



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

JBM 1-2021

Thursday, January 28, 2021

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.

Pages

1. CALL TO ORDER
2. DISCLOSURES OF PECUNIARY INTEREST
3. SELECTION OF COMMITTEE CHAIR AND VICE-CHAIR
 - 3.1. Call for Nominations for Committee Chair
 - 3.2. Motion to Close Nominations for Committee Chair
 - 3.3. Voting for the Position of Committee Chair
 - 3.4. Call for Nominations for Committee Vice-Chair
 - 3.5. Motion to Close Nominations for Committee Vice-Chair
 - 3.6. Voting for the Position of Committee Vice-Chair
4. PRESENTATIONS
5. DELEGATIONS
6. ITEMS FOR CONSIDERATION

7. CONSENT ITEMS FOR INFORMATION

- | | | |
|------|--|---------|
| 7.1. | <u>JBM-C 1-2021</u>
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| 7.2. | <u>JBM-C 2-2021</u>
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| 7.3. | <u>JBM-C 3-2021</u>
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| 7.4. | <u>JBM 6-2020</u>
Joint Board of Management - Niagara Courts Meeting Minutes -
December 17, 2020 | 13 - 16 |

8. OTHER BUSINESS

9. NEXT MEETING

The next meeting will be held on Thursday, April 8, 2021, at 3:30 p.m.

10. 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).

MEMORANDUM

JBM-C 1-2021

Subject: Court Services COVID-19 Update
Date: January 28, 2021
To: Joint Board of Management, Niagara Courts
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 14-2020 from December 17, 2020, as well as 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 alignment with the Stay at Home Order, the Niagara Region's POA Courthouse building closed temporarily to the public with alternative services being offered effective Friday January 15, 2021.

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 since the last report and a projection of expected service delivery moving forward.

Highlights of operational changes to Court Services:

- Courthouse building closed temporarily to the public with alternative services being offered effective Friday January 15, 2021. The POA Courthouse building

had been previously opened to the public for counter service only since September 14, 2020 (no in-person court matters have resumed)

- Providing customer 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 at least 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. The key components to resuming in-person matters at Niagara POA will be a) site readiness and b) availability of judicial resources.
- Continuing to provide judicial pre-trial matters and early resolution guilty pleas remotely where eligible, before a Justice of the Peace via audio conference (commenced July 6, 2020)
- Continuing to conduct all eligible non-trial matters remotely via audio conference (resumed as of October 19, 2020)
- Virtual matters via video are being gradually implemented at POA Courthouses across Ontario starting the week of January 25th.
- 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 1 document camera and graphics processor in November 2020 and the procurement of 2 Zoom Business licenses to facilitate readiness for the commencement of virtual court via video in 2 of 3 courtrooms onsite. Zoom was obtained as the preferred video conferencing software for virtual court matters identified by MAG.
- Collaboration with Facilities, Court Services Joint Health & Safety Committee and Corporate Health & Safety to prepare the Courthouse building for resumption of in-person matters utilizing the Recovery Secretariat Guidelines provided by MAG has continued. A site assessment was completed on January 19, 2021 by

Corporate Health & Safety, which confirmed site readiness. The required survey of the building HVAC system was completed Facilities and submitted to the Province on January 22, 2021. The next step is a site assessment by the Public Services Health & Safety Association (PSHSA) that is scheduled to occur virtually on January 28, 2021, to be followed by final approval by the Niagara Region's CAO.

- MAG 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 will now take place in 2021 subject to 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 has been facilitated where possible. Two staff members remain out of the workplace on approved leave and we are currently gapping two Court Administration Clerk vacancies based on operational needs.
- The Staffing Restructuring plan which was introduced to JBM (JBM- C-11-2020) and Court Services Staff in November 2020 has been effectively executed to this point. Recruitments outstanding include the Court Services Business Analyst, which is anticipated to be completed by February 2021, as well as the recruitment of any FTE's as required following the approval and implementation of Vision Zero.

Operational Outlook

- January to February 2021:
 - Continue to provide service to the public via telephone/email until resuming counter service
 - 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 with document cameras and graphics processor,

- procuring a 3rd Zoom Business license to enable virtual proceedings in the final courtroom.
- Ongoing recovery planning in collaboration with MAG, PSHSA and the Recovery Secretariat for resumption of in-person matters
- Recruitment of Court Services Business Analyst in February 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

MEMORANDUM

JBM-C 2-2021

Subject: Vision Zero Update
Date: January 28, 2021
To: Joint Board of Management
From: Beth Brens, Manager of Program Financial Support and Carolyn Ryall,
Director of Transportation

The purpose of this memorandum is to provide JBM with an update related to the status of the Vision Zero Program implementation and next steps.

