



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

JBM 2-2021

Thursday, April 8, 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.

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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>	
5.1. <u>JBM-C 6-2021</u> Approval of Court Services 2020 Audited Schedule of Revenues, Expenses and Funds Available for Distribution	3 - 13
6. <u>CONSENT ITEMS FOR INFORMATION</u>	
6.1. <u>JBM-C 4-2021</u> 2020 Year-End Report for Provincial Offences Court	14 - 21
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7. OTHER BUSINESS

8. NEXT MEETING

The next meeting will be held on Thursday, August 19, 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: Approval of Court Services 2020 Audited Schedule of Revenues, Expenses and Funds Available for Distribution

Report to: Joint Board of Management

Report date: Thursday, April 8, 2021

Recommendations

1. That the draft audited schedule of revenue, expenses and funds available for distribution for the year ended December 31, 2020, for The Regional Municipality of Niagara Court Services ("Court Services") (Appendix 1 to Report JBM-C 6-2021) **BE APPROVED**;
2. That staff **BE DIRECTED** to co-ordinate with the auditor to finalize the statements as presented; and
3. 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 obtain approval for the 2020 audited schedule of revenue, expense and funds available for distribution (Appendix 1 to Report JBM-C 6-2021).
- Court Services received an unmodified audit opinion which indicates that in Deloitte's opinion the financial information presented, in all material respects, is in accordance with the financial reporting provisions in the Niagara Region Courts Inter-municipal Agreement dated April 26, 2000.
- As per Financial Reporting and Forecasting Policy (C-F-020), financial statements and/or schedules prepared for Agencies, Boards or Commissions (ABC) will be approved by the governing board of the ABC. Upon Joint Board of Management – Niagara Courts approval, the Manager, Court Services and Treasurer will be authorized to sign the auditors' representation letter to obtain the auditors' signed final report. The approved schedule will then be forwarded to Audit Committee for information.

Financial Considerations

The draft audited schedule of revenues, 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 draft audited schedule of revenues, expenses and funds available for distribution for the year ended December 31, 2020 is attached (Appendix 1 to Report JBM-C 6-2021).

The schedule of revenues, expense and funds available for distribution is prepared specifically for the purpose of meeting the requirements outlined in the Niagara Region Courts Inter-municipal Agreement and may not be suitable for other purposes.

Analysis

The Region's auditors, Deloitte, completed the audit of the financial information in the schedule of revenues, expenses and funds available for distribution. The auditors have indicated that, in their opinion, the financial information for the year ended December 31, 2020, 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.

The schedule shows that Court Services had \$686,392 in funds available for distribution (\$343,196 to local area municipalities and \$343,196 to the Niagara Region). The Niagara Region transferred budgeted net revenues for the first and second quarters of the year (\$367,209) to the local area municipalities. This is in excess of the amount to be distributed based on year-end results, and the excess will be recovered in the first quarter of 2021.

Alternatives Reviewed

The audited schedule of revenues, 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

Prepared by:
Melanie Steele
Associate Director Reporting and
Analysis

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

This report was prepared in consultation with Blair Hutchings, Program Financial Analyst, Corporate Services.

Appendices

Appendix 1 Draft 2020 Schedule of Revenues, Expenses and Funds Available for
Distribution

Schedule of revenues, expenses and funds available for distribution

The Regional Municipality of Niagara Court Services

December 31, 2020

The Regional Municipality of Niagara Court Services

December 31, 2020

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Draft

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, 2020 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, 2020, 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.

Chartered Professional Accountants
Licensed Public Accountants
April xx, 2021

The Regional Municipality of Niagara

Court Services

Schedule of revenues, expenses and funds available for distribution
year ended December 31, 2020

