



**THE REGIONAL MUNICIPALITY OF NIAGARA  
JOINT BOARD OF MANAGEMENT - NIAGARA COURTS  
AGENDA**

**JBM 2-2020**

**Thursday, August 13, 2020**

**3:30 p.m.**

**Meeting will be held by electronic participation only**

Due to efforts to contain the spread of COVID-19 and to protect all individuals, there is no public access to Niagara Region Headquarters. If you are interested in viewing this meeting or would like to speak to an item listed on the agenda please contact the Office of the Regional Clerk at [clerk@niagararegion.ca](mailto:clerk@niagararegion.ca) no later than Wednesday, August 12, 2020 at 4:00 p.m.

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| <b>1. <u>CALL TO ORDER</u></b>   |              |
| <b>2. <u>DISCLOSURES OF PECUNIARY INTEREST</u></b>   |              |
| <b>3. <u>PRESENTATIONS</u></b>   |              |
| <b>4. <u>DELEGATIONS</u></b>   |              |
| <b>5. <u>ITEMS FOR CONSIDERATION</u></b>   |              |
| 5.1 <u>JBM-C 3-2020</u><br>Approval of Court Services 2019 Audited Schedule of Revenue,<br>Expenses and Funds Available for Distribution | 3 - 13       |
| 5.2 <u>JBM-C 6-2020</u><br>2021 Capital Budget - Court Scheduling Tool Modernization Project   | 14 - 16      |
| <b>6. <u>CONSENT ITEMS FOR INFORMATION</u></b>   |              |
| 6.1 <u>JBM-C 4-2020</u><br>Initiation of 2018 Capital Project Funds for Court Administration<br>Management System Replacement            | 17 - 20      |
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| 6.3 | <u>JBM-C 7-2020</u><br>Court Services COVID-19 Update  | 30 - 33 |
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7. OTHER BUSINESS

8. NEXT MEETING

The next meeting will be held on Thursday, November 5, 2020 at 3:30 p.m.

9. ADJOURNMENT

If you require any accommodations for a disability in order to attend or participate in meetings or events, please contact the Accessibility Advisor at 905-980-6000 ext. 3252 (office), 289-929-8376 (cellphone) or [accessibility@niagararegion.ca](mailto:accessibility@niagararegion.ca) (email).

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**Subject: Approval of Court Services 2019 Audited Schedule of Revenue, Expenses and Funds Available for Distribution**

**Report to:** Joint Board of Management

**Report date:** Thursday, August 13, 2020

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**Recommendations**

1. That approval of the final audited schedule of revenue, expenses and funds available for distribution for the year ended December 31, 2019 for The Regional Municipality of Niagara Court Services (“Court Services”) (Appendix 1), as issued to the Joint Board of Management via email on May 11, 2020, **BE CONFIRMED**;
2. That this report **BE FORWARDED** to the Region’s Audit Committee and to The Ministry of the Attorney General as per the Memorandum of Understanding, for information as required.

**Key Facts**

- The purpose of this report is to formally present the final 2019 audited schedule of revenue, expense and funds available for distribution (Appendix 1). Court Services received an unmodified audit opinion.
- In accordance with AC-C 32-2018 dated June 28, 2018, respecting the Audit Committee Terms of Reference, regarding agencies, boards and commissions (ABC) financial statements, financial schedules are approved by the governing bodies of the reporting ABC and then referred to Audit Committee for information.
- As Court Services is an ABC of the Niagara Region, the Court Services operating results (included in the Schedule of revenue, expenses and funds available for distribution) are incorporated into the Niagara Region’s consolidated financial statements. Niagara Region’s consolidated financial statements were presented to Corporate Services Committee on May 13, 2020 and approved at Council on May 21, 2020.
- Due to the limitations on electronic meetings during the COVID-19 pandemic emergency; the Joint Board of Management (JBM) was unable to hold a formal meeting to review the draft audited schedule of revenue, expenses and funds for Court Services in advance of the deadline for approval by Corporate Services Committee and Regional Council.
- Instead, the draft audited schedule of revenue, expenses and funds was provided to JBM members via email on May 11, 2020, for review and comment.

- No comments were received from JBM members and as a result this report is now being formally presented to JBM for confirmation of approval (at the first electronic meeting of JBM since the commencement of the emergency).

## **Financial Considerations**

The final audited schedule of revenue, expenses and funds available for distribution has been prepared in compliance with legislation and in accordance with the financial reporting provisions in the Niagara Region Courts Inter-municipal Agreement dated April 26, 2000.

A copy of the final audited schedule of revenues, expenses and funds available for distribution for the year ended December 31, 2019 is attached (Appendix 1).

## **Analysis**

The Region's auditors, Deloitte, completed the audit of the financial information in the schedule of revenue, expenses and funds available for distribution. The auditors have indicated that, in their opinion, the financial information for the year ended December 31, 2019 is prepared, in all material respects, in accordance with the financial reporting provisions in the Niagara Region Courts Inter-municipal Agreement dated April 26, 2000.

Due to the limitations on electronic meetings during the COVID-19 pandemic emergency, the Joint Board of Management (JBM) was unable to hold a formal meeting to review the draft audited schedule of revenue, expenses and funds for Court Services in advance of the May 2020 deadline for approval by Corporate Services Committee and Regional Council. Instead, the draft audited schedule of revenue, expenses and funds was provided to JBM members via email on May 11, 2020, for review and comment. No comments or concerns were received from JBM members in response.

As a result this report is now being formally presented to JBM for confirmation of approval of the audited schedule of revenue, expenses and funds at the first electronic meeting of JBM since the commencement of the emergency further to the amendment to the Region's Procedural by-law on July 30<sup>th</sup> that allows JBM to now meet electronically.

As Court Services is an ABC of the Niagara Region, the Court Services operating results (included in the Schedule of revenues, expenses and funds available for distribution) are incorporated into the Niagara Region's consolidated financial statements that were presented to Corporate Services Committee on May 13, 2020 and approved by Regional Council on May 21, 2020.

### **Alternatives Reviewed**

The audited schedule of revenue, expenses and funds available for distribution is prepared in accordance with the Niagara Region Courts Inter-municipal Agreement dated April 26, 2000 and has been approved by Regional Council, therefore no alternative is available.

### **Relationship to Council Strategic Priorities**

Providing formal financial reporting to Council and the public supports the Council Strategic Priority of Sustainable and Engaging Environment.

### **Other Pertinent Reports**

None

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**Prepared by:**  
Melanie Steele  
Associate Director Reporting and  
Analysis

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**Recommended by:**  
Todd Harrison, CPA, CMA  
Commissioner/Treasurer  
Corporate Services

*This report was prepared in consultation with Sara Mota, Program Financial Specialist, Corporate Services.*

### **Appendices**

Appendix 1 2019 Schedule of Revenue, Expenses and Funds Available for  
Distribution

Schedule of revenues, expenses and funds available for distribution

## **The Regional Municipality of Niagara Court Services**

December 31, 2019

# **The Regional Municipality of Niagara Court Services**

December 31, 2019

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## Independent Auditor's Report

To the Board Members of The Regional Municipality of Niagara Court Services

### Opinion

We have audited the accompanying schedule of revenues, expenses and funds available for distribution of The Regional Municipality of Niagara Court Services (the "Court Services") for the year ended December 31, 2019 and notes to the schedule (collectively referred to as the "schedule").

In our opinion, the accompanying schedule of the Court Services for the year ended December 31, 2019, is prepared, in all material respects, in accordance with the financial reporting provisions in the Niagara Region Courts Intermunicipal Agreement dated April 26, 2000.

### Basis for Opinion

We conducted our audit in accordance with Canadian generally accepted auditing standards ("Canadian GAAS"). Our responsibilities under those standards are further described in the *Auditor's Responsibilities for the Audit of the Schedule* section of our report. We are independent of the Court Services in accordance with the ethical requirements that are relevant to our audit of the schedule in Canada, and we have fulfilled our other ethical responsibilities in accordance with these requirements. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

### Emphasis of Matter - Basis of Accounting

We draw attention to Note 1 to the schedule, which describes the basis of accounting. The schedule is prepared to assist the Court Services in complying with the financial reporting provisions in the Niagara Region Courts Intermunicipal Agreement dated April 26, 2000. As a result, the schedule may not be suitable for another purpose. Our opinion is not modified in respect of this matter.

### Responsibilities of Management and the Board of Directors for the Schedule

Management is responsible for the preparation and fair presentation of the schedule in accordance with the basis of accounting as described in Note 1, and for such internal control as management determines is necessary to enable the preparation of the schedule that is free from material misstatement, whether due to fraud or error.

The Board of Directors are responsible for overseeing the Court Services' financial reporting process.

### Auditor's Responsibilities for the Audit of the Schedule

Our objectives are to obtain reasonable assurance about whether the schedule as a whole is free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with Canadian GAAS will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of this schedule.