In order to seek Regional Council approval of the proposed amendments to the inter-Municipal Agreement, Staff brought forward a report to Corporate Services Committee on December 9, 2020, that included the proposed draft amending agreement as an appendix (namely Report # CSD 81-2020). The recommendations of the report were approved by Corporate Services Committee for subsequent ratification by Regional Council. However at Regional Council on December 17th, 2020, the recommendations were approved with an amendment as follows:

That Report CSD 81-2020, dated December 9, 2020, respecting Amending Agreement to the Niagara Region Courts Inter-Municipal Agreement, **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That an Amending Agreement to the Niagara Region Courts Inter-Municipal Agreement in a form substantially as set out in Appendix A of Report CSD 81-2020, **BE APPROVED** for purposes of advancing the Vision Zero Program;
2. That the Director of Legal and Court Services **BE AUTHORIZED** to make such revisions to the Amending Agreement as may be deemed necessary and approved by the Acting Chief Administrative Officer in response to requests from the local area municipalities in order to finalize the Amending Agreement; provided that the apportionment of costs and revenue remains the same as provided in Appendix A of Report CSD 81-2020;

3. That the Regional Chair and Regional Clerk **BE AUTHORIZED** to execute the Amending Agreement to the Niagara Region Courts Inter-Municipal Agreement once finalized, subject to approval by all 12 local area municipalities; and
4. That Report CSD 81-2020 and the Amending Agreement, attached as Appendix A of Report CSD 81-2020, **BE CIRCULATED** to the 12 local area municipalities and that the 12 local area municipalities **BE REQUESTED** to review and approve the Amending Agreement at the earliest opportunity in order to advance the Vision Zero Program.
5. ***That Appendix A, point #2 under definitions, to be amended to read as follows: Net revenues from Red Light Cameras, Automated Speed Enforcement and such other automated technology-based traffic enforcement tools that may be approved by the Province, be shared 50/50 between the Region and local area municipalities consistent with current practice.***

Overview of Motion as Amended requested by Regional Council on December 17th

The recommended amendments proposed to CSC and Council in December, as originally proposed by Staff allowed for 100% of net Vision Zero Program revenue to be transferred to the Niagara Region, to cover transportation and business licensing operating and capital expenditures, with any remaining funds being used to re-investment into the Program. This approach was in support of the financial sustainability and future growth of the program. The motion as amended at Regional Council on December 17th, 2020 changed the original amendment to request that the net revenue to be split 50% to the Region and 50% to the LAMs.

The implications of this change are being considered by Staff as it relates to the amending agreement. Staff are also assessing the need for a further report to Regional Council and the associated impact on timelines. Staff wished to provide this memo as an update in the interim given the change from the previous reporting to JBM.

Next Steps

Staff may proceed with a further report to CSC/Regional Council to provide

- Further clarity on motion as amended;
- Information related to the impacts of this additional change and;
- The updated draft proposed amending agreement

Staff plan to attend local area municipal councils and Regional Council and with the target of approvals by the end of Q1/early Q2 2021. Presentation to LAM councils will include an overview of the program; draft proposed amendments to the inter-municipal agreement; and financial implications for approval.

Upon the revisions to the IMA being approved by all LAMs, Transportation staff will bring forward a report to PWC and Council to authorize entering into agreements with suppliers and related parties to acquire equipment and services, as required. It is estimated that it will take 120 business days to receive the equipment following execution of the supplier agreement.

Respectfully submitted and signed by

Beth Brens, CPA, CA
Manager of Program Financial Support

MEMORANDUM

JBM-C 3-2021

Subject: Regional Council Approval of 2021 Budget
Date: January 28, 2021
To: Joint Board of Management, Niagara Courts
From: Miranda Vink, Manager, Court Services

This memo is to advise that Niagara Regional Council approved the 2021 budget on Thursday, January 22, which includes the operating budget for Court Services.

Court Services' budget was approved as presented in reports: JBM-C 16-2020 on December 9, 2020; and, JBM-C 8-2020 on November 17, 2020. The 2021 Court Services gross operating budget has been approved in the amount of \$7,564,399, including a net budgeted revenue of \$1,360,348 with \$680,174 to be shared with the local area municipalities and \$680,174 to be allocated to the Niagara Region.

Below is a copy of the news release published on the Niagara Region's website regarding the approval of the 2021 budget:

Niagara Regional Council approves 2021 budget

At its meeting on Jan. 21, Niagara Regional Council approved a budget for 2021 that ensures the municipality can continue to provide a high level of service while minimizing the effects of the COVID-19 pandemic on residents.

The Niagara Region budget is made up of three components: the levy operating budget, rate operating budgets, and the capital budget. The 2021 operating budget contains an overall property tax increase of 1.8 percent to the taxpayer. For the average property assessed at \$278,764, the Regional portion of the tax bill will increase by \$29, totalling \$1,640 in 2021.

As part of 2021 budget deliberations, the Region undertook a comprehensive public engagement process. The budget engagement exercise reaffirmed our residents' desire

to see the Region continue to support population and economic growth initiatives and ensure Niagara's most vulnerable citizens are cared for.