		2020	2019
	Budget	Actual	Actual
	\$	\$	\$
Revenues			
Offence receipts	8,861,747	5,067,719	7,026,052
Proceeds on sale of surplus land	-	-	215,163
	8,861,747	5,067,719	7,241,215
Controllable expenses			
Salaries and benefits	2,572,104	1,521,878	1,609,856
Program support costs (Note 4)	1,150,274	1,179,449	1,158,189
Collection charges	160,000	193,094	242,254
Legal	127,620	22,018	31,688
Payment processing costs	108,583	69,717	75,253
Ticket data capture	32,000	761	784
Telephone	9,700	8,058	8,162
Business forms	4,000	2,864	6,842
Building and equipment rental	500	720	253
Office and administration	71,182	43,271	56,161
	4,235,963	3,041,830	3,189,442
Uncontrollable expenses			
Payments to other municipalities/provinces	250,000	83,992	296,078
Victim fine surcharge	1,763,710	741,955	1,034,291
Adjudication	579,800	182,748	370,536
Dedicated fines	20,000	13,025	31,325
Other provincial expenses	343,438	126,100	214,956
	2,956,948	1,147,820	1,947,186
Total expenses	7,192,911	4,189,650	5,136,628
Excess of revenues over expenses	1,668,836	878,069	2,104,587
Change in employee benefits and other liabilities	-	8,323	(6,547)
Transfer to Niagara Region (Note 2)	(200,000)	(200,000)	-
Funds available for distribution (Note 3)	1,468,836	686,392	2,098,040

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, 2020

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 schedule of revenue 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 \$334,000 (2019 - \$1,226,247) to the Niagara Region for transfer to the Court Services Facility Renewal reserve.

The following represents the transactions through the reserve:

	2020	2019
	\$	\$
Reserve held by the Niagara Region, beginning of year	2,876,247	1,650,000
Transfers during the year to reserve from operating budget	200,000	-
Return of funds from Court Facilities Renewal project	134,000	1,226,247
Reserve held by the Niagara Region, end of year	3,210,247	2,876,247

The Regional Municipality of Niagara Court Services

Notes to the schedule

December 31, 2020

3. Distribution to area municipalities

Court Services revenue distribution by municipality is as follows:

	Budget	2020	2019
	\$	\$	\$
Region of Niagara	734,418	343,196	1,049,020
Niagara Falls	143,138	66,889	204,559
Port Colborne	23,208	10,845	33,674
St. Catharines	183,384	85,695	266,031
Thorold	29,377	13,728	41,646
Welland	59,194	27,662	84,446
Fort Erie	46,709	21,827	67,662
Grimsby	58,313	27,250	81,614
Lincoln	48,398	22,617	67,872
Niagara-on-the-Lake	66,832	31,231	94,726
Pelham	34,004	15,890	48,255
Wainfleet	13,734	6,418	19,407
West Lincoln	28,128	13,144	39,128
	1,468,837	686,392	2,098,040

The Niagara Region transferred the budgeted net revenue distribution for the first and second quarters of the year (\$367,209) to the local area municipalities, in accordance with the Niagara Region Courts Intermunicipal Agreement dated April 26, 2000. This is in excess of the amount to be distributed based on year-end results, and the excess will be recovered in the first quarter of 2021.

The Regional Municipality of Niagara Court Services

Notes to the schedule

December 31, 2020

4. Program support costs

Court Services records direct operating expenses to their respective activity. The Regional Municipality of Niagara has a 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) guidelines. The 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:

	Budget	2020	2019
	\$	\$	\$
Finance services	128,344	122,280	128,547
Human resources services	47,852	114,419	37,144
Information technology services	114,538	88,477	107,609
Legal services	47,339	44,818	40,186
Insurance costs	604	566	522
Printing costs	1,621	2,625	3,223
Mail costs	8,994	6,485	7,114
Communications costs	813	-	516
Facilities costs	800,169	799,779	833,328
	1,150,274	1,179,449	1,158,189

Subject: 2020 Year-End Report for Provincial Offences Court

Report to: Joint Board of Management, Niagara Courts

Report date: Thursday, April 8, 2021

Recommendations

That this Report **BE RECEIVED** for information.

