



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

JBM 6-2020

Thursday, December 17, 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 at least 24 hours in advance of the meeting.

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1. <u>CALL TO ORDER</u>	
2. <u>DISCLOSURES OF PECUNIARY INTEREST</u>	
3. <u>PRESENTATIONS</u>	
4. <u>DELEGATIONS</u>	
5. <u>ITEMS FOR CONSIDERATION</u>	
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7. OTHER BUSINESS

8. NEXT MEETING

The next meeting will be held on Thursday, January 28, 2021 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 (email).

Subject: Court Services Write-Off Recommendations for the period ending October 31, 2020

Report to: Joint Board of Management, Niagara Region Courts

Report date: Thursday, December 17, 2020

Recommendations

1. That Report JBM-C 13-2020, dated December 17, 2020, respecting the Court Services Write-off Recommendations for the period ending October 31, 2020, **BE RECEIVED**.
2. That the delinquent cases summarized in Table 1 of the Analysis Section of the Report, **BE APPROVED** for write-off and removal from the Integrated Court Offences Network (ICON) system in accordance with the Ministry of the Attorney General (MAG) Provincial Offences Act Write-off Directive and Operating Guideline and the Niagara Region Courts approved write off criteria (POA Write-off Criteria).

Key Facts

- In February 2008, the Ministry of the Attorney General (MAG) released a *Provincial Offences Act Write-Off Directive and Operating Guideline* document which provides municipalities with the authority to establish write-off criteria for delinquent cases deemed uncollectible.
- Staff reported on this issue in report JBM 02-2008 dated September 25, 2008 and pursuant to the MAG directive, the Joint Board of Management and Regional Council approved the POA Write-off Criteria for delinquent Provincial Offences deemed uncollectible (Appendix I).
- Writing off these fines will reduce the overall amount for outstanding defaulted receivables for Court Services. These cases would be written off for accounting purposes only and will not absolve a convicted offender from the requirement to pay a fine, as debts to the Crown are owed in perpetuity.

Financial Considerations

1161 delinquent cases valued at \$915,024.88 have been identified for write-off for the period November 1, 2019 to October 31, 2020.

Revenue from fines is recorded by the Region only when it is collected (on a cash basis rather than an accrual basis). The receivable is set up in the Integrated Court Offences Network (ICON) system, but no receivable is set up in the Region's financial statements. Writing off these fines will reduce the overall amount for outstanding defaulted receivables for Court Services in ICON; however, there is no impact to the local area municipalities in terms of the net revenue distribution as these cases will be written off for accounting purposes only.

Such write-offs do not absolve a convicted offender from the requirement to pay a fine, as debts to the Crown are owed in perpetuity.

Analysis

Each fine that meets the criteria for write-off is thoroughly investigated to make sure there are no options to collect the fines such as garnishing wages, writs or adding the fine to municipal tax roll.

Each month the Integrated Court Offences Network (ICON) system generates a list of cases that have been identified as meeting the criteria listed in **Appendix I**. At the end of the year, all of the monthly reports are compiled to create the write-off report. The electronic record of the delinquent case is removed from ICON, however all original source documents are retained by the court office in accordance with MAG's directive. If funds are received on a delinquent fine that has been previously written off, the case is written back on and the payment accepted.

Cases under the "Deceased Persons" category are identified through submissions of Proof of Death either to the Court or to the Ministry of Transportation. It should be noted that the Table 1 below provides the number of cases related to deceased persons, as opposed to the number of defendants who are deceased. In this regard for the number of cases proposed for write-off in the current report is 1118, whereas the number of defendants those cases pertain to is 261. In addition the number of cases is not only reflective of fines due in 2020 but rather also reflects delinquent fines with due dates dating back to 1991. The number of cases in this category has been higher in 2019 and 2020 than historically in part due to a technology change at MTO whereby vehicle plate and drivers licence databases were consolidated (resulting in increased numbers of cases being identified for example when seeking plate denials as a collections enforcement tool). In addition as part of the Region's enhanced collections strategy, a large volume of older delinquent cases have been assigned to collection agencies for more proactive enforcement which has resulted in receipt of a larger

number of notifications of deceased persons than previous years. Further detail regarding the deceased persons category is provided in Table 2 below.

All cases included in Table 1 below of this report have been investigated and none qualify for further collections activity. Staff submits these cases in accordance with the Ministry of the Attorney General (MAG) Provincial Offences Act Write-Off Directive and Operating Guideline and the Niagara Region Courts approved write-off criteria ("POA Write-off Criteria").

Table 1: Summary of Cases Recommended for Write-off:

2020 COURT SERVICES WRITE-OFF SUMMARY For the period November 1st, 2019 to October 31, 2020		
Write-off Category	No. of Cases	Dollar Value
Deceased Person (DP)	1118	\$807,871.36
Under Payment (UP)	37	\$178.03
POA Write-off – Unable to Enforce (PW)	2	\$330.00
Company in Default – Bankrupt, Insolvent (CD)	4	\$106,641.49
TOTAL	1161	\$915,024.88

Table 2: Summary of Deceased Person Category included in Write-off Summary:

Fine Due Date	# of Cases	Dollar Value
APR 1991 to JAN 28 2001 (Pre-Transfer)	76	\$ 81,805.09
JAN 29 2001 to DEC 31 2011	572	\$ 383,594.91
2012 to 2017	410	\$ 290,996.36
2018-2019	53	\$ 41,900.00
Up to Oct 31, 2020	6	\$ 9,255.00
Deceased before due	1	\$ 320.00

Total Cases	1118	\$807,871.36
Total Defendants	261	

Alternatives Reviewed

None

Relationship to Council Strategic Priorities

N/A

Other Pertinent Reports

- JBM 02-2008 POA Write-off Criteria for delinquent Provincial Offences deemed uncollectible dated September 25, 2008

Prepared by:

Jackie Foley
Supervisor, POA Collections
Corporate Services

Recommended by:

Miranda Vink
Manager, Court Services
Corporate Services

This report was prepared by Jackie Foley, Supervisor, POA Collections and reviewed by Miranda Vink, Manager, Court Services.

Appendices

Appendix 1 Write-Off Recommendations Criteria

ICON Code	Write-off Category	Write-off Criteria	Comments
UP	Under Payment	Case balance of \$25.00 or less	Small balances/Administrative Fees
DP	Deceased Person	Satisfactory proof of death – not applicable when case is secured by a Writ of Seizure and Sale	Satisfactory proof includes: 1. Funeral Director's Death Certificate, or 2. Government issued Death Certificate, or 3. Notification of death from MTO/enforcement agency, or 4. Copy of newspaper obituary.
SA	Signed Affidavit	Requires statutory declaration by the Offender as to payment and payment details	Requires investigation and approval from the Supervisor, POA Collections
CD	Company in Default (Bankrupt, Dissolved, Inactive)	Requires satisfactory proof of dissolution, inactive status or bankrupt corporation	Satisfactory proof includes: 1. Articles of Dissolution, or 2. Notice of Bankruptcy, or 3. Ministry notification that the corporation is inactive/cancelled.
PW	POA Write-off Unable to Enforce	Requires satisfactory proof that the case is unenforceable, that the charging document cannot be located for enforcement or supervisor approval obtained	Applies to cases over 2 years past due : 1. Where the charging document does not contain a date of birth or address, or 2. When the Offender is not a legal entity, or 3. Where the charging document cannot be located for enforcement, or 4. Where technical issues with ICON prevent the case from completing once payment has been satisfied
PW	POA Write-off Deemed Uncollectible	N/A	Applies to aged cases (over six yrs. Past due) once all reasonable collection efforts have been exhausted and the case is deemed uncollectible.
CW	Final Write-Off Code (Approval Obtained)	CW code indicates that appropriate approval from JBM, Treasurer (and where applicable), Corporate Services Committee and Regional Council has been obtained.	CW is the final write-off code. All CW cases will be purged from ICON twice yearly and must be reported to MAG annually.
NOTE:	Cases may be written-off for accounting purposes only and do not absolve a convicted offender from the requirement to pay a fine as debts to the Crown are owed in perpetuity and never forgiven.		

MEMORANDUM

JBM-C 15-2020

Subject: 2021 Joint Board of Management Niagara Courts – Meeting Dates
Date: December 17, 2020
To: Joint Board of Management, Niagara Courts
From: Miranda Vink, Manager, Court Services

The following is a list of proposed dates in 2021 that have been identified to hold meetings of the Joint Board of Management Niagara Courts:

Thursday, January 28, 2021
Thursday, April 8, 2021
Thursday, August 19, 2021
Thursday, October 21, 2021
Thursday, December 2, 2021

A resolution of the Joint Board of Management Niagara Courts is required to approve the meeting dates. Suggested wording is as follows:

That the Joint Board of Management Niagara Courts meetings, **BE HELD** on Thursdays at 3:30 p.m. on the following dates in 2021:

January 28, April 8, August 19, October 21, and December 2.

Respectfully submitted and signed by

Miranda Vink
Manager, Court Services

MEMORANDUM

JBM-C 14-2020

Subject: Court Services COVID-19 Update

Date: December 17, 2020

To: Joint Board of Management, Court Services

From: Miranda Vink, Manager, Court Services

The purpose of this memorandum is to provide the Joint Board of Management (JBM) with an update regarding the operational impacts of the COVID-19 pandemic and associated declaration of emergency on Court Services. This memorandum is a follow-up to JBM-C 7-2020 from August 13, 2020.

As a result of the pandemic, the POA Courthouse building was closed to the public as of March 16, 2020 and reopened for counter service on September 14, 2020. In addition, a number of Court Services staff were redeployed to provide critical support to Long Term Care (LTC) within Niagara Region's Community Services department, however as of November 2, 2020 all redeployed staff member have returned to Court Services.

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 updated regularly to ensure the public is informed of developments as they occur.

The following provides an updated 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 reopened to the public for counter service only (no in-person court matters have resumed)
- Providing customer service in person, 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 January 25, 2021, however they have emphasized that virtual matters via audio and video will continue be the primary mechanism, with in-person matters occurring only when mandatory
- Beginning July 6, 2020 judicial pre-trial matters and early resolution guilty pleas began remotely where eligible, before a Justice of the Peace via audio conference
- As of October 19, 2020 all non-trial matters resumed remotely where eligible, via audio conference. Virtual matters via video have not yet commenced for Provincial Offences courts
 - Judiciary are participating in court matters via audio in the majority of cases, however in some circumstances do attend the courthouse for court matters to participate onsite
- A memorandum received from MAG on November 25, 2020 indicated the extension of time limitations and the pause on enforcement as a result of Provincial and Judicial Orders set to end on December 1, 2020 are now extended to February 26, 2021. This has implications for what would have been Infraction and Delinquent revenue realized in 2020. Due to the extension of time limitations and paused enforcement actions related to the pandemic, Court Services anticipate the revenue will be realized in 2021 and add to the overall 2021 gross revenue figures

- Procurement and installation of document camera and graphics processor in November 2020 to facilitate readiness for the commencement of virtual court via video in 1 of 3 courtrooms onsite
- Collaboration with IT Services and Procurement to explore licensing opportunities for Zoom Pro as the preferred video conferencing software for virtual court matters identified by MAG
- Continued collaboration with Facilities and Corporate Health & Safety to prepare a plan for reopening utilizing the Recovery Secretariat Guidelines, which have just recently been provided by the MAG
- MAG has advised that the proposed transfer of Part III prosecutions will be delayed with an implementation date to be determined. 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 an implementation goal of Spring 2021 is set, pending the approval of the necessary amendment to the Intermunicipal Agreement.

Staffing

- Court Services is presently operating with regular staffing resources in order to meet essential business functions. A hybrid of in-office and remote work arrangements have been facilitated where possible. Two staff members remain out of the workplace on approved leave.
- All team members have returned from redeployment as of November 2, 2020. Please note that 2020 salary expenses related to any hours worked at a redeployment site have been charged back to Community Services and will not impact Court Services budget.

Operational Outlook

- December 2020 & January 2021:
 - Continue to provide service to the public both in-person where possible and via telephone/email
 - Continue to conduct matters where eligible via audio conference while awaiting resumption of in-person court proceedings and/or virtual matters via video
 - Ongoing site preparation for virtual matters via video – equipping the remaining 2 courtrooms for video capabilities
 - Ongoing recovery planning and site preparation for resumption of in-person matters for January 25, 2021
 - Recruitment and training in December related to Court Services staffing restructuring plan (as previously reported to JBM November 17 in Report JBM- C-11-2020) – start date effective January 4, 2021
- February to April 2021:
 - Continued facilitation of hybrid service delivery - court matters via audio, video and in-person (to the extent possible)
 - Preparation for Vision Zero launch subject to approval of the amendment to the Intermunicipal Agreement, including staffing recruitment and adaptation of processes as a result

Respectfully submitted and signed by

Miranda Vink
Manager, Court Services

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

**JBM 4-2020
Tuesday, November 17, 2020
Video Conference**

Committee Members Present via Video Conference: M. Barkway (Lincoln), D. Gibbs (Niagara Region), S. McWilliams (Grimsby), H. Salter (Board Vice-Chair, St. Catharines), J. Tosta (Welland)

Absent/Regrets: E. Lustig (Niagara Falls), C. Lamour (N.O.T.L.)

Staff Present via Video Conference: B. Brens, Manager, Program Financial Support, T. Harrison, Commissioner, Corporate Services/Treasurer, B. Hutchings, Program Financial Specialist, K. Lotimer, Legislative Coordinator, M. Vink, Manager, Court Services

1. CALL TO ORDER

H. Salter, Board Vice-Chair, called the meeting to order at 3:34 p.m.

2. DISCLOSURES OF PECUNIARY INTEREST

There were no disclosures of pecuniary interest.

3. PRESENTATIONS

There were no presentations.

4. DELEGATIONS

There were no delegations.