Highlights of the budget:

- COVID-19 costs for 2021 estimated at \$17.8 million, fully funded with Safe Restart and other provincial funding to include a Pandemic Response Team that will allow Niagara Public Health to mitigate future risk to public health;
- West Lincoln Hospital Redevelopment Contribution - \$1.5 million annual contribution to reserve (for a \$12.6 million commitment) toward expansion of health services in west Niagara;
- EMS system transformation of \$1.3 million will continue to ensure high quality patient care while avoiding incremental costs of ambulances;
- An additional \$2 million or 0.5 per cent of the 2021 tax increase is dedicated to enhancing funding for critical infrastructure, such as roads reconstruction and bridge replacement;
- Use of \$4.3 million in reserves to mitigate the impacts of operating budget pressures on the taxpayers.

The operating budget for 2021 contains a tax levy of \$405.3 million, which funds the daily business of Niagara Region, its boards and agencies.

To help drive Council's vision for a prosperous and resilient region, the operating budget also supports a \$500.3 million approved capital program. The Region has allocated funding toward the construction of the South Niagara Falls Wastewater Treatment Facility, which will open up the area to population growth and new economic opportunities.

In December, Niagara Regional Council approved rate budget increases for 2021 of 2.0 percent for water and wastewater services combined and 4.5 percent for waste management.

The approved water and wastewater budgets are effective as of January 1, 2021, and billed to the local area municipalities based on water and wastewater usage following the Council approved methodology. As the wholesaler of water and wastewater services

in Niagara, the Region will bill the local municipalities, who will in turn incorporate the new rates into resident water bills.

In 2020, Niagara Region commenced new residential waste collection contracts. The municipality also transitioned to an every-other-week curbside collection that improves waste diversion targets. Costs for waste services are charged to municipalities based on special tax rates applied to the assessed value of households. Average households in Niagara can expect to pay up to an additional \$6.88 more for the year for waste services in 2021.

Quotes

"We know that residents and businesses are facing financial challenges as a result of the COVID-19 pandemic. The 2021 budget reflects our efforts to ensure Niagara is responsive to this crisis while continuing to deliver the supports and services our residents rely on."

~ ***Jim Bradley, Regional Chair***

"Council approved a budget that maintains valued programs and services for our community but also ensures that we come out of this pandemic stronger. I want to thank residents for taking part in this budget process and my colleagues on Council for collaborating on a responsible financial plan for Niagara."

~ ***Gary Zalepa, Regional Councillor and Budget Chair***

"Staff worked diligently to ensure that residents would benefit from responsible use of their tax dollars during these difficult times. In 2021, we will continue to manage the financial impacts of the pandemic and work to ensure the Region recovers from it by providing necessary services to our residents."

~ ***Todd Harrison, Commissioner of Corporate Services and Treasurer***

Respectfully submitted and signed by

Miranda Vink
Manager, Court Services

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

**JBM 6-2020
Thursday, December 17, 2020
Video Conference
Niagara Region Headquarters
1815 Sir Isaac Brock Way, Thorold, ON**

Committee: M. Barkway (Lincoln), D. Gibbs (Niagara Region), H. Salter
(Board Vice-Chair, St. Catharines), J. Tosta (Welland)

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

Staff: B. Brens, Manager, Program Financial Support, 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 3:30 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 13-2020

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

Moved by J. Tosta
Seconded by D. Gibbs

That Report JBM-C 13-2020, dated December 17, 2020, respecting Court Services Write-Off Recommendations for the period ending October 31, 2020, **BE RECEIVED** and the following recommendation **BE APPROVED**:

1. That the delinquent cases summarized in Table 1 of the Analysis Section of Report JBM-C 13-2020, **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).

Carried

5.2 JBM-C 15-2020

2021 Joint Board of Management Niagara Courts – Meeting Dates

Moved by D. Gibbs
Seconded by M. Barkway

That Correspondence Item JBM-C 15-2020, being a memorandum from M. Vink, Manager, Court Services, dated December 17, 2020, respecting 2021 Joint Board of Management Niagara Courts – Meeting Dates, **BE RECEIVED** and the following recommendation **BE APPROVED**:

1. 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

Carried

6. CONSENT ITEMS FOR INFORMATION

Moved by D. Gibbs
Seconded by J. Tosta

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

JBM-C 14-2020
Court Services COVID-19 Update

JBM 4-2020
Joint Board of Management - Niagara Courts Meeting Minutes - November 17, 2020

JBM 5-2020
Joint Board of Management - Niagara Courts Meeting Minutes - December 9, 2020

Carried

7. OTHER BUSINESS

7.1 Vision Zero Update

D. Gibbs, Director, Legal and Court Services, provided an update on the Vision Zero program. Ms. Gibbs advised that a report seeking the endorsement of the draft Inter-Municipal Agreement will be considered by Regional Council at its meeting being held on December 17, 2021. Once endorsed by Regional Council, the agreement will be forwarded to Local Area Municipal Councils for approval.

8. NEXT MEETING

The next meeting will be held on Thursday, January 28, 2021, at 3:30 p.m.

9. **ADJOURNMENT**

There being no further business, the meeting adjourned at 3:50 p.m.

Heather Salter
Board Vice-Chair

Kelly Lotimer
Legislative Coordinator

Ann-Marie Norio
Regional Clerk