Key Facts

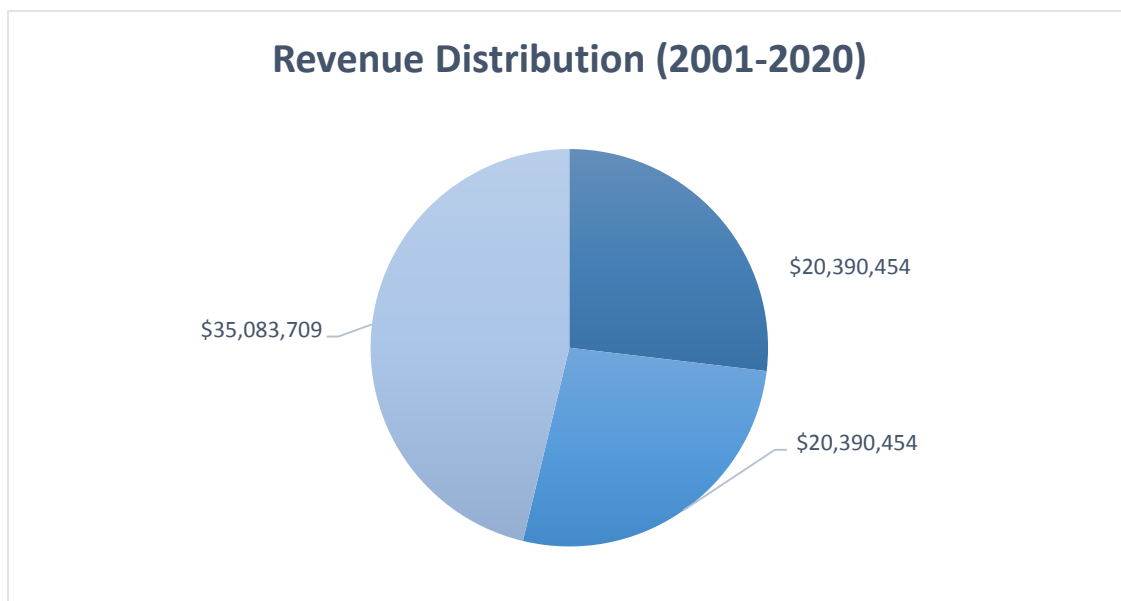
- Pursuant to the Memorandum of Understanding and Local Side Agreement with the Ministry of the Attorney General and the Inter-Municipal Agreement, The Regional Municipality of Niagara (the “Region”) acts as agent on behalf of the 12 local area municipalities (the “LAMs”) to administer the Provincial Offences Court located in Welland.
- Court Services staff administers violations under the Highway Traffic Act, the Trespass to Property Act, the Liquor License Act, municipal by-laws, other provincial and federal offences and more serious matters such as charges under the Compulsory Automobile Insurance Act, the Environmental Protection Act, the Fire Prevention and Protection Act and the Alcohol & Gaming Control Act
- In 2020, there was a 30% (\$2,172,956) decrease in gross revenue over 2019, as well as a 24% (8582) decrease in charges laid.
- The impacts to revenue and expenditures in 2020 can be largely attributed to COVID-19 and the reductions in charges laid, expenses and changes in business as a result.

Financial Considerations

- In 2020:
 - Gross revenue was \$5,067,391, representing a 30% (\$2,172,956) decrease over 2019.
 - Gross expenditures were \$4,724,196 representing a 24% decrease (\$1,467,132) over 2019.
 - Net revenue of \$343,195 is expected to be distributed based on the unaudited operating statements for 2020, as per the Inter-Municipal Agreement. First and second quarter payments were distributed based on the budgeted allocations, this has resulted in an overpayment to the

LAMs. This overpayment will be adjusted through the final distribution to local area municipalities in Q1 2021.

- The Region assumed responsibility for the administration of the Provincial Offences Court in 2001 and since then:
 - The Region has received \$20,390,454 in net revenue, and as per the Inter-Municipal Agreement, the LAMs have shared \$20,390,454 in net revenue (based on unaudited 2020 results).
 - The Region has paid the Province \$35,083,709 inclusive of victim fine surcharges, adjudication fees, part III prosecution charges, dedicated fines, oversight charges, and ICON processing charges



Source of Data: Year End Operating Statements

Analysis

Revenue

Gross revenue in 2020 was \$5,067,391, a 30% (\$2,172,956) decrease over 2019. Gross revenue is typically impacted by a variety of factors, including but not limited to, applications for extension of time to pay, license suspension and charges laid. In addition to these factors, the COVID-19 pandemic also had a significant impact on 2020 gross revenue. The Extension of Time to Pay order made by the Chief Justice of Ontario, the adjournment of in-person court matters, as well as the pandemic's impact

to the economy and individuals' ability to complete payment all contributed to a decrease in revenue.