As part of an audit in accordance with Canadian GAAS, we exercise professional judgment and maintain professional skepticism throughout the audit. We also:

- Identify and assess the risks of material misstatement of the schedule, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Court Services' internal control.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates, if any, and related disclosures made by management.

We communicate with the Board of Directors regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that we identify during our audit.

Original signed by Deloitte LLP

Chartered Professional Accountants  
Licensed Public Accountants  
June 3, 2020

# The Regional Municipality of Niagara

## Court Services

Schedule of revenues, expenses and funds available for distribution  
year ended December 31, 2019

|   |                  | 2019             | 2018             |
|---|------------------|------------------|------------------|
|   | Budget           | Actual           | Actual           |
|   | \$               | \$               | \$               |
| <b>Revenues</b>                                   |                  |                  |                  |
| Offence receipts                                  | 6,742,000        | 7,026,052        | 7,347,729        |
| Proceeds on sale of surplus land (Note 5)         | -                | 215,163          | -                |
|   | <b>6,742,000</b> | <b>7,241,215</b> | <b>7,347,729</b> |
| <b>Controllable expenses</b>                      |                  |                  |                  |
| Salaries and benefits                             | 2,042,532        | 1,609,856        | 1,756,743        |
| Program support costs (Note 4)                    | 1,234,056        | 1,158,189        | 1,306,159        |
| Collection charges                                | 110,000          | 242,254          | 167,256          |
| Legal   | 73,620           | 31,688           | 80,348           |
| Payment processing costs                          | 67,500           | 75,253           | 74,299           |
| Ticket data capture                               | 2,000            | 784              | -                |
| Telephone   | 9,700            | 8,162            | 8,628            |
| Business forms                                    | 4,000            | 6,842            | 3,573            |
| Building and equipment rental                     | 500              | 253              | 253              |
| Office and administration                         | 42,520           | 56,161           | 57,623           |
|   | <b>3,586,428</b> | <b>3,189,442</b> | <b>3,454,882</b> |
| <b>Uncontrollable expenses</b>                    |                  |                  |                  |
| Payments to other municipalities/provinces        | 250,000          | 296,078          | 265,523          |
| Victim fine surcharge                             | 1,000,000        | 1,034,291        | 1,048,736        |
| Adjudication                                      | 450,000          | 370,536          | 421,308          |
| Dedicated fines                                   | 20,000           | 31,325           | 17,001           |
| Other provincial expenses                         | 226,000          | 214,956          | 213,923          |
|   | <b>1,946,000</b> | <b>1,947,186</b> | <b>1,966,491</b> |
| <b>Total expenses</b>                             | <b>5,532,428</b> | <b>5,136,628</b> | <b>5,421,373</b> |
| <b>Excess of revenues over expenses</b>           | <b>1,209,572</b> | <b>2,104,587</b> | <b>1,926,356</b> |
| Change in employee benefits and other liabilities | -                | (6,547)          | (657)            |
| Transfer to Niagara Region (Note 2)               | -                | -                | (43,847)         |
| <b>Funds available for distribution (Note 3)</b>  | <b>1,209,572</b> | <b>2,098,040</b> | <b>1,881,852</b> |

The accompanying notes to the schedule are an integral part of this financial statement.

# The Regional Municipality of Niagara Court Services

Notes to the schedule

December 31, 2019

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## 1. Significant accounting policies

The schedule of revenues, expenses and funds available for distribution of The Regional Municipality of Niagara Court Services has been prepared by management in accordance with the financial reporting provisions in the Niagara Region Courts Intermunicipal Agreement dated April 26, 2000 (the "agreement").

Significant accounting policies are as follows:

### *Revenues*

Revenues are recorded on a cash basis.

### *Expenses*

Court Services follows the accrual method of accounting for controllable expenses. Controllable expenses are recognized as they are incurred and measurable as a result of receipt of goods or services and/or the creation of a legal obligation to pay.

Uncontrollable expenses are recorded on a cash basis.

### *Capital assets*

Capital assets and amortization of capital assets are not reported as expenses on the statement of receipts and expenses and funds available for distribution.

### *Transfers to reserves*

Transfers to reserves are based on approval by the Board, as provided for in section 8.6 of the agreement.

### *Employee future benefits*

Court Services provides certain employee benefits which will require funding in future periods. These benefits include sick leave, life insurance, extended health and dental benefits for early retirees.

The costs of sick leave, life insurance, extended health and dental benefits are actuarially determined using management's best estimate of salary escalation, accumulated sick days at retirement, insurance and health care cost trends, long term inflation rates and discount rates. The cost is actuarially determined using the projected benefits method prorated on service. Under this method, the benefit costs are recognized over the expected average service life of the employee group. Any actuarial gains and losses related to the past service of employees are amortized over the expected average remaining service life of the employee group.

## 2. Transfer to Niagara Region

Court Services transferred \$nil (2018 - \$43,847) to the Niagara Region Capital Program.

The Niagara Region currently holds \$2,876,247 (2018- \$1,650,000) in a Court Services Facility Renewal reserve to be used by Court Services on future capital projects. During the year, a total of \$1,226,247 was returned to the Court Services Facility Renewal reserve as the funds were not required to complete the Court Facilities Renewal Project that had previously been allocated to Court Services.

# The Regional Municipality of Niagara Court Services

Notes to the schedule

December 31, 2019

## 3. Distribution to area municipalities

Court Services revenue distribution by municipality is as follows:

|                     | <b>Budget</b>    | <b>2019</b>      | <b>2018</b> |
|---------------------|------------------|------------------|-------------|
|                     | <b>\$</b>        | <b>\$</b>        | <b>\$</b>   |
| Region of Niagara   | <b>604,786</b>   | <b>1,049,020</b> | 940,926     |
| Niagara Falls       | <b>117,933</b>   | <b>204,559</b>   | 182,546     |
| Port Colborne       | <b>19,414</b>    | <b>33,674</b>    | 30,882      |
| St. Catharines      | <b>153,374</b>   | <b>266,031</b>   | 242,344     |
| Thorold             | <b>24,010</b>    | <b>41,646</b>    | 36,658      |
| Welland             | <b>48,685</b>    | <b>84,446</b>    | 76,667      |
| Fort Erie           | <b>39,009</b>    | <b>67,662</b>    | 61,331      |
| Grimsby             | <b>47,052</b>    | <b>81,614</b>    | 71,015      |
| Lincoln             | <b>39,130</b>    | <b>67,872</b>    | 60,602      |
| Niagara-on-the-Lake | <b>54,612</b>    | <b>94,726</b>    | 84,018      |
| Pelham              | <b>27,820</b>    | <b>48,255</b>    | 43,474      |
| Wainfleet           | <b>11,189</b>    | <b>19,407</b>    | 17,242      |
| West Lincoln        | <b>22,559</b>    | <b>39,128</b>    | 34,147      |
|                     | <b>1,209,572</b> | <b>2,098,040</b> | 1,881,852   |

Included in the current year funds available for distribution of \$2,098,040 is an amount of \$888,468, which is in excess of the budgeted funds available for distribution of \$1,209,572. The current year funds available for distribution have been split between the local area municipalities and the Region in accordance with the Niagara Region Courts Intermunicipal Agreement dated April 26, 2000.

# The Regional Municipality of Niagara Court Services

Notes to the schedule

December 31, 2019

## 4. Program support costs

Court Services records direct operating expenses to their respective activity. In addition, in 2013, the Niagara Region established its first consolidated cost allocation policy with a guiding principle of more closely aligning indirect costs with the support programs and services as defined by the Province in the Financial Information Return (FIR). The new methodology allocates these indirect costs to end programs/services based on usage drivers.

Under this methodology, all departments providing program/service support functions will allocate their costs using drivers specific to each type of expense.

Program support costs which have been allocated are:

|                                 | <b>Budget</b>    | <b>2019</b>      | <b>2018</b> |
|---------------------------------|------------------|------------------|-------------|
|                                 | <b>\$</b>        | <b>\$</b>        | <b>\$</b>   |
| Finance services                | <b>120,675</b>   | <b>128,546</b>   | 100,008     |
| Human resources services        | <b>52,375</b>    | <b>37,144</b>    | 47,995      |
| Organizational performance      | -                | -                | 28,325      |
| Information technology services | <b>114,805</b>   | <b>107,609</b>   | 216,177     |
| Legal services                  | <b>44,177</b>    | <b>40,186</b>    | 23,233      |
| Insurance costs                 | <b>625</b>       | <b>522</b>       | 976         |
| Printing costs                  | <b>1,519</b>     | <b>3,223</b>     | 1,238       |
| Mail costs                      | <b>16,833</b>    | <b>7,114</b>     | 17,414      |
| Communications costs            | <b>268</b>       | <b>516</b>       | 1,307       |
| Facilities costs                | <b>882,780</b>   | <b>833,328</b>   | 869,487     |
|                                 | <b>1,234,056</b> | <b>1,158,189</b> | 1,306,159   |

## 5. Sale of Surplus Land

During the year, surplus land was sold by Niagara Region. This land was previously purchased for a new courthouse and this portion was deemed to be excess land when not needed. Per the Niagara Region Courts Intermunicipal Agreement, the net proceeds in the amount of \$215,163 (\$220,000 proceeds less selling costs of \$4,837) were allocated to Court Services.

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**Subject:** 2021 Capital Budget - Court Scheduling Tool Modernization Project  
**To:** Joint Board of Management, Niagara Region Courts  
**Date:** August 13, 2020

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## **Recommendations**

That the Court Scheduling Tool Modernization Project **BE REFERRED** for consideration by the Joint Board of Management as part of the 2021 Capital Budget for Court Services with recommended funding from the 2021 Court Services Operating Budget.

## **Key Facts**

- The purpose of this report is to provide an outline of the Court Scheduling Tool Modernization Project business case, which is proposed to be submitted for consideration through the 2021 Capital Budget process for JBM.
- The 2021 capital budget request of \$150,000 will be submitted in conjunction with IT Services' capital budget requests in line with Niagara Region best practice for Information Technology projects.
- The Welland Provincial Offences Court location serves the entire Niagara Region. The current scheduling tool application does not adequately meet Court Services operational needs and fails to meet current programming standards to be effectively supported by IT Services.
- The current application requires additional time and resources from IT Services to maintain and is an inefficient tool overall. An upgrade of the existing application provides opportunities for significant efficiencies in staff time for more value-add tasks.
- The proposed 2021 capital budget request of \$150,000 will provide the funding to replace the current scheduling tool with an upgraded application.

## **Financial Considerations**

A budget of \$150,000 has been proposed for this capital project based on an estimate of the hours and related costs required for a vendor to develop a new scheduling application, with the internal supports to manage the project.

Staff are recommending that the proposed capital project be funded through Court Services' 2021 operating budget via a transfer to the general capital levy to then be utilized for the project.

Staff are in the process of drafting the 2021 operating budget and don't yet have full line of sight to all the impacts. Staff continue to closely monitor trends in revenue as a result of the COVID-19 pandemic and will continue to do so leading into September 2020, when in-person court operations are anticipated to resume. Should the 2021 revenue budget be reduced it will become very challenging to achieve a 1% operating budget increase as outlined in Regional Council's 2021 budget strategy. For context the 2020 budget net revenue shared between the Region and the local area municipalities is \$1.5 million, therefore this project would represent approximately a 10% reduction in net revenue.

Given the potential operating pressure, including this project in the budget may require the JBM to consider one of the following approaches, in order of staff preference, when reviewing its consolidated operating budget.

1. Reduce costs in the operating budget to create enough savings to fund this project. Would be considered in conjunction with any revenue assumptions that may increase/decrease in 2021.
2. Reduce the distribution of net revenues to the local area municipalities for 2021 in order to fund the project.
3. One-time reduction in the \$200,000 annual transfer to the Court Services reserve fund established to help ensure funding would be available in the future when significant capital facility requirements occur. Reducing this contribution will impact the long-term asset management plan as outlined in CSD 77-2020.
4. Recommend an operating budget that exceeds Council's 1% operating strategy.

## **Analysis**

Risks of not proceeding with the project are as follows:

- Increased time and resources from IT Services will be required to maintain the existing application. As the application becomes increasingly outdated, it limits the ability to update the software effectively based on legislated requirements.
- Sudden loss of application functionality could create logistical scheduling issues, including a negative customer service impact, impact to Niagara Region's

reputation, as well as an impediment to meeting legislated timelines for court matters.

### **Alternatives Reviewed**

Another alternative option considered was deferring the replacement of the scheduling application to a future year. However, the increased amount of staff time dedicated to maintain the existing application would be utilized more effectively in preparing the new application. In addition, the risk of sudden loss of functionality could pose significant issues and risks related to service delivery of the Provincial Offences program.

### **Relationship to Council Strategic Priorities**

The Court Scheduling Tool Modernization project links to the Healthy and Vibrant Community priority, as it pertains to the administration of the Provincial Offences Court program and the overall goals of community safety across Niagara.

### **Other Pertinent Reports**

CSD 77-2020      2020 Court Services Budget

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#### **Prepared by:**

Miranda Van Dyke  
Manager, Court Services  
Corporate Services

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#### **Recommended by:**

Todd Harrison  
Commissioner Corporate Services/Regional Treasurer



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**MEMORANDUM**

**JBM-C 4-2020**

**Subject:** Initiation of 2018 Capital Project Funds for Court Administration Management System Replacement

**Date:** August 13, 2020

**To:** Joint Board of Management, Niagara Region Courts

**From:** Miranda Van Dyke, Manager, Court Services

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This memo is submitted to the Joint Board of Management (JBM) as an update for information purposes to advise that Court Services intends to submit an initiation report in 2020 to seek Council approval for the initiation of previously approved capital funding for the 2018 Court Administration Management System (CAMS) replacement project.

In 2018, a Capital Budget proposal resulted in the approval by Regional Council of general capital levy funds in the amount of \$250,000 towards the IT-Court Administration Management System Replacement project. **Appendix 1** is a copy of the original request for project CSD 65-2017, submitted during the 2018 Capital Budget process.

The Court Administration Management System (CAMS) is critical technology utilized for the management of municipal court activities related to Provincial Offences Act (POA) charges laid in Ontario. The system was developed by The Regional Municipality of Niagara in 2005 and subsequently made available to other municipalities throughout the Province of Ontario. While an effort to update the CAMS system was undertaken in 2007, there have been no further technology updates and as such, the technology is outdated and inefficient. This project is for the replacement of CAMS, given that there are modern alternative technology solutions available which would increase security, usability, workflow and efficiencies.

The project was not initiated at the same time as the approval of the capital budget in 2018, as preliminary investigations and discussions were underway province-wide regarding approaches to the replacement of CAMS, including the potential for collaborative partnerships among municipalities.

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Initiating funds at the present time will assist with the cost of consultation in partnership with other POA courts within Ontario required to advance the project as a cooperative procurement. A consultant will be selected through standard competitive procurement practices, led by York Region in partnership with Niagara and other municipalities who have also committed to finding a technological solution to modernize POA courts. The required initial funding for consultation of the project was approved in the 2018 budget per CSD 65-2017 from the General Capital Levy reserve. The estimated expense of actually building and implementing the modernization solution is unknown while the consultation is pending. The goal is to establish a scope of work and build business requirements before the end of 2021. It is anticipated that it will take approximately 2 years to build the finished product.

The impact of not proceeding with the replacement of the current CAMS system would be an inability to maintain the system, as well as potential security or service delivery risks as the technology continues to become more outdated. POA administration, collections and prosecution groups use CAMS in their day-to-day work in managing the high volume caseload for processing new cases, prosecution, and delinquent cases. System failure with the current tool would result in an inability to process fine payments, collect delinquent fine revenue, and could also impede the justice process in terms of prosecution and case management.

Pursuant to the Region's financial policies, a report Regional Council is required to initiate the previously approved capital funding in order to allow the project to formally commence. This report is being provided to JBM in advance of seeking Council approval for information purposes to keep JBM apprised of the status of the project.

Pending the outcome of the initiation report submission, Niagara Region Court Services will continue to provide updates to the Joint Board of Management to facilitate future discussion regarding the CAMS replacement project.

Respectfully submitted and signed by

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Miranda Van Dyke  
Manager, Court Services

## 2018 Capital Data Sheet - Project ID: J\_20000722

### Court Administration Management System (CAMS) Replacement

#### Project Details:

|                           |   |
|---------------------------|---|
| Municipality              | Region Wide   |
| Project Priority Need     | Priority  |
| Operating Unit / Division | IT Solutions  |
| Project Type              | New Project/Non-Recurring/One-time  |
| Asset Type                | Replacement of existing with upgrade/improvement  |
| Project Initiation        | To be Initiated in future   |
| Project Description       | Replacement of Region developed legacy Court Administration Management System that supports 39 municipalities.  |
| Business Case             | <p>In 2005 there was no software available for purchase which would meet the needs of the POA courts, so an in house developer custom wrote an application- Court Administration Management Software (CAMS).</p> <p>Over the years several other Municipalities and Regions have come on board and the current client count is at 39. Niagara offers full support and functional upgrades of the software for all of the clients on a regular basis.</p> <p>While an effort to update the system was undertaken in 2007 there have been no further technology updates and as such- the application has fallen behind. There are many new technology opportunities available which would increase security, usability, workflow and efficiencies.</p> <p>This project is to rewrite CAMS to utilize modern technology, increase efficiencies and improve security.</p> |

#### Budget Breakdown (\$)

|                                 |                |
|---------------------------------|----------------|
| Planning                        | -              |
| Design                          | -              |
| Pre-Construction                | -              |
| Construction                    | -              |
| Internal Compensation           | -              |
| Internal Costs                  | -              |
| Contingency                     | -              |
| Warranty                        | -              |
| Property                        | -              |
| Equipment                       | 250,000        |
| Uninitiated - Budget            | -              |
| <b>Total Budget Expenditure</b> | <b>250,000</b> |