5. ITEMS FOR CONSIDERATION

**5.1 JBM-C 8-2020
2021 Court Services - Budget Report**

Miranda Vink, Manager, Court Services, provided information respecting 2021 Court Services - Budget Report. Topics of the presentation included:

- 2021 Organization Overview
- 2021 Operating Budget
- 2021 Budget Summary
- Risks and Opportunities

Moved by D. Gibbs
Seconded by J. Tosta

That Report JBM-C 8-2020, dated November 5, 2020, respecting 2021 Court Services – Budget Report, **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That the 2021 Court Services gross operating budget of \$7,109,749 and net budgeted revenue of \$680,174 (decrease in revenue of \$54,244 or 7.4% over the 2020 operating budget) in accordance with the 2021 budget planning framework and as outlined in Appendix 1 of Report JBM-C 8-2020, **BE APPROVED** and;
2. That Report JBM-C 8-2020 **BE REFERRED** to the Budget Review Committee of the Whole meeting on December 10, 2020, for consideration as part of the 2021 operating budget deliberations.

Carried

6. CONSENT ITEMS FOR INFORMATION

Moved by J. Tosta
Seconded by D. Gibbs

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

JBM-C 9-2020

3rd Quarter Variance Analysis and Forecast to December 31, 2020

JBM-C 10-2020

Joint Board of Management 2021 Membership

JBM-C 12-2020

Vision Zero Update

JBM 2-2020

Joint Board of Management - Niagara Courts Meeting Minutes - August 13, 2020

Carried

7. OTHER BUSINESS

7.1 Court Services Staffing Model Update

Miranda Vink, Manager, Court Services, provided an update respecting the Court Services Staffing Model. Provincial Offences Court staff were advised of the staffing changes during a meeting on November 11, 2020.

8. CLOSED SESSION

Committee did not resolve into closed session.

9. BUSINESS ARISING FROM CLOSED SESSION

9.1 Confidential JBM-C 11-2020

A Matter of Labour Relations - Court Services - Staffing Model

Moved by D. Gibbs

Seconded by J. Tosta

That Confidential Correspondence Item JBM-C 11-2020, being a memorandum from M. Vink, Manager, Court Services, dated November 5, 2020, respecting A Matter of Labour Relations - Court Services - Staffing Model, **BE RECEIVED** for information.

Carried

10. NEXT MEETING

The next meeting will be held on Thursday, December 17, 2020, at 3:30 p.m.

11. ADJOURNMENT

There being no further business, the meeting adjourned at 4:15 p.m.

Heather Salter
Board Vice-Chair

Kelly Lotimer
Legislative Coordinator

Ann-Marie Norio
Regional Clerk

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

**JBM 5-2020
Wednesday, December 9, 2020
Video Conference**

Committee Members Present via Video Conference: M. Barkway (Lincoln), D. Gibbs (Niagara Region), S. McWilliams (Grimsby), H. Salter (Board Vice-Chair, St. Catharines), J. Tosta (Welland)

Absent/Regrets: C. Lamour (N.O.T.L.), E. Lustig (Niagara Falls)

Staff Present via Video Conference: B. Brens, Manager, Program Financial Support, K. Lotimer, Legislative Coordinator, M. Vink, Manager, Court Services

1. CALL TO ORDER

H. Salter, Board Vice-Chair, called the meeting to order at 2:04 p.m.

2. DISCLOSURES OF PECUNIARY INTEREST

There were no disclosures of pecuniary interest.

3. PRESENTATIONS

There were no presentations.

4. DELEGATIONS

There were no delegations.

5. ITEMS FOR CONSIDERATION

5.1 JBM-C 16-2020

2021 Court Services Budget - Revision to Report JBM-C 8-2020

Moved by D. Gibbs

Seconded by J. Tosta

That Correspondence Item JBM-C 16-2020, being a memorandum from Beth Brens, Manager, Program Financial Support, dated December 9, 2020, respecting 2021 Court Services Budget – Revision to Report JBM-C 8-2020, **BE RECEIVED**; and

That Recommendation 1 of Report JBM-C 8-2020, dated November 5, 2020, respecting 2021 Court Service - Budget Report, approved by the Joint Board of Management at its meeting held on Tuesday, November 17, 2020, **BE AMENDED** as follows:

1. That the 2021 Court Services gross operating budget of \$7,564,399 ~~\$7,109,749~~ and net budgeted revenue of \$680,174 (decrease in revenue of \$54,244 or 7.4% over the 2020 operating budget) in accordance with the 2021 budget planning framework and as outlined in Appendix 1 of Report JBM-C 8-2020, **BE APPROVED**.

Carried

6. CONSENT ITEMS FOR INFORMATION

There were no consent items for information.

7. OTHER BUSINESS

There were no items of other business.

8. NEXT MEETING

The next meeting will be held on Thursday, December 17, 2020, at 3:30 p.m.

9. ADJOURNMENT

There being no further business, the meeting adjourned at 2:11 p.m.

Heather Salter
Board Vice-Chair

Kelly Lotimer
Legislative Coordinator

Ann-Marie Norio
Regional Clerk