

NORTH RENFREW WASTE MANAGEMENT BOARD

c/o Townships of Rolph, Buchanan, Wylie & McKay
R.R. #1, Deep River, Ontario KOJ 1P0

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**North Renfrew Waste Management Board Meeting
MINUTES OF MEETING**

Date: Monday, October 19, 1998

Time: 7:00 pm

Location: Townships Rolph, Buchanan, Wylie & McKay, Meeting Room

Attendance:

Chairperson Burton, Village of Chalk River

Councillor Robinson, Townships RBWM

Mr. B. Bigham, SLC Chairman

A. LeClair, NRWMB Project Coordinator

1. Review and Acceptance of Minutes Meeting

September 28, 1998

Chairperson Burton requested errors and/or omissions. No comments were forwarded. Councillor Robinson moved to accept the minutes without revision; Chairperson Burton seconded; minutes were accepted without revision.

2. Business Arising from Last Meeting

EPA Approval: Status of Latest Correspondence to MOE

Chairperson Burton requested a report on the status of the Board's latest correspondence. Ms. LeClair reported that there no status was available at the time of the meeting. Ms. LeClair explained that the Ministry is presently experiencing a backlog of work due to a significant increase of application submissions recently received by proponent, all of which submitted before the Ministry began to enforce application fees for submission starting October 1, 1998. Due to the backlog of work, Ms. LeClair anticipated a delay in the Board's approval which is now most likely to occur towards the end of the year, possibly the new year.

Ms. LeClair committed to contact the Ministry in the next week to obtain a status.

Municipal Compensation: Status of Bagg's Rd. Maintenance Agreement

Chairperson Burton requested a report on the status of the Bagg's Rd Maintenance Agreement. Ms. LeClair reported that the agreement document has been finalized and forwarded to the Town of Deep River for signature. Ms. LeClair further added that the agreement will be held at the Town until the relevant schedules (apportionment figures and the final detailed design plans) are attached to the agreement. Ms. LeClair stated that the detailed design plans will not be finalized until early next year.

Ms. LeClair further added that although the detailed design plans of Bagg's road are preliminary, the plans for the upgrade have not been modified during the process of review, therefore, the preliminary plans would be sufficient for the purposes of the agreement.

Due to the extremely lengthy progress of the municipal compensation issue, board members were in agreement to see the agreement signed as soon as possible, and to use the preliminary/draft documents presently at hand as the schedules for reference in the interim, and requested action by Ms. LeClair to discuss with Ms. Mysyk (CAO of Townships RBWM) and Mr. Simons (CA of the Town of Deep River) to move the agreement through the signing process quickly.

3. Governance/Management Model Assessment

Assessment Workshop Results: Final Comments

Chairperson Burton requested final comments on the assessment workshop results. No comments were raised.

Establish Baseline of Information: Conducting Interviews and Collecting data from existing sample model systems

Chairperson Burton directed Ms. LeClair to present the issue. Ms. LeClair distributed and presented the interview plan to be used during this phase of the assessment (please refer to the attached). Ms. LeClair requested feedback from the Board members.

SLC Chair, Mr. B. Bigham, expressed concern about the reliability of the information if only opinion or someone's position is obtained. Ms. Bigham stated that sticking to the facts of about the existing sample governance/management system, like knowing how the operation works, is a more valuable exercise. Councillor Robinson raised a concern about introducing biases into the information gathering process.

Ms. LeClair acknowledged the concerns. Ms. LeClair stated that some time has already been spent in reading the operations agreement for each existing model system, and learning about how each system works. Ms. LeClair explained that information needs to be gathered about the strengths and weaknesses of each sample model system, and this information can be obtained by questioning the ones who work within the system. By interviewing contacts at each function level within the system, one will be able to identify problems or opportunity, particularly if the problem (s) and/or opportunity (ies) is/are raised consistently at each/or at most of the functional levels, throughout the system. The reliability of the information is further strengthened if the same problem (s) and/or opportunity (ies) is/are raised within the second sample model system. With respect to the concern about introducing biases into the information gathering process, Ms. LeClair pointed out that every contact will be providing information from their own perspective within the system, therefore, it is given that each contact will be introducing biases. The consistency by which a problem/opportunity is raised at each level adds reliability that the problem/opportunity is a true and real problem/opportunity, and an isolated problem/opportunity which is not raised by contacts from the other functional levels may be questioned for its validity as a true and real problem/opportunity. Ms. LeClair that each contact will be surveyed for his/her knowledge base with respect landfill operations, municipal government in general, and experience with the sample model system in question.

Councillor Robinson commented that in his opinion, Mr. Andrew Polley, the MOE Abatement Officer, would represent the least biased contact. Ms. LeClair countered Councillor Robinson's opinion. Ms. LeClair outlined her reasoning: Due to government cutbacks, the Ministry's District Office now has at

its disposal only 2 Senior Environmental Officers to cover its district. One officer is Mr. Polley. It is known that Mr. Polley (or the Ministry in general) is motivated to find ways to decrease the workload with respect to the abatement of the district's landfill sites. In order to decrease the workload, Mr. Polley (or the Ministry in general) is moving towards closing all of the smaller sites within the district, among other measures. In this sense, Mr. Polley could come into the assessment process from the position of findings ways to preserve a manageable workload, and influence the interview to this end. Ms. LeClair underlined the fact that the assessment is without a doubt political.

Ms. LeClair requested further feedback and general acceptance of the approach. Board members agreed favourably to accept the approach. No further comments were raised.

4. Finance

Monthly Report

Chairperson Burton requested a report on this month's finances. Ms. LeClair distributed and presented the monthly report in a new format, as requested by the Board at the last general meeting. Ms. LeClair requested feedback on the new format. The feedback was favourable, and Board members accepted to adopt it as the new format.

Third Quarter Report

Ms. LeClair was called upon by Chairperson Burton to report on third quarter finances. Ms. LeClair distributed the third quarter report and present a financial summary. The main concern raised with respect to third quarter finances was the sharp increase in actual expenses for legal consultant services to support EPA approval activities. Ms. LeClair explained that the Board's Legal Counsel, Mr. David Cox, submitted a statement of account of about \$4,139, which was considered twice the amount anticipated. Ms. LeClair reported to have discussed the issue with Mr. Cox before the meeting. Mr. Cox, during this discussion, had explained that approximately \$1,800 was attributable to the review of the access agreement in July, 1998 - approximately \$500 attributed to the cost of having a junior lawyer research background information on the issues as raised in McCarthy-Tetrault's letter of July 24, 1998. In response to Ms. LeClair's objection to the cost of the review, Mr. Cox had acknowledged some accountability in neglecting to discuss the cost of the review, before doing the review, and offered a reduction in fee by \$500 on the next statement as compensation.

Ms. LeClair requested to know the Board's position on the resolution of the issue, whether the Board accepts the \$500 reduction on the next statement as fair compensation. There was a remark that the reduction should be higher than \$500. Board members raised concern about reporting back to Council on this sharp increase.

Ms. LeClair requested from the Board members to bear in mind that actual expenses above budget are fairly commonplace in the area of consulting and legal services. Ms. LeClair explained that there are several factors which make the prediction of legal/consultant expenses accurate. Board members did acknowledge this fact. Ms. LeClair further explained that, with respect to the Board's legal costs, Mr. Cox refuses to submit any kind of cost estimate for services on specific activities because he rationalizes that he cannot predict what issues will arise, and how much research will be required to address the particular issue. Ms. LeClair used the example of the review of the access agreement to validate Mr. Cox's position, as follows: While North Renfrew's land acquisition agreements follow the process of review, approval and signatures, the MOE in meantime attends to its usual practice of revision existing, or creating new legislation. The longer the review and approval process takes, the higher the probability that some of the provisions of the agreements will no apply by the time the

agreements are signed, due to the enactment of revised or new legislation. This is exactly what happened with the access agreement. The draft land acquisition agreements were submitted to the Town of Deep River for review and approval in September 1997. The agreements were finalized and signed by July 1998. Within that 10-11 month timespan when the agreements were in the process of review and approval, the MOE had enacted the Regulation 232/98 dealing with landfill site ownership. While the provisions of the landfill agreements were relevant in September 1997 based on existing MOE legislation, the new Regulation 232/98 (which directly impacts on the agreement if applicable), would potentially render some of the provisions useless by July 1998 when the agreement was being signed. Had there been no new legislation introduced by July 1998, the Board's legal review of the agreement would have become a simple and straightforward task, however, the enactment of the new MOE legislation dictates a more careful and detailed legal review of the agreement.

Ms. LeClair underlined other factors which affect anticipated actual expenses for legal services:

- The slow progress of the landfill site exposes the Board to the following impacts with respect to legal costs:
 - increases in annual legal fees - Mr. Cox's fees rise annually by at least \$25/hr. His legal fee is presently \$200/hr.
 - changes in MOE legislation which require more researching and assessing.
 - changes in MOE staffing and subsequent interpretation of MOE legislation or changes in internal MOE policies:
 - which forces the Board to research and reconsider its legal position on certain issues relative to EPA approval

Board members considered Ms. LeClair's position, and requested a summary of the points raised to submit to Council for consideration while discussing the issue.

5. SLC Update

No comments or issues were tabled.

6. Other Business

Performance Appraisal/Contract Renewal: Coordinator

Ms. LeClair distributed copies of past performance appraisals, the current project coordinator position contract, and a blank performance appraisal form. Ms. LeClair indicated that the last appraisal was conducted last November, which makes this year's appraisal due next month. Ms. LeClair reviewed the usual appraisal process which was conducted by the Chair of the Board: The Chair sits with the project coordinator to conduct the appraisal and discuss past performance. Board members discussed the current appraisal process and agreed to change the process as follows:

- Board members to meet and discuss and rate performance
- Performance appraisal to be reviewed and commented by Coordinator
- Board members and Coordinator meet to discuss appraisal
- Review contract and make revisions if necessary
- Finalize, and sign both performance appraisal and contract.

Time Limit to General Board Meetings

Chairperson Burton commented on the difficulty in staying focused during the lengthy meetings, and therefore being effective in performing responsibilities. Chairperson Burton recommended limiting meetings to 3 hours, and scheduling a second meeting if necessary. Board members concurred. Councillor Robinson motioned to approve Chairperson Burton's recommendation to limit general Board meetings to 3 hours. Chairperson Burton seconded; motion approved.

Next Meeting

Board members agreed to meeting on November 23, 1998.

Timely Distribution of Minutes of General Board Meetings

Chairperson Burton relayed a concerns originally raised by Reeve Osborne, Village of Chalk River, about the timely distribution of minutes of general board meetings. Reeve Osborne objected to reading about waste management issues in the newspaper, without having read it in the minutes first. Reeve Osborne could not understand why Board minutes could not be provided within a week, even if the minutes were in draft form and not accepted until a month afterwards. Board members considered Reeve Osborne's objections. On the issue of distributing draft minutes in advance of acceptance, Ms. LeClair outlined the risk in releasing information about the process which could be misinterpreted based on an error or omission or unclarified point. On the other hand, Ms. LeClair outlined the fact that clarifying point of minutes or errors or omission are not frequent, therefore, there is some level of confidence that the draft minutes accurately reflect discussions of the meeting. While the Board members were not comfortable with releasing draft minutes of meeting for general distribution, there was a request to have the draft minutes completed within a week of the meeting to assist in reporting meeting issues to Council. Mr. Bigham expressed the point that despite efforts to distribute the draft minutes within a week's time, there will always exist the probability of meeting issues being reported in the newspaper even before the draft minutes are distributed. Board members concurred with this point and agreed that no minutes of meeting will be distributed generally until the minutes have been formally accepted by the Board.

Chairperson Burton directed Ms. LeClair to provide draft minutes to Board members within a week of general Board meetings, on a regular basis.



Prepared by:

Date Accepted: 1998 November 25