#### Funding Sources (\$)

|                             |                |
|-----------------------------|----------------|
| Reserves - Levy             | 250,000        |
| Reserves - Rate             | -              |
| Reserves - Operating        | -              |
| Debt                        | -              |
| Development Charges         | -              |
| Federal Gas Tax             | -              |
| Area Municipality           | -              |
| Municipal Cost Sharing      | -              |
| Other External              | -              |
| <b>Total Budget Funding</b> | <b>250,000</b> |

## 2018 Capital Data Sheet - Project ID: J\_20000722

### Court Administration Management System (CAMS) Replacement

| <b>Project Forecast (\$)</b>    | <b>LTD Budget</b> | <b>2018</b>    | <b>2019</b>    | <b>2020</b> | <b>2021</b> | <b>2022</b> | <b>2023-2027</b> | <b>Total</b>   |
|---------------------------------|-------------------|----------------|----------------|-------------|-------------|-------------|------------------|----------------|
| Planning                        | -                 | -              | -              | -           | -           | -           | -                | -              |
| Design                          | -                 | -              | -              | -           | -           | -           | -                | -              |
| Pre-Construction                | -                 | -              | -              | -           | -           | -           | -                | -              |
| Construction                    | -                 | -              | -              | -           | -           | -           | -                | -              |
| Internal Compensation           | -                 | -              | -              | -           | -           | -           | -                | -              |
| Internal Costs                  | -                 | -              | -              | -           | -           | -           | -                | -              |
| Contingency                     | -                 | -              | -              | -           | -           | -           | -                | -              |
| Warranty                        | -                 | -              | -              | -           | -           | -           | -                | -              |
| Property                        | -                 | -              | -              | -           | -           | -           | -                | -              |
| Equipment                       | -                 | 250,000        | 250,000        | -           | -           | -           | -                | 500,000        |
| Uninitiated - Budget            | -                 | -              | -              | -           | -           | -           | -                | -              |
| Converted Expenditures          | -                 | -              | -              | -           | -           | -           | -                | -              |
| Cost Share Expenditures         | -                 | -              | -              | -           | -           | -           | -                | -              |
| <b>Total Budget Expenditure</b> | -                 | <b>250,000</b> | <b>250,000</b> | <b>-</b>    | <b>-</b>    | <b>-</b>    | <b>-</b>         | <b>500,000</b> |

| <b>Cash Flows (\$)</b> | <b>Q1</b> | <b>Q2</b> | <b>Q3</b> | <b>Q4</b> | <b>Total</b> |
|------------------------|-----------|-----------|-----------|-----------|--------------|
| 2018                   | -         | -         | -         | -         | -            |
| 2019                   | -         | -         | -         | -         | -            |
| 2020                   | -         | -         | -         | -         | -            |

### Council Strategic Priorities

|   |     |
|---|-----|
| Moving People and Goods %                               | -   |
| Fostering Innovation, Investment and Entrepreneurship % | -   |
| Building a Labour-ready Workforce %                     | -   |
| Positioning Niagara Globally %                          | -   |
| Doing Business Differently %                            | 25% |
| Organizational Excellence %                             | 75% |

### Operating Impact (\$)

|                               | <b>2018</b> | <b>2019</b>    | <b>2020</b>    |
|-------------------------------|-------------|----------------|----------------|
| Other Program Specific Supp.  | -           | 100,000        | 100,000        |
| R&M-Buildings                 | -           | -              | -              |
| Electricity                   | -           | -              | -              |
| R&M-Machinery & Equipment     | -           | -              | -              |
| Interest Charges              | -           | -              | -              |
| <b>Total Operating Impact</b> | <b>-</b>    | <b>100,000</b> | <b>100,000</b> |

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**MEMORANDUM**

**JBM-C 5-2020**

**Subject:** 2<sup>nd</sup> Quarter Variance Analysis and Forecast to December 31, 2020  
**Date:** August 13, 2020  
**To:** Joint Board of Management, Niagara Region Courts  
**From:** Miranda Van Dyke, Manager, Court Services

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As a result of a recent forecasting exercise undertaken, the following is a summary of the status of the 2020 Court Services budget as of June 30, 2020. The year-to-date variance analysis is attached as **Appendix 1**.

Overall, expenses and revenue look quite different than initially projected for 2020. In addition to the budget impacts related to the COVID-19 pandemic, the 2020 budget includes expenditures and revenues related to the Vision Zero Road Safety program, which includes the automated speed enforcement and red light camera initiatives. The program was projected to launch in 2020 in conjunction with the Transportation Services division, but this work has been delayed as a result of the COVID-19 pandemic. Accordingly, no expenditures are expected to be incurred or revenues realized in 2020. To support the program, the 2020 operating budget included 12 additional FTE's for Court Services, in addition to significant increases in a number of operating expenses. These costs were fully offset in the budget by increased infraction revenue due to the anticipated increase in the volume of charges, so while it does cause variances in the different expense and revenue categories in the operating statements, there will be no net impact on the distribution to the local area municipalities as a result of the delay. Expense and revenue forecast projections for the remainder of 2020 have been adjusted to reflect this change.

Base program revenue from January 1 to June 30, 2020 is under budget year-to-date by 24% overall (excluding budgeted Vision Zero revenue). Due to the COVID-19 pandemic, the courthouse building has been closed to the public and in-person court matters were adjourned from March 16 to September 11, 2020. As a result, there were no convictions for in-person matters and limited matters which were eligible for remote (electronic) proceedings during this time. Although remote Early Resolution guilty pleas

and Judicial Pre-Trial matters were approved to commence effective July 6, the majority of Q2 was spent without the ability to schedule new trials. Another impact to infraction revenue causing the significant decrease is the 28% decrease in new charges laid, compared to January through June 2019. The most significant decrease in charges laid occurred from April to June; however, this was offset by the 12% increase seen in January to March.

Collection efforts have remained ongoing for existing charges outstanding in the system. The Court Services Collections team was successful in securing additional delinquent fine revenue through the review of new and existing property writs and enrollment into the add-to-tax-roll program. The year-to-date delinquent fine revenue was under budget by 4.5%. The ability to maintain a minimal variance in delinquent fine revenue is largely due to several large one-time payments secured through ongoing Collections measures during the COVID-19 pandemic.

Year-to-date base program operational expenditures, including indirect allocations, are under budget overall by 20.7% (excluding budgeted Vision Zero expenses), due to a decrease in adjudication and staffing expenses related to the COVID-19 business continuity planning and the adjournment of all court matters from March 16 to July 3, 2020, in addition to the vacancy management of several positions for the first half of 2020. As part of Niagara Region's business continuity planning, Court Services has been operating with a reduced staff during the pandemic to provide strictly essential services. A reduced team of collections, administration and prosecution staff, in addition to members of the management team, are continuing to accept filings onsite from enforcement agencies, complete essential administrative functions, while also providing customer service to the public via telephone and email. With some staffing resources redeployed to Long Term Care, the salary expenses for those staff during the redeployment period will be charged back to the budgets of the receiving department and fall outside of the responsibility of Court Services. Additionally, a number of staff members are presently out of the workplace on leave (including Infectious Disease Leave which is an unpaid leave related to childcare and caregiver responsibilities during the pandemic) which also contributes to the savings seen in salary expenses.

With the approval to resume some court matters remotely as of July 6, 2020, staff anticipates a slight increase to infraction revenue beginning in Q3; however, all in-person court matters have been adjourned to September 2020. While Court Services continues to operate with reduced staff, reduced court matters and the courthouse

closed to the public, it has been projected that both the revenue and expenses will be less than anticipated for 2020.

**Appendix 2** to this memo is a summary illustrating the forecast of Court Services' revenue and expenses to the end of 2020 based on circumstances at this time. Base program revenue has been forecasted with an unfavourable variance of 28.9% overall, or a deficit of almost \$2.6 million by year-end in line with current revenue trends. Total expenditures are anticipated to show a favourable variance of 22.8% or \$1.85 million, resulting in a net revenue of \$59,256 (\$29,628 for the local area municipalities and \$29,628 for the Region). The final net revenue distribution share to the area municipalities will be dependent on the audited year-end results, which is forecasted to be unfavourable by approximately \$704,790 to the local area municipalities and to the Niagara Region by the same amount as a result of the net reduction in infraction revenue.

**Appendix 3** to this memo is a spreadsheet illustrating the forecast of our distribution to the area municipalities to the end of 2020.

Respectfully submitted and signed by

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Miranda Van Dyke  
Manager, Court Services

# COURT SERVICES

## Variance Analysis: January to June 2020

JBM-C 5-2020  
August 13, 2020  
Appendix I

Percentage of Year Elapsed: 50%

|  | Year To Date        |                     |                           |              | Annual                |                             |                            |   |
|--|---------------------|---------------------|---------------------------|--------------|-----------------------|-----------------------------|----------------------------|---|
|  | Budget              | Actual              | Budget vs Actual Variance |              | Budget                | % of Annual Budget Expended | % Over/Under Annual Budget | Analysis of Year to Date Revenue & Expenditure Variance   |
| <b>Expenses</b>  |                     |                     |                           |              |                       |                             |                            |   |
| Compensation   | \$ 1,174,200        | \$ 807,986          | \$ 366,214                | 31.2%        | \$ 2,569,704          | 31%                         | -19%                       | Under budget due to vacancy management and impacts of COVID-19 pandemic re: staff who are on leave; Vision Zero savings \$217,408   |
| Administrative   | 1,222,724           | 608,903             | 613,821                   | 50.2%        | 2,891,177             | 21%                         | -29%                       | Under budget due to lower Adjudication costs, Interpreter Fees and External Legal Expenses as a result of court closures due to COVID-19 pandemic, as well as lower Victim Fine Surcharge costs due to reduced revenue; Vision Zero savings \$293,234   |
| Operational & Supply   | 542,953             | 376,840             | 166,113                   | 30.6%        | 1,162,564             | 32%                         | -18%                       | Under budget due to a decrease in the fines collected on behalf of other POA offices, offset through lower revenue below, as well as a decrease in the anticipated distribution to area municipalities due to lower net revenues; Vision Zero savings \$15,368  |
| Equipment, Vehicles & Technology   | 250                 | 2,469               | (2,219)                   | -887.6%      | 500                   | 494%                        | 444%                       | Over budget due to unanticipated computer infrastructure costs  |
| Financial Expenditures   | 79,000              | 105,852             | (26,852)                  | -34.0%       | 158,000               | 67%                         | 17%                        | Over budget due to an increase in Collection Charges paid to third party collection agencies as a result of increased cases sent to collection agencies for 3rd placement, at an increased commission rate (NOTE: budget was finalized prior to completion of Collection RFP at which time rates were unknown). Commission rates are recovered from defendants directly so there is an offset in terms of delinquent revenue received |
| <b>Total Expenses</b>  | <b>3,019,127</b>    | <b>1,902,050</b>    | <b>1,117,077</b>          | <b>37.0%</b> | <b>6,781,945</b>      | <b>28%</b>                  | <b>-22%</b>                |   |
| <b>Revenue</b>   |                     |                     |                           |              |                       |                             |                            |   |
| Other Revenue  | (4,026,347)         | (2,678,463)         | (1,347,884)               | 33.5%        | (8,859,747)           | 30%                         | -20%                       | Under budget due to lower infraction revenue & delinquent fine revenue collected as a result of the impacts of the COVID-19 pandemic, including court closure and reduced charges; Vision Zero deficit \$493,847  |
| <b>Total Revenue</b>   | <b>(4,026,347)</b>  | <b>(2,678,463)</b>  | <b>(1,347,884)</b>        | <b>33.5%</b> | <b>(8,859,747)</b>    | <b>30%</b>                  | <b>-20%</b>                |   |
| <b>Intercompany Charges</b>  |                     |                     |                           |              |                       |                             |                            |   |
| Intercompany Charges   | (3,445)             | (24,403)            | 20,958                    | -608.4%      | (6,890)               | 354%                        | 304%                       | Increase due to the reallocation of redeployed staffing costs to other Niagara Region departments in need of support during the COVID-19 pandemic   |
| <b>Net Expenditure/(Revenue) before Transfers &amp; Indirect Allocations</b> | <b>(1,010,665)</b>  | <b>(800,816)</b>    | <b>(209,849)</b>          | <b>20.8%</b> | <b>(2,084,692)</b>    | <b>38%</b>                  | <b>-12%</b>                |   |
| <b>Transfers</b>   |                     |                     |                           |              |                       |                             |                            |   |
| Transfer to Reserve Fund   | 100,000             | 100,000             | -                         | 0.0%         | 200,000               | 50%                         | 0%                         | Transfer of funds to the Court Services facility reserve to fund future facility needs  |
| <b>Total Transfers</b>   | <b>100,000</b>      | <b>100,000</b>      | <b>-</b>                  | <b>0.0%</b>  | <b>200,000</b>        | <b>50%</b>                  | <b>0%</b>                  |   |
| <b>Net Expenditure/(Revenue) before Indirect Allocations</b>                 | <b>\$ (910,665)</b> | <b>\$ (700,816)</b> | <b>\$ (209,849)</b>       | <b>23.0%</b> | <b>\$ (1,884,692)</b> | <b>37%</b>                  | <b>-13%</b>                |   |
| <b>Indirect Allocations &amp; Debt</b>                                       |                     |                     |                           |              |                       |                             |                            |   |



|   |                     |                     |                     |              |                     |            |             |  |
|---|---------------------|---------------------|---------------------|--------------|---------------------|------------|-------------|--|
| Indirect Allocations & Debt                                     | 401,234             | 393,865             | 7,369               | 1.8%         | 1,150,274           | 34%        | -16%        | Under budget due to lower than budgeted corporate cost allocations |
| <b>Total Indirect Allocations &amp; Debt</b>                    | <b>401,234</b>      | <b>393,865</b>      | <b>7,369</b>        | <b>1.8%</b>  | <b>1,150,274</b>    | <b>34%</b> | <b>-16%</b> |  |
| <b>Net Expenditure/(Revenue)<br/>after Indirect Allocations</b> | <b>\$ (509,431)</b> | <b>\$ (306,951)</b> | <b>\$ (202,480)</b> | <b>39.8%</b> | <b>\$ (734,418)</b> | <b>42%</b> | <b>-8%</b>  |  |

# COURT SERVICES

## Variance Analysis: January to June 2020

JBM-C 5-2020  
August 13, 2020  
Appendix I

Percentage of Year Elapsed: 50%

|  | Year To Date          |                    |                     |                     |  |              | Annual                |                             |                            |  |
|--|-----------------------|--------------------|---------------------|---------------------|--|--------------|-----------------------|-----------------------------|----------------------------|--|
|  | Total Approved Budget | Vision Zero Budget | Base Program Budget | Actual              | Base Program Budget vs Actual Variance |              | Total Approved Budget | % of Annual Budget Expended | % Over/Under Annual Budget | Analysis of Year to Date Revenue & Expenditure Variance  |
| <b>Expenses</b>  |                       |                    |                     |                     |  |              |                       |                             |                            |  |
| Compensation   | \$ 1,174,200          | \$ 217,408         | \$ 956,792          | \$ 807,986          | \$ 148,806                             | 15.6%        | \$ 2,569,704          | 31%                         | -19%                       | Under budget due to vacancy management and impacts of COVID-19 pandemic re: staff who are on leave   |
| Administrative   | 1,222,724             | 293,234            | 929,490             | 608,903             | 320,587                                | 34.5%        | 2,891,177             | 21%                         | -29%                       | Under budget due to lower Adjudication costs, Interpreter Fees and External Legal Expenses as a result of court closures due to COVID-19 pandemic, as well as lower Victim Fine Surcharge costs due to reduced revenue   |
| Operational & Supply   | 542,953               | 15,368             | 527,585             | 376,840             | 150,745                                | 28.6%        | 1,162,564             | 32%                         | -18%                       | Under budget due to a decrease in the fines collected on behalf of other POA offices, offset through lower revenue below, as well as a decrease in the anticipated distribution to area municipalities due to lower net revenues   |
| Equipment, Vehicles & Technology   | 250                   | -                  | 250                 | 2,469               | (2,219)                                | -887.6%      | 500                   | 494%                        | 444%                       | Over budget due to unanticipated computer infrastructure costs   |
| Financial Expenditures   | 79,000                | -                  | 79,000              | 105,852             | (26,852)                               | -34.0%       | 158,000               | 67%                         | 17%                        | Over budget due to increase in rates paid to third party collection agencies as a result of increased cases sent to collection agencies for 3rd placement at an increased commission rate (NOTE: budget was finalized prior to completion of Collection RFP at which time rates were unknown). Commission rates are recovered from defendants directly so there is an offset in terms of an increase in delinquent revenue received. |
| <b>Total Expenses</b>  | <b>3,019,127</b>      | <b>526,010</b>     | <b>2,493,117</b>    | <b>1,902,050</b>    | <b>591,067</b>                         | <b>19.6%</b> | <b>6,781,945</b>      | <b>28%</b>                  | <b>-22%</b>                |  |
| <b>Revenue</b>   |                       |                    |                     |                     |  |              |                       |                             |                            |  |
| Other Revenue  | (4,026,347)           | (493,847)          | (3,532,500)         | (2,678,463)         | (854,037)                              | 24.2%        | (8,859,747)           | 30%                         | -20%                       | Under budget due to lower infraction revenue & delinquent fine revenue collected as a result of the impacts of the COVID-19 pandemic, including court closure and reduced charges  |
| <b>Total Revenue</b>   | <b>(4,026,347)</b>    | <b>(493,847)</b>   | <b>(3,532,500)</b>  | <b>(2,678,463)</b>  | <b>(854,037)</b>                       | <b>21.2%</b> | <b>(8,859,747)</b>    | <b>30%</b>                  | <b>-20%</b>                |  |
| <b>Intercompany Charges</b>  |                       |                    |                     |                     |  |              |                       |                             |                            |  |
| Intercompany Charges   | (3,445)               | -                  | (3,445)             | (24,403)            | 20,958                                 | -608.4%      | (6,890)               | 354%                        | 304%                       | Increase due to the reallocation of redeployed staffing costs to other Niagara Region departments in need of support during the COVID-19 pandemic  |
| <b>Net Expenditure/(Revenue) before Transfers &amp; Indirect Allocations</b> | <b>(1,010,665)</b>    | <b>32,163</b>      | <b>(1,042,828)</b>  | <b>(800,816)</b>    | <b>(242,012)</b>                       | <b>23.9%</b> | <b>(2,084,692)</b>    | <b>38%</b>                  | <b>-12%</b>                |  |
| <b>Transfers</b>   |                       |                    |                     |                     |  |              |                       |                             |                            |  |
| Transfer to Reserve Fund   | 100,000               | -                  | 100,000             | 100,000             | -                                      | 0.0%         | 200,000               | 50%                         | 0%                         | Transfer of funds to the Court Services facility reserve to fund future facility needs   |
| <b>Total Transfers</b>   | <b>100,000</b>        | <b>-</b>           | <b>100,000</b>      | <b>100,000</b>      | <b>-</b>                               | <b>0.0%</b>  | <b>200,000</b>        | <b>50%</b>                  | <b>0%</b>                  |  |
| <b>Net Expenditure/(Revenue) before Indirect Allocations</b>                 | <b>\$ (910,665)</b>   | <b>\$ 32,163</b>   | <b>\$ (942,828)</b> | <b>\$ (700,816)</b> | <b>\$ (242,012)</b>                    | <b>26.6%</b> | <b>\$ (1,884,692)</b> | <b>37%</b>                  | <b>-13%</b>                |  |
| <b>Indirect Allocations &amp; Debt</b>                                       |                       |                    |                     |                     |  |              |                       |                             |                            |  |
| Indirect Allocations & Debt  | 401,234               | -                  | 401,234             | 393,865             | 7,369                                  | 1.8%         | 1,150,274             | 34%                         | -16%                       | Under budget due to lower than budgeted corporate cost allocations.  |
| <b>Total Indirect Allocations &amp; Debt</b>                                 | <b>401,234</b>        | <b>-</b>           | <b>401,234</b>      | <b>393,865</b>      | <b>7,369</b>                           | <b>1.8%</b>  | <b>1,150,274</b>      | <b>34%</b>                  | <b>-16%</b>                |  |
| <b>Net Expenditure/(Revenue) after Indirect Allocations</b>                  | <b>\$ (509,431)</b>   | <b>\$ 32,163</b>   | <b>\$ (541,594)</b> | <b>\$ (306,951)</b> | <b>\$ (234,643)</b>                    | <b>46.1%</b> | <b>\$ (734,418)</b>   | <b>42%</b>                  | <b>-8%</b>                 |  |

**COURT SERVICES****2020 Second Quarter Forecast: July to December**

|  | Annual Budget         | Year to Date Actual<br>(as of June 30/20) | Forecast<br>July to December | Total Forecast for 2020 | Annual Budget vs. Forecast Variance<br>Surplus (Deficit) |              |
|--|-----------------------|---|------------------------------|-------------------------|--|--------------|
| <b>Expenses</b>  |                       |   |                              |                         |  |              |
| Compensation   | \$ 2,569,704          | \$ 807,986                                | \$ 816,756                   | \$ 1,624,742            | 944,962  | 36.8%        |
| Administrative   | 2,891,177             | 608,903                                   | 717,360                      | 1,326,263               | 1,564,914  | 54.1%        |
| Operational & Supply*  | 1,162,564             | 376,840                                   | (179,048)                    | 197,792                 | 964,772  | 83.0%        |
| Equipment, Vehicles & Technology   | 500                   | 2,469                                     | 8,250                        | 10,719                  | (10,219)   | -2043.8%     |
| Financial Expenditures   | 158,000               | 105,852                                   | 79,000                       | 184,852                 | (26,852)   | -17.0%       |
| <b>Total Expenses</b>  | <b>6,781,945</b>      | <b>1,902,050</b>                          | <b>1,442,318</b>             | <b>3,344,368</b>        | <b>3,437,577</b>   | <b>50.7%</b> |
| <b>Revenue</b>   |                       |   |                              |                         |  |              |
| Other Revenue  | (8,859,747)           | (2,678,463)                               | (1,830,400)                  | (4,508,863)             | (4,350,884)  | 49.1%        |
| <b>Total Revenue</b>   | <b>(8,859,747)</b>    | <b>(2,678,463)</b>                        | <b>(1,830,400)</b>           | <b>(4,508,863)</b>      | <b>(4,350,884)</b>                                       | <b>49.1%</b> |
| <b>Intercompany Charges</b>  |                       |   |                              |                         |  |              |
| Intercompany Charges   | (6,890)               | (24,403)                                  | (141,491)                    | (165,894)               | 159,004  | -2307.8%     |
| <b>Net Expenditure/(Revenue)<br/>before Transfers &amp; Indirect Allocations</b> | <b>(2,084,692)</b>    | <b>(800,816)</b>                          | <b>(529,573)</b>             | <b>(1,330,389)</b>      | <b>(754,303)</b>   | <b>36.2%</b> |
| <b>Transfers</b>   |                       |   |                              |                         |  |              |
| Transfer to Reserve Fund   | 200,000               | 100,000                                   | 100,000                      | 200,000                 | -  | 0.0%         |
| <b>Total Transfers</b>   | <b>200,000</b>        | <b>100,000</b>                            | <b>100,000</b>               | <b>200,000</b>          | <b>-</b>   | <b>0.0%</b>  |
| <b>Net Expenditure/(Revenue)<br/>before Indirect Allocations</b>                 | <b>\$ (1,884,692)</b> | <b>\$ (700,816)</b>                       | <b>\$ (429,573)</b>          | <b>\$ (1,130,389)</b>   | <b>(754,303)</b>   | <b>40.0%</b> |
| <b>Indirect Allocations &amp; Debt</b>   |                       |   |                              |                         |  |              |
| Indirect Allocations & Debt  | 1,150,274             | 393,865                                   | 706,896                      | 1,100,761               | 49,513   | 4.3%         |
| <b>Total Indirect Allocations &amp; Debt</b>                                     | <b>1,150,274</b>      | <b>393,865</b>                            | <b>706,896</b>               | <b>1,100,761</b>        | <b>49,513</b>  | <b>4.3%</b>  |
| <b>Net Expenditure/(Revenue)<br/>after Indirect Allocations</b>                  | <b>\$ (734,418)</b>   | <b>\$ (306,951)</b>                       | <b>\$ 277,323</b>            | <b>\$ (29,628)</b>      | <b>(704,790)</b>   | <b>96.0%</b> |

\* Operational & Supply Expenses include the forecasted amount to be distributed to the LAMs of \$29,628, which is 50% of the total net revenue of \$59,256

# COURT SERVICES

## 2020 Second Quarter Forecast: July to December

JBM-C 5-2020

August 13, 2020

Appendix 2

|  | Total Approved Budget | Vision Zero Budget | Base Program Budget   | Year to Date Actual (as of June 30/20) | Forecast July to December | Total Forecast for 2020 | Base Program Budget vs. Forecast Variance Surplus (Deficit) |              |
|--|-----------------------|--------------------|-----------------------|--|---------------------------|-------------------------|---|--------------|
| <b>Expenses</b>  |                       |                    |                       |  |                           |                         |   |              |
| Compensation   | \$ 2,569,704          | \$ 650,403         | \$ 1,919,301          | \$ 807,986                             | \$ 816,756                | \$ 1,624,742            | \$ 294,559  | 11.5%        |
| Administrative   | 2,891,177             | 1,038,448          | 1,852,729             | 608,903                                | 717,360                   | 1,326,263               | 526,466   | 18.2%        |
| Operational & Supply*  | 1,162,564             | 105,896            | 1,056,668             | 376,840                                | (179,048)                 | 197,792                 | 858,876   | 73.9%        |
| Equipment, Vehicles & Technology   | 500                   | -                  | 500                   | 2,469                                  | 8,250                     | 10,719                  | (10,219)  | -2043.8%     |
| Financial Expenditures   | 158,000               | -                  | 158,000               | 105,852                                | 79,000                    | 184,852                 | (26,852)  | -17.0%       |
| <b>Total Expenses</b>  | <b>6,781,945</b>      | <b>1,794,747</b>   | <b>4,987,198</b>      | <b>1,902,050</b>                       | <b>1,442,318</b>          | <b>3,344,368</b>        | <b>1,642,830</b>  | <b>24.2%</b> |
| <b>Revenue</b>   |                       |                    |                       |  |                           |                         |   |              |
| Other Revenue  | (8,859,747)           | (1,794,747)        | (7,065,000)           | (2,678,463)                            | (1,830,400)               | (4,508,863)             | (2,556,137)   | 28.9%        |
| Transfers from Reserves  | -                     | -                  | -                     | -                                      | -                         | -                       | -   | 0.0%         |
| <b>Total Revenue</b>   | <b>(8,859,747)</b>    | <b>(1,794,747)</b> | <b>(7,065,000)</b>    | <b>(2,678,463)</b>                     | <b>(1,830,400)</b>        | <b>(4,508,863)</b>      | <b>(2,556,137)</b>  | <b>28.9%</b> |
| <b>Intercompany Charges</b>  |                       |                    |                       |  |                           |                         |   |              |
| Intercompany Charges   | (6,890)               | -                  | (6,890)               | (24,403)                               | (141,491)                 | (165,894)               | 159,004   | -2307.8%     |
| <b>Net Expenditure/(Revenue) before Transfers &amp; Indirect Allocations</b> | <b>(2,084,692)</b>    | <b>-</b>           | <b>(2,084,692)</b>    | <b>(800,816)</b>                       | <b>(529,573)</b>          | <b>(1,330,389)</b>      | <b>(754,303)</b>  | <b>36.2%</b> |
| <b>Transfers</b>   |                       |                    |                       |  |                           |                         |   |              |
| Transfer to Reserve Fund   | 200,000               | -                  | 200,000               | 100,000                                | 100,000                   | 200,000                 | -   | 0.0%         |
| <b>Total Transfers</b>   | <b>200,000</b>        | <b>-</b>           | <b>200,000</b>        | <b>100,000</b>                         | <b>100,000</b>            | <b>200,000</b>          | <b>-</b>  | <b>0.0%</b>  |
| <b>Net Expenditure/(Revenue) before Indirect Allocations</b>                 | <b>\$ (1,884,692)</b> | <b>\$ -</b>        | <b>\$ (1,884,692)</b> | <b>\$ (700,816)</b>                    | <b>\$ (429,573)</b>       | <b>\$ (1,130,389)</b>   | <b>(754,303)</b>  | <b>40.0%</b> |
| <b>Indirect Allocations &amp; Debt</b>                                       |                       |                    |                       |  |                           |                         |   |              |
| Indirect Allocations & Debt  | 1,150,274             | -                  | 1,150,274             | 393,865                                | 706,896                   | 1,100,761               | 49,513  | 4.3%         |
| <b>Total Indirect Allocations &amp; Debt</b>                                 | <b>1,150,274</b>      | <b>-</b>           | <b>1,150,274</b>      | <b>393,865</b>                         | <b>706,896</b>            | <b>1,100,761</b>        | <b>49,513</b>   | <b>4.3%</b>  |
| <b>Net Expenditure/(Revenue) after Indirect Allocations</b>                  | <b>\$ (734,418)</b>   | <b>\$ -</b>        | <b>\$ (734,418)</b>   | <b>\$ (306,951)</b>                    | <b>\$ 277,323</b>         | <b>\$ (29,628)</b>      | <b>(704,790)</b>  | <b>96.0%</b> |

\* Operational & Supply Expenses include the forecasted amount to be distributed to the LAMs of \$29,628, which is 50% of the total net revenue of \$59,256

## 2020 Court Distribution to Area Municipalities

| 2020 Budget                                |                |              |              |                |                |
|--|----------------|--------------|--------------|----------------|----------------|
| Estimates versus Actual                    | Total          | March        | June         | September      | December       |
| Budgeted POA Revenues to be distributed:   | \$734,417.84   | \$183,604.46 | \$183,604.46 | \$183,604.46   | \$183,604.46   |
| Forecasted POA Revenues to be distributed: | \$29,628.44    | \$183,604.46 | \$183,604.46 | \$0.00         | \$0.00         |
| Favourable/(Unfavourable) Variance         | (\$704,789.40) | \$0.00       | \$0.00       | (\$183,604.46) | (\$183,604.46) |

| 2020 Year-to-Date<br>Distributions over<br>Forecasted<br>Distributions |
|--|
| (\$337,580.48)   |

| Area Municipality | 2020<br>Assessment      | Apportioned    | Budget<br>Total      | Budgeted Distribution by Quarter |                      |                      |                      |
|-------------------|-------------------------|----------------|----------------------|----------------------------------|----------------------|----------------------|----------------------|
|                   |                         |                |                      | March                            | June                 | September            | December             |
| Niagara Falls     | \$12,037,144,139        | 19.49%         | \$ 143,138.08        | \$ 35,784.52                     | \$ 35,784.52         | \$ 35,784.52         | \$ 35,784.52         |
| Port Colborne     | \$1,948,437,936         | 3.16%          | \$ 23,207.60         | \$ 5,801.90                      | \$ 5,801.90          | \$ 5,801.90          | \$ 5,801.90          |
| St. Catharines    | \$15,419,992,362        | 24.97%         | \$ 183,384.12        | \$ 45,846.03                     | \$ 45,846.03         | \$ 45,846.03         | \$ 45,846.03         |
| Thorold           | \$2,467,584,400         | 4.00%          | \$ 29,376.72         | \$ 7,344.18                      | \$ 7,344.18          | \$ 7,344.18          | \$ 7,344.18          |
| Welland           | \$4,976,922,336         | 8.06%          | \$ 59,194.08         | \$ 14,798.52                     | \$ 14,798.52         | \$ 14,798.52         | \$ 14,798.52         |
| Fort Erie         | \$3,927,800,572         | 6.36%          | \$ 46,708.96         | \$ 11,677.24                     | \$ 11,677.24         | \$ 11,677.24         | \$ 11,677.24         |
| Grimsby           | \$4,899,981,053         | 7.94%          | \$ 58,312.76         | \$ 14,578.19                     | \$ 14,578.19         | \$ 14,578.19         | \$ 14,578.19         |
| Lincoln           | \$4,068,471,913         | 6.59%          | \$ 48,398.12         | \$ 12,099.53                     | \$ 12,099.53         | \$ 12,099.53         | \$ 12,099.53         |
| NOTL              | \$5,616,327,811         | 9.10%          | \$ 66,832.04         | \$ 16,708.01                     | \$ 16,708.01         | \$ 16,708.01         | \$ 16,708.01         |
| Pelham            | \$2,859,921,900         | 4.63%          | \$ 34,003.56         | \$ 8,500.89                      | \$ 8,500.89          | \$ 8,500.89          | \$ 8,500.89          |
| Wainfleet         | \$1,156,512,014         | 1.87%          | \$ 13,733.60         | \$ 3,433.40                      | \$ 3,433.40          | \$ 3,433.40          | \$ 3,433.40          |
| West Lincoln      | \$2,366,755,775         | 3.83%          | \$ 28,128.20         | \$ 7,032.05                      | \$ 7,032.05          | \$ 7,032.05          | \$ 7,032.05          |
| <b>Total</b>      | <b>\$61,745,852,211</b> | <b>100.00%</b> | <b>\$ 734,417.84</b> | <b>\$ 183,604.46</b>             | <b>\$ 183,604.46</b> | <b>\$ 183,604.46</b> | <b>\$ 183,604.46</b> |

| 2020 Forecasted<br>Variance to be applied<br>to 2021 Distribution<br>Payments |
|---|
| \$ (65,794.44)  |
| \$ (10,667.54)  |
| \$ (84,293.85)  |
| \$ (13,503.22)  |
| \$ (27,208.99)  |
| \$ (21,470.12)  |
| \$ (26,803.89)  |
| \$ (22,246.55)  |
| \$ (30,719.82)  |
| \$ (15,629.98)  |
| \$ (6,312.75)   |
| \$ (12,929.33)  |
| <b>\$ (337,580.48)</b>  |

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**MEMORANDUM**

**JBM-C 7-2020**

**Subject: Court Services COVID-19 Update**

**Date: August 13, 2020**

**To: Joint Board of Management, Niagara Region Courts**

**From: Miranda Van Dyke, Manager, Court Services**

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The purpose of this memorandum is to provide the Joint Board of Management (JBM) with an overview of the operational impacts of the COVID-19 pandemic and associated declaration of emergency on Court Services.

As a result of the pandemic, the POA Courthouse building has been closed to the public, however staff have continued to support core business within Court Services. In addition, a number of Court Services staff have also been redeployed to provide critical support to Long Term Care (LTC) within Niagara Region's Community Services department.

Court Services has participated in regular teleconferences with the Ministry of the Attorney General to keep apprised of Provincial developments affecting court operations and has issued a number of communications to JBM, Regional Council, and other stakeholders, including enforcement agencies, to provide updates regarding key changes. The Region's website has been kept up-to-date to ensure the public is informed of developments as they occur.

The following provides an overview of activity that has taken place and a projection of expected service delivery moving forward.

**Current Status of Operations**

Highlights of operational changes to Court Services:

- 
- POA Courthouse building has been closed to the public since March 16, 2020.
  - Providing service via telephone and email to individuals
  - Providing onsite service for enforcement agencies related to receipt of charges for filing.
  - Direction from the Ministry of the Attorney General (MAG) has been received indicating that all in-person matters have been adjourned to September 11, 2020
  - Beginning July 6, judicial pre-trial matters and early resolution guilty pleas began remotely where eligible, before a Justice of the Peace via audio or video conference. The first 2 weeks of remote matters was a great success as a result of planning efforts by the Court Services Team. Remote processes were easy to navigate by defendants and agents, with 453 out of 499 matters scheduled early resolution matters being resolved over 5 court days.
  - On July 21, 2020, Bill 197, the *COVID-19 Economic Recovery Act, 2020*, received Royal Assent, thereby increasing remote court processes and administrative capabilities for POA courts. The key changes include:
    - Allowing defendants to request a trial, in early resolution courts and in first attendance municipalities that administer parking, by mail or other electronic method permitted by the court house;
    - Allowing defendants and prosecutors to conduct early resolution discussions remotely in all cases;
    - Allowing any participant, including a clerk of the court, witness, judge, or justice of the peace, to attend any proceeding remotely by audio or video, unless the presiding judicial official orders otherwise;
    - Allowing the judiciary to order in-person attendance where the interests of justice or a fair trial require it;
    - Permitting provincial offences officers to seek search warrants remotely in all cases; and
    - Allowing defendants to provide credible and trustworthy information upon applying for a re-opening without the need to attend court to have an affidavit commissioned.
  - Continued collaboration with Facilities and Corporate Health & Safety to prepare a plan for reopening utilizing the Recovery Secretariat Guidelines which have been provided by the MAG.
  - MAG has advised that the proposed transfer of Part III prosecutions will be delayed until later in 2020. The Ministry is continuing to plan for a phased approach to the transfer of this Part III work and the timing of individual transfers across the Province will be informed by local site readiness and capacity to assume this important responsibility.

- 
- Implementation of Vision Zero Project (Red Light Camera and Automated Speed Enforcement) has been delayed. The implementation was originally targeted for September 2020, however as a result of the re-prioritization of work across the corporation in response to the pandemic, the timelines for implementation are being reviewed.

## Staffing

Court Services is presently operating with limited staffing resources in order to meet essential business functions. Remote work arrangements have been facilitated where possible. There are also some staff members out of the workplace on approved leaves.

As of August 13, 2020:

- 11 staff members (4 Court Clerks, 2 Collections, 1 Prosecutor, 1 Prosecution Coordinator, 1 Trial Coordinator, 1 Senior Prosecutor/Supervisor, 1 Manager) remain onsite to deliver core services and complete essential functions
- 4 staff members (1 Collections, 1 Court Clerk, 2 Prosecutors) are presently redeployed to LTC (and will be re-called as necessary to support the reopening of the Courthouse to the public for the resumption of in-person proceedings)
  - **Note:** salary expenses related to any hours worked at a redeployment site will be charged back to Community Services and will not impact Court Services budget.

## Operational Outlook

- July & August 2020:
  - Continue responding to public enquiries and requests from enforcement agencies while awaiting resumption of regular in-person court proceedings.
  - Continued remote court matters where eligible
  - Ongoing recovery planning for reopening to public
- September 2020:
  - At this time, in-person court matters are set to resume as of September 14, 2020 at the earliest
  - Anticipated return of redeployed staff members upon reopening
  - Continue to leverage remote court matters wherever possible



- Court tier times to be increased and scheduled at intervals to control the number of individuals visiting the courthouse at a given time
- October 2020 and beyond:
  - Ensure readiness for Vision Zero implementation
  - Continued discussions regarding Part III transfers with MAG
  - Monitor Provincial direction regarding court operations to ensure alignment
  - Ongoing active communications with JBM and stakeholders

### **Financial Impacts**

Current revenue, projects and budget impacts for the remainder of 2020 are outlined in detail in a separate August 13<sup>th</sup> memo (**JBM-C 5-2020 - 2nd Quarter Variance Analysis and Forecast to December 31, 2020**).

### **Next Steps**

Niagara Region Court Services Staff will continue to monitor the impact of the COVID-19 pandemic and engage in communication with stakeholders, in order to keep JBM apprised of operational impacts and seek direction from JBM as necessary.

Respectfully submitted and signed by

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Miranda Van Dyke  
Manager, Court Services

**THE REGIONAL MUNICIPALITY OF NIAGARA  
JOINT BOARD OF MANAGEMENT - NIAGARA COURTS  
OPEN SESSION**

**JBM 1-2020  
Thursday, March 5, 2020  
Committee Room 4  
Niagara Region Headquarters  
1815 Sir Isaac Brock Way, Thorold ON**

Committee: D. Gibbs (Niagara Region), C. Hickson (Board Chair, Grimsby),  
C. Lamour (N.O.T.L.), H. Salter (Board Vice-Chair, St.  
Catharines)

Absent/Regrets: D. Jaques (Niagara Falls), D. Smith (Lincoln), J. Tosta (Welland)

Staff: K. Lotimer, Legislative Coordinator, S. Mota, Program Financial  
Specialist, M. Van Dyke, Manager, Court Services

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**1. CALL TO ORDER**

Kelly Lotimer, Legislative Coordinator, called the meeting to order at 3:49 p.m.

**2. DISCLOSURES OF PECUNIARY INTEREST**

There were no disclosures of pecuniary interest.

**3. SELECTION OF COMMITTEE CHAIR AND VICE-CHAIR FOR THE 2020 TERM**

**3.1 Call for Nominations for Board Chair**

Kelly Lotimer, Legislative Coordinator, called for nominations for the position of Chair of the Joint Board of Management - Niagara Courts for a one year term (2020).

Moved by D. Gibbs  
Seconded by H. Salter

That Cathy Hickson **BE NOMINATED** for the position of Chair of the Joint Board of Management - Niagara Courts for a one year term (2020).

**Carried**

3.2 Motion to Close the Nominations for Board Chair

Kelly Lotimer, Legislative Coordinator, called a second and third time for nominations for the position of Chair of the Joint Board of Management - Niagara Courts. There being no further nominations it was:

Moved by D. Gibbs

Seconded by H. Salter

That the nominations for the position of Chair of the Joint Board of Management - Niagara Courts for a one year term (2020), **BE CLOSED**.

**Carried**

3.3 Voting for Position of Board Chair

There being only one nominee for the position, Ms. Lotimer, announced that Cathy Hickson would be the Chair of the Joint Board of Management - Niagara Courts for the 2020 term.

3.4 Call for Nominations for Board Vice-Chair

Kelly Lotimer, Legislative Coordinator, called for nominations for the position of Vice-Chair of the Joint Board of Management - Niagara Courts for a one year term (2020).

Moved by H. Salter

Seconded by C. Hickson

That Heather Salter **BE NOMINATED** as Vice-Chair of the Joint Board of Management - Niagara Courts for a one year term (2020).

**Carried**

3.5 Motion to Close the Nominations for Board Vice-Chair

Kelly Lotimer, Legislative Coordinator, called a second and third time for nominations for the position of Vice-Chair of the Joint Board of Management - Niagara Courts. There being no further nominations, it was:

Moved by D. Gibbs

Seconded by C. Hickson

That the nominations for the position of Vice-Chair of the Joint Board of Management - Niagara Courts for a one year term (2020), **BE CLOSED**.

**Carried**

3.6 Voting for Position of Board Vice-Chair

There being only one nominee for the position, Ms. Lotimer, announced that Heather Salter would be the Vice-Chair of the Joint Board of Management - Niagara Courts Chair for the 2020 term.

At this point in the meeting, Cathy Hickson assumed the chair.

4. **PRESENTATIONS**

There were no presentations.

5. **DELEGATIONS**

There were no delegations.

6. **ITEMS FOR CONSIDERATION**

There were no items for consideration.

7. **CONSENT ITEMS FOR INFORMATION**

Moved by H. Salter  
Seconded by D. Gibbs

That the following items **BE RECEIVED** for information:

JBM-C 1-2020  
2019 Year-end Report for Provincial Offences Court

JBM-C 2-2020  
Bill 177 Update

JBM 5-2019  
Joint Board of Management Committee - Niagara Courts Meeting Minutes -  
December 12, 2019

**Carried**

8. **OTHER BUSINESS**

8.1 Vision Zero Update

Donna Gibbs, Director, Legal and Court Services, provided an overview of the Vision Zero program for new committee members and a status update on the program. She advised that staff provided a presentation at the Area Treasurers' meeting and would be presenting at the next Area Chief Administrative Officers' meeting.

9. **NEXT MEETING**

The next meeting will be held on Thursday, June 4, 2020 at 3:30 p.m. in Committee Room 4.

10. **ADJOURNMENT**

There being no further business, the meeting adjourned at 4:11 p.m.

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Cathy Hickson  
Board Chair

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Kelly Lotimer  
Legislative Coordinator

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Ann-Marie Norio  
Regional Clerk