

**MINUTES**  
**LAMBTON COUNTY COUNCIL**

**November 7, 2012**

Lambton County Council was in session in Council Chambers, Wyoming, Ontario, at 1:00 p.m. on the above date. Warden in the Chair; Roll called; All members present except B. Bilton, J. Foubister and I. Veen.

Disclosures of Pecuniary Interest: None.

In-Camera Committee Room #3

#1: MacDougall/McGugan: That the Warden declare that County Council go in-camera to discuss the following:

a) a matter to be considered for the purpose of instructions and directions to the County Solicitor, pertaining to terms of employment and information relating to the employment of identifiable individuals, including receipt of legal advice, including any communications necessary for this purpose, pursuant to section 239(2)(d) of the *Municipal Act, 2001*.

b) a matter to be considered for the purpose of instructions and directions to officers and employees of the employees of the County pertaining to labour relations including any communications necessary for this purpose, pursuant to section 239(2)(d) of the *Municipal Act, 2001*.

c) a matter to be considered for an update, if any, regarding, the status of the development of the proposed withdrawal management center, pursuant to section 239(2)(c) of the *Municipal Act, 2001*.

Carried.

Open Session

The Warden declared that County Council go back into Open Session. Council then reconvened at 1:25 p.m. in the Council Chambers.

Rise and Report Motions of the In-Camera Session dated November 7, 2012

#2: Davis-Dagg/Napper: That Council rise and report.

Carried.

The County Clerk noted that there were no resolutions to report from the Closed Session meeting.

#3: MacDougall/Boushy: That Council adopt the report of the Closed Session meeting.

Carried.

The Warden recognized the children present who attended Council for "Bring your Children to work" day.

#### Presentations and Delegations

#4: MacDougall/Gillis: That we invite all parties making presentations or acting as delegations, within the Bar, to speak to County Council.

Carried.

#### Presentations - Donor Recognition Plaques

##### (A) Long-Term Care Division

A recognition plaque was presented by Warden Steve Arnold and Mr. Chris Doyle, General Manager, Long-Term Care to the North Lambton Lodge Auxiliary in appreciation and recognition of their generous donation towards the building of the gazebo, as well as their ongoing support to the residents and staff of North Lambton Lodge.

Warden Arnold recognized the Royal Canadian Legion Branch 62 - Sarnia for their generous donation and ongoing support to the residents and staff of Marshall Gowland Manor. Unfortunately no representatives were able to attend, therefore a recognition plaque will be forwarded by staff.

Donors to the Judith and Norman Alix Art Gallery were recognized for their generous donations to the Gallery.

#### Delegations

Ms. Denise Smith and Ms. Kim VanHooft of the Heart and Stroke Foundation spoke before Council for its consideration of how to make the County of Lambton more cardiac safe. They discussed key policy recommendations for municipalities that would significantly increase the out of hospital survival rates for sudden cardiac arrest.

Ms. Marcella Olivotto, Coordinator of the Best Start Program spoke before County Council as a representative of The Children's Charter of Rights Committee along with the Lambton Children's Planning Network and presented the Lambton Children's Charter of rights video. It was created by the children for the children in the honour of The National Day of the Child which is on November 20, 2012.

Ms. Marlene Wood, General Manager, Tourism Sarnia-Lambton (TSL) provided County Council with an update regarding the progress TSL has made and summarized the alignment of its Core Services Activities with its Strategic Goals.

**Annual General Meeting of The County of Lambton Community Development Corporation**

The Annual General Meeting of The County of Lambton Community Development Corporation meeting was held in the Council Chambers and was called to order at 2:30 p.m. on the above date.

The Chair of the Board commenced by introducing its members to the Board and the Staff Advisory Committee who were present for the meeting as follows:

Gitta Kulczycki, Judy Morris, Marty Raaymakers, Peter Hungerford, George Mallay, Paul Paolatto, Julia Hoare, Mike Bradley, Steve Arnold and Lonny Napper.

#5: Gillis/Weber: That the agenda for the Annual General Meeting of The County of Lambton Community Development Corporation be approved as presented.

Carried.

No declarations of pecuniary interest were made.

#6: Case/McGugan: That Paul Paolatto, Acting Manager for the University of Western Ontario Research Park, Sarnia-Lambton Campus, be invited within the bar to address the Board.

Carried.

#7: Gillis/Case: The County of Lambton Community Development Corporation's Financial Statements for the year ended April 30, 2012 be accepted as presented.

Carried.

Mr. Paul Paolatto, Acting Manager, presented the report titled "Research Park Update November 2012".

#8: Gillis/Weber: That the report titled "Research Park Update November 2012" be received and filed.

Carried.

#9: Davis-Dagg/Gilliland: That it be recommended that The County of Lambton Community Development Corporation employ the same auditors, BDO Dunwoody LLP as used by the County of Lambton for the 2013 fiscal year.

Carried.

### Adjournment

#10: Gillis/Case: That the Chair declare the Annual General Meeting of the County of Lambton Community Development Corporation adjourned.

Carried.

### Regular Session

The Warden declared that County Council go back into Regular Session.

#11: Bradley/Napper: That Mr. Paul Paolatto, Acting Manager's request for financial support be referred to staff for a full report regarding the same, at its next regular meeting of County Council on November 28, 2012.

Carried.

### Minutes

The Lambton County Council (Open Session) and (Closed Session) minutes dated October 3, 2012 and were presented.

#12: Weber/McCharles: That the Lambton County Council (Open Session) minutes dated October 3, 2012 be accepted as corrected in that Councillor McGugan did not declare a pecuniary interest for the recorded vote on declaring a moratorium for wind turbines but rather Councillor Bilton and (Closed Session) minutes dated October 3, 2012 be accepted as presented.

Carried.

### Correspondence to Receive and File

CC 11-3-12 A letter to Mr. R. Van Horne from the Federation of Canadian Municipalities dated September 24, 2012 regarding the Diamond Jubilee marking the 60th anniversary of Her Majesty Queen Elizabeth II's accession to the Throne as Queen of Canada. The Medal Program is the centrepiece of a year-long series of

Jubilee year celebrations organized by the Government of Canada. A second round of nominations with a new deadline has been launched to give this honour to more Canadians. Nominations and alternate nominations already submitted are unaffected and the new deadline for nominations is December 31, 2012. Nominations are made by completing the nomination form at [www.fcm.ca/jubilee](http://www.fcm.ca/jubilee). To learn more about the Jubilee Medal Program, visit the Governor General's website using this link: [www.fcm.ca/diamondjubilee](http://www.fcm.ca/diamondjubilee).

CC 11-4-12 A memorandum to all Municipalities in Ontario from Crystal Greer, Director of Legislative Services and City Clerk for the City of Mississauga dated September 28, 2012 regarding the banning of the sale of cats and dogs in pet stores. The Council of the Corporation of the City of Mississauga at its meeting on September 26, 2012, adopted Resolution 0218-2012 "That the Clerk forward Recommendation GC-0477-2012 adopted by Council on July 4, 2012 approving the passing of the By-law to ban the sale of cats and dogs in pet stores to major municipalities in Ontario."

#### **Recommendation GC-0477-2012**

1. That a by-law be enacted to amend Schedule 20 of the Business Licensing By-law 1-06, as amended, to require pet shops to provide every purchaser of a cat or dog with a health assessment from a licensed veterinarian for all cats and dogs kept in the shop that receive veterinary care; and, that all pet shops that sell more than 10 cats or dogs per year, obtain these animals from one of the following sources only: municipal animal shelters; registered humane societies; registered shelters or rescue groups.
2. That staff conduct quarterly proactive inspections of licensed pet shops that sell cats and/or dogs.
3. That staff work with the Ontario Society for the Prevention of Cruelty to Animals Investigation Unit on a continual basis to determine if any information exists related to the existence of kitten and puppy mills in Mississauga; and, that staff take appropriate enforcement action with local pet shops in Mississauga if these issues are uncovered.
4. That pet shops be permitted to sell their existing inventory of cats and/or dogs up to and including December 31, 2012 and that all future cats and/or dogs acquisitions by pet shops who sell more than 10 cats or dogs per year be from one of the following sources only: municipal animal shelters; registered humane societies; registered shelters or rescue groups and staff that work with pet shop owners on a program for animal licensing, in accordance with the amendments to Schedule 20 of the Animal Licensing By-law 1-06 as amended.
5. That the Minister of Community Safety and Correctional Services be requested to provide additional support to the Ontario Society for the Prevention of Cruelty to

Animals (OSPCA) so that they can take further action against puppy mills in the Province of Ontario.

CC 11-5-12 A letter to Warden Arnold dated September 21, 2012 from the Honourable Steven Fletcher, Minister of Transportation with regards to correspondence forwarded to him from Pat Davidson, MP Sarnia-Lambton riding acknowledging the Warden's concerns with VIA Rail's reductions in service in Sarnia. Mr. Fletcher stated that VIA Rail is a Crown corporation that operates at arm's length from the Government of Canada and VIA is responsible for decisions regarding its day-to-day operations, including scheduling. Our Government provides VIA Rail with an annual base operating subsidy of \$166 million, which has been supplemented with additional operating funding in recent years. In 2011-2012, VIA's annual operating subsidy was \$273 million. In addition to the operating subsidy, our Government has announced nearly \$1 billion in capital funding over the past six years, including \$60 million as part of Budget 2012, to improve VIA's services and its financial results. This capital funding will allow for improved accessibility through upgrades to aging equipment and the refurbishment of a number of stations on the network. It will also be used to remove infrastructure bottlenecks, support critical information technology projects and provide other improvements to the safety, reliability and efficiency of VIA's services. VIA's mandate is to provide safe and efficient passenger rail service. The correspondence has been forwarded to Marc Laliberte, VIA's President and Chief Executive Officer, making him aware of all comments and concerns.

CC 11-6-12 A letter to Warden Steve Arnold from Bob Bailey, MPP Sarnia-Lambton riding dated September 22, 2012 informing His Worship and Council of the legislation that the Ontario PC Caucus tabled in the Ontario Legislature that would, if passed, fix Ontario's broken public sector arbitration system that has completely disregarded the ability of taxpayers to pay for wage increases. To fix the problem, the Ontario PC Caucus has introduced the *Ability to Pay Act* to require arbitrators to consider specific local economic and budgetary criteria and explain in writing how these objective criteria affected the decision. This bill means that arbitrators would not be allowed to use future tax increases to justify ability to pay. It would also require panels of three independent arbitrators to settle arbitration cases for broader public sector union contracts within a tight timeline of three months. The panels would be chosen from a roster approved by the Minister of Labour. The legislation would also create a wage division using existing resources within the Ministry of Finance called the Ability to Pay Division. The department would collect and publish comparative data on compensation, as well as proactively disclose all arbitration awards. Mr. Bailey, MPP is asking that the legislation is reviewed and a resolution drafted to send to the Liberals and NDP to encourage them to pass this bill when debated.

## **Resolution for Municipal Councils**

BE IT RESOLVED that the County of Lambton believes that arbitrators when undertaking a decision should be required to take into account the following criteria as outlines in Bill 121, the *Ability to Pay Act, 2012*, in addition to any other criteria provided by law:

1. National, provincial and local unemployment rates, economic growth rates and personal income levels.
2. A comparison, as between the employees and other comparable employees in the public and private sectors, of the terms and conditions of employment, including remuneration and benefits, and the nature of the work performed.
3. Inherent advantages in bargaining enjoyed by the employees because there is a monopoly on services, because the activities are not carried on for profit, or for both reasons.
4. If applicable, the mandate of elected officials.
5. The fiscal situation of the Province (or, if the employer is a municipality or local board of a municipality, the municipality's fiscal situation). In applying the criteria, arbitrators shall assume that no tax rate will be increased to pay the costs of the decision or award. Arbitration cases within the entire broader public sector shall be settled within a tight timeline of 3 months.

WHEREAS Bill 121, the *Ability to Pay Act, 2012*, will legislate these criteria and bring government employee wages back in line with what municipalities and taxpayers can afford to pay;

THEREFORE BE IT RESOLVED that the County of Lambton calls on the Legislature of Ontario to pass the *Ability to Pay Act, 2012*.

CC 11-7-12 An email to Mr. Ron Van Horne from the Association of Municipalities of Ontario (AMO) dated October 2, 2012 regarding Arbitration Reform. AMO and its members have sought changes to interest arbitration that would improve accountability and transparency for municipal taxpayers, employees and employers alike. There is broad recognition across the Ontario Legislature that arbitration reform is needed. On September 28, 2012 AMO's Board directed staff to work with external legal counsel, Hicks Morley, and the Emergency Services Steering Committee (ESSC) to develop any necessary changes to advance municipal interests and report back to the AMO Executive and Board with recommendations. AMO would encourage municipal

councils to consider the Township of Scugog's recent resolution on this matter. Local councils are encouraged to either support it or use it as a basis for its own resolution. It is essential that broad support for arbitration reform is translated into prudent legislation. Through consultation with AMO, Ontario's municipalities will have an opportunity to make sure the legislation achieves its intended outcomes. Ontario communities cannot afford the consequences of the Ontario Legislature getting this legislation wrong. The resolution is as follows:

"WHEREAS, the County of Lambton is pleased that both the Liberal government and the PC party have kept the issue of interest arbitration reform at the forefront of major policy discussions;

AND WHEREAS, the County of Lambton supports the overall intention of interest arbitration reform;

AND WHEREAS, a preliminary review indicates that there appears to be room for improvement in both pieces of draft legislation before the legislature;

AND WHEREAS, the County of Lambton trust that through further consultation these issues can be resolved; And Whereas, the County of Lambton is aware that AMO and the Emergency Services Steering Committee are reviewing these issues and look forward to further discussion and input;

NOW THEREFORE, the County of Lambton requests that the legislature will work collectively in the best interest of Ontario municipalities and Ontario taxpayers on this important issue of interest arbitration reform."

CC 11-9-12 A letter addressed to Mr. Ron Van Horne from Gord Bristo, President of the Bluewater Health Foundation dated September 28, 2012 extending a thank you on behalf of the patients, staff and physicians at Bluewater Health for the generous donation. The support that was provided is much appreciated as the staff is working hard to give exceptional care to their patients. Bluewater Health are aiming to purchase equipment and the requisite training to give their patients a faster diagnosis, a more precise reading, a less invasive treatment and ultimately, a better outcome. Sarnia-Lambton deserves the best and Bluewater Health is working hard to provide that.

#13: Boushy/Gillis: That correspondence 11-3-12 to 11-7-12 and 11-9-12 be received and filed.

Carried.

## Information Reports

### CAO

#14: Davis-Dagg/Gillis: That the following Information Reports be received and filed:

1. Information Report dated November 7, 2012 regarding the Going Green Committee Activity Report.
2. Information Report dated November 7, 2012 regarding Attrition Management Updated Report.

Carried.

### Items Not Requiring a Motion

The Tourism Sarnia-Lambton minutes of August 21, 2012 were presented to County Council for its information.

### Committee Minutes

Mr. B. Weber presented the Committee A.M. minutes dated October 17, 2012.

#15: Weber/Kirkland: That the Committee A.M. minutes dated October 17, 2012 be accepted as presented.

Carried.

Mr. J. McCharles presented the Committee P.M. minutes dated October 17, 2012.

#16: McCharles/Napper: That the Committee P.M. minutes of October 17, 2012 be accepted as presented.

Carried.

## **OTHER BUSINESS**

Councillor MacDougall thanked the community for their efforts, physical, financial and otherwise for bringing the Judith and Norman Alix Art Gallery to fruition.

That correspondence from the 1st Hussars Association with regards to naming County Road 22 (London Line) and County Highway 22 (Egrement Road) as the 1st Hussars Commemorative Highway be referred to staff for consideration at the next regular committee meeting.

By-Laws

#17: Weber/Gilliland: That By-Law 25 of 2012, as circulated, be taken as read a first and second time.

Carried.

#18: McCharles/Case: That By-Law 25 of 2012, as circulated, be taken as read a third time and finally passed.

Carried.

Adjournment

#19: MacDougall/Gillis: That the Warden declare the meeting adjourned with the next regular meeting of County Council to be held on Wednesday November 28, 2012 with the In-Camera session to commence at 1:00 p.m.

Carried.

Time: 3:45 p.m.

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Steve Arnold  
Warden

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David Cribbs  
County Clerk  
General Manager, Corporate Services