- Applications for extension of time to pay fines:
 - The number of applications from 2019 (4685) to 2020 (3540) decreased by 24%. There is typically a correlation between extension requests and revenue, as defendants usually file for extensions for economic reasons. However, in 2020 the Chief Justice of Ontario ordered an Extension of Time to Pay which did not require individuals to submit applications from March 16th through December 2020.
- Suspension of driver's licenses:
 - The number of suspensions decreased from 2019 (4084) to 2020 (982). Suspensions occur when certain fines are not paid by the default date. Revenue is impacted through either a delay in a fine being paid or not paid at all. The opportunity to collect on revenue decreases as time passes. In 2020, license suspensions were paused after March 16, 2020, until the end of 2020 as a result of the Chief Justice of Ontario's order extending time to pay.
- Charges Laid:
 - The number of charges laid decreased by 24% in 2020. While charges increased in 2019 for the first time since 2014; the previous trend showed a decrease on an annual basis.

Year	New POA Offence Number
2014	53,913
2015	48,303
2016	40,026
2017	34,709
2018	31,957
2019	35,890
2020	27,308

Continuous Improvement

Court Services continues to leverage every opportunity to do business differently through innovation and process improvements to reduce cost, maximize revenue and ensure access to justice.

Court Services continues to work in conjunction with the Niagara Regional Police (NRP) after implementing e-ticketing in 2017. The initial cost benefit of e-ticketing was realized in 2018 and will continue to be seen with a reduction in the cost of paper tickets, as well as the number of paper tickets required to be keyed into CAMS and ICON. Within 2020, 97% of tickets issued by NRP were issued electronically via e-ticketing, compared to 95% in 2019 and 89% in 2018.

Court Services announced a staffing restructure project on November 11, 2020, which resulted in the elimination of 1 FTE and the splitting of the Court Clerk role into 3 new positions; Courtroom Clerk, Court Administration Clerk, and Court Customer Service Representative. The definition of these 3 distinct positions will assist in the building and mastering of role-specific skills for Court Services staff. The Supervisor Collections and Special Projects position has also been repurposed to a Business Analyst Court Services role to increase business intelligence capacity and project management expertise. Furthermore, one Court Clerk FTE has been repurposed to a Court Clerk Lead role which will assist in creating consistent onboarding and training mechanisms for new and existing Court Services staff. The full impacts of the staffing restructure are expected to be seen in 2021 upon approval of the Vision Zero initiative, which will see 12 additional FTEs added to the Court Services team.

While the COVID-19 pandemic was not without its challenges, it also provided opportunities for accelerated modernization. In July 2020, Court Services began to expand telephone court processes for Early Resolution matters. In October 2020, all non-trial matters resumed via telephone where eligible. Furthermore, Court Services worked to modernize processes and procedures in order to commence court matters via Zoom, which are scheduled to begin on April 12, 2021. While steps have also been undertaken to prepare the building to eventually resume in-person matters where mandated, it is anticipated that remote and virtual court matters will remain the status quo well beyond the pandemic period.

Costs

Gross expenditures in 2020 were \$4,724,196, a 24% (\$1,467,132) decrease over 2019. Costs are typically impacted by several operational factors, including but not limited to, trial requests, re-opening applications, the need to undertake enforcement to collect on delinquent fines and the number of court appearances to resolution. The average of court appearances to resolution in 2020 was 3.5 appearances per case – a reduction of 10%. However, it should be noted that this number is skewed by the fact that trials did not resume after March 16, 2020, and this number is expected to increase in 2021 when trial dates become available. All of the above-mentioned factors increase costs to administer through the court system, from filing to completion. Gross expenditures were significantly impacted in 2020 because of the COVID-19 pandemic. 2020 also saw an 18% decrease in Early Resolution matters; 5267 in 2020, compared to 6244 in 2019 and 5843 in 2018. This can largely be attributed to the adjournment of Early Resolution matters from March 16 through July 6, 2020, as well as a trend which saw an overall increase of trial requests in 2020 from March through December.

- Salary:
 - Court Services saw a decrease in overall salary expenses in 2020 due to the intentional gapping of several staff vacancies throughout the year, the elimination of 1 FTE, as well as a number of staff being out of the workplace on unpaid Infectious Disease Leave. Furthermore, a number of staff were redeployed during 2020 to assist in Regional Long Term Care facilities. Staff salaries during redeployment were charged through Community Services budget as a result, which created salary savings of \$91,431 for Court Services while these individuals were working offsite.
- Collections & Delinquent Fines:
 - The Extension on Time to Pay Order reduced the expenses related to driver's license suspensions as these activities were paused from March 16, 2020 through the remainder of 2020.
- Court Adjournments
 - While Niagara Court Services commenced telephone court matters in July 2020 where eligible, the adjournment of in-person court matters effective March 16 through December 31, 2020 resulted in a significant reduction of expenses related to judicial resources.
- COVID-19 Expenses
 - In order to ensure a safe environment for staff, judiciary and visitors during the COVID-19 pandemic, a number of unforeseen expenses were

required in 2020. A total of \$33,234 spent in 2020 can be attributed to COVID-19 spending including:

- Additional cleaning supports for daytime touchpoint sanitization
- Retrofitting of 3 POA Courtrooms with glass barriers
- Purchase of sanitization supplies including wipes and hand sanitizer
- Purchase of PPE and source control equipment including face shields, gloves and surgical masks
- Increase in postage and printing costs due to repeated delay and adjournments of court matters and the requirement to courier items (such as disclosure) during the courthouse building closure to the public.
- Purchase of stamps to support the processing of court documents during audio court proceedings
- Increase in minor IT equipment costs due to the purchase of an iPad to conduct electronic COVID-19 screening protocols for visitors to the Courthouse upon reopening and various repairs of IT equipment.

Customer Service

It is important to note that time to trial data for 2020 is not available as trials were adjourned and have not resumed since March 16, 2020. As such, there was no available trial time after March 13, 2020. Part 1 trial Scheduling will recommence in 2021, with the first virtual trial via Zoom set for April 12, 2021. The timeline for resumption of Part 3 trials has yet to be determined. There is a significant backlog directly attributed to the pandemic-related adjournments of both Part I and Part III trials. The average time to trial decreased from to 2.0 months in 2019 and 5.0 months in 2018.

The prosecution unit continues to provide French language services to Provincial Offences Courts for trials in neighbouring municipalities on occasion in exchange for prosecutorial resource support in Niagara when required. Staff also continue to work with enforcement agencies to provide guidance in working toward consistent charging and prosecutorial practices.

A variety of information, including service changes, frequently asked questions and answers, were frequently updated on the Court Services website to assist members of the public with information regarding court procedures during the COVID-19 pandemic. While the building remained closed for counter service to the public, staff remained

onsite throughout the duration of the pandemic to address inquiries and payments received by telephone or electronic communication.

Delinquent Fine Enforcement

In 2020, \$2,456,383 in delinquent fines was collected, which represents a 15% decrease (\$444,225) compared to 2019. This decrease is attributed to the COVID-19 pandemic economy as a result of the Extension of Time To Pay Order. On average, 184 new cases were added per month in 2020, compared to 664 new cases in 2019. This decrease in delinquent cases is as direct result of the Chief Justices Order extending time to pay; no new delinquent fines were added to the portfolio in April through to December 2020.

A partnership was created between the Region and all 12 of the LAMs in the “add to tax roll” program, which has proven to be an effective enforcement tool. Since its implementation in 2014, \$1,432,629 has been added to tax rolls in the Region and to date \$1,267,677.78 has been collected, which is an 88% collection rate. In 2020, \$341,217.78 of that amount was collected.

Staff utilize several other enforcement methods. These include the suspension of driver’s license, plate denial, use of third party collection agencies, and civil enforcement. Civil enforcement includes the garnishment of wages, bank accounts and the filing of Writs of Execution to secure property owned by the debtor. During the COVID-19 pandemic and as a result of the Extension of Time to Pay Order, some collections processes were limited from March through December 2020. Collection Agencies continued to work on cases submitted prior to the Extension order.

The filing of writs continued during the pandemic for aged delinquent cases which did not fall within the Extension order. Through ongoing investigative and collection efforts by staff, \$5,509,388 has been secured and \$3,678,537 collected (a 67% collection rate) since implementing the writ process in 2003. It is anticipated that these Writs of Execution will continue to contribute to revenue in future years.

Alternatives Reviewed

N/A.

Relationship to Council Strategic Priorities

The Provincial Offences Court is self-funding and therefore not reliant on the levy budget. 50% of the net revenue is split between the LAMs with the other 50% going to the Region, which could assist with achieving Council's priorities.

Other Pertinent Reports

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

Prepared by:

Miranda Vink
Manager, Court Services
Corporate Services

Recommended by:

Todd Harrison, CPA, CMA
Commissioner/Treasurer
Corporate Services

This report was prepared in consultation with Blair Hutchings, Program Financial Analyst, and reviewed by Donna Gibbs, Director, Legal and Court Services.

MEMORANDUM

JBM-C 5-2021

Subject: Court Services COVID-19 Update

Date: April 8, 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 1-2021 from January 28, 2021, 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 on 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 on Friday January 15, 2021. Following the end of the Stay At Home Order, the courthouse reopened to the public and resumed counter service on Tuesday, February 16, 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:

- The courthouse is presently open to the public to provide in-person customer service.

- Direction from the Ministry of the Attorney General (MAG) has been received indicating that all in-person Provincial Offences matters remain adjourned at the present time. Key components to resuming in-person matters at Niagara POA will be a) site readiness and b) availability of judicial resources.
- While a resumption date for in-person matters has not been provided, the Ministry have emphasized that virtual matters via audio and video will continue be the primary mechanism, with in-person matters occurring only when mandatory.
- Court Services has been collaborating with Regional 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 by Facilities and submitted to the Province on January 22, 2021.
- Court Services successfully completed the site assessment by the Public Services Health & Safety Association (PSHSA) on January 28, 2021.
- Direction from MAG is pending regarding HVAC reporting and the Court Emergency Management protocol in order to complete site readiness. Once these remaining items are realized, final approval to resume in-person matters will then be sought from the Niagara Region's CAO in accordance with Provincial requirements.
- Effective April 12, 2021, Niagara Provincial Offences will commence virtual Part I Trials via Zoom video. Part I trial matters are scheduled for April and May 2021.
- Training and reference documents completed for Court Services staff, judiciary, enforcement agencies and paralegal agent groups to assist with preparation for Zoom trials.
- Staff continue 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) and continue to conduct all eligible non-trial matters remotely via audio conference (resumed as of October 19, 2020).
- Judiciary are participating in court matters remotely in the majority of cases, however some members of the judiciary are participating in court matters onsite.
- The extension of time provided regarding limitation periods and the pause on enforcement pursuant to Provincial and Judicial Orders ended on February 26, 2021. This extension had implications for what would have been Infraction and Delinquent revenue realized in 2020. With enforcement methods having

resumed, this revenue is anticipated to be realized in 2021 and add to the overall 2021 gross revenue figures.

- Procurement and installation of 2 document cameras and graphics processors was undertaken in November 2020 and March 2021 in Courtroom 101 and Courtroom 103 respectively, to support the display of exhibits during virtual court matters.
- Staff procured 2 Zoom Business licenses to facilitate 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.
- 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 and is now targeted to occur within 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.
- Unanticipated staffing pressures related to COVID-19 are currently impacting the Court Services Team, including the use of Court Services employees to complete MAG mandated visitor screening at the courthouse entrance during business hours. Staff are seeking alternative options to address this requirement.
- It has become apparent that a 2nd staff member is required to assist in the courtroom during Zoom matters. While the Court Room Clerk conducts the court matters and completes the courtroom monitor functions, a 2nd person is required to act as the meeting host in Zoom. The host works to coordinate the participants, manage the decorum and enable features such as setting up breakout rooms for defendants and their legal counsel to hold a private discussion.
- 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. Following a fulsome recruitment for the Business Analyst position the successful candidate entered the role on March 22, 2021. Recruitments

outstanding include the 12 additional FTE's as required following the approval and implementation of Vision Zero.

Operational Outlook

- April to June 2021:
 - Launch virtual Part I trials via Zoom video effective April 12, 2021.
 - Continued facilitation of hybrid service delivery - court matters via audio, video and in-person (to the extent possible).
 - Continue to conduct matters where eligible via audio and video conference while awaiting resumption of in-person court proceedings and/or Part III trials via video.
 - Ongoing recovery planning in collaboration with MAG and the Recovery Secretariat for resumption of in-person matters.
 - 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.
 - Ongoing site preparation for virtual matters via video – equipping the remaining courtroom with document cameras and graphics processor, procuring a 3rd Zoom Business license to enable virtual proceedings in all 3 courtrooms.

Respectfully submitted and signed by

Miranda Vink
Manager, Court Services

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

**JBM 1-2021
Thursday, January 28, 2021
Meeting held by Video Conference**

Committee Members Present via Video Conference:	D. Gibbs (Niagara Region), H. Salter (Board Vice-Chair, St. Catharines), J. Simpson (Thorold), M. Tardiff (Wainfleet), J. Tosta (Welland), