to the way in which equestrian facilities are assessed.

Recommendation

That correspondence items 4-21-05 and 4-22-05 be received & filed.

2. 4-23-05 Letter from Michael Lawley of Tourism Sarnia-Lambton (separate attachment)

Tourism Sarnia Lambton (TSL) is seeking support from Council regarding the March 2006 Ontario Winter Games that will be held in the County. Mr. Lawley advised that the organizing committee is seeking a cash investment from Council in the amount of \$75,000.00 and for Lambton County to act as the host community for the Games.

Recommendations

- a) That Council provide direction as to whether the cash donation of \$75,000.00 in support of the March 2006 Ontario Winter Games be made and when.

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

Recommendations (continued)

b) That Council provide direction as to whether it wishes the County of Lambton to act as “financial back stop” and underwrite any deficit for the games, should once occur.

3. 4-24-05 - Letter from the Lambton Youth Choir

The Lambton Youth Choir has written Warden Davidson requesting a one-time grant from the County of \$2,500.00 to attend a 5-day conference in the U.S.A. The Choir features 70 singers from grades 2-12 and who attend 29 different schools in 15 different Lambton communities, has been in existence since 1994 and performs extensively both in and outside the County.

Recommendation

That Council provide direction as to whether the one-time cash donation of \$2,500.00 in support of the Lambton Youth Choir should be made.

PART B **Monthly Activities (continued)**

3. Items of Interest (continued)

a) Monthly Statistical Reports (continued)

In addition the Statistical Report to the end of February, 2005 is also attached. Charges are lower due to the winter months. Parking charges were less during this period because the Sarnia Parking Authority implemented a new computer system and tickets were not forwarded during the transition. Volumes returned to normal in early March.

b) Collection Training in Niagara

The County's in-house collection clerk, Cindy Vermeiren attended a training session in Niagara on January 27th and 28th. Training concentrated on small claim procedures and an electronic manual was provided to each attendee. This training will be very beneficial as Mrs. Vermeiren has several matters for which claims may soon need to be filed in Superior Court.

c) West Region Court Managers Meeting

John Innes and Cheryl Blum attended the first West Regions Court Managers caucus for 2005 on January 27, 2005 in the Chatham-Kent Provincial Offences Court offices. It was a full agenda and was well attended by representatives across the region. The next scheduled meeting will be hosted by Guelph in April or May at which time POA Managers will have the opportunity to tour the new court facility for the first time.

d) Imperial Oil Trial

Imperial Oil elected to have its trial heard by a Provincial Court Judge. It will begin on April 11, 2005 and is expected to last 3 weeks. An expert witness is required from Texas for 6 days of the trial. An agreement has been reached with the Ministry of Environment to share costs related to this witness. The MOE will pay the cost of the flights and the POA office will cover the cost of the accommodation and meals.

PART B **Monthly Activities (continued)**

3. Items of Interest (continued)

e) Business Practice and Consumer Reporting Act Fines

A trial in absentia was held on February 9, 2005 for two defendants and one company charged jointly under the Consumer Reporting Act and Business Practices Act. The result was a conviction of four offences and the assessing of fines totalling \$100,000.00, including victim fine surcharge. The fines under the *Business Practices Act* is revenue to the POA office but the *Consumer Reporting Act* charge is a dedicated fine payable to the Province which means that the majority of the payments will be retained by it.

f) Royal Polymers Limited Pre-trial

A pre-trial scheduled on March 24, 2005 at 10:30 will determine the length of trial time needed for the Environmental Protection charges pending against Royal Polymers Limited. The Ministry of the Environment charged the company with four offences dated from August 14, 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**

1. No matters to report at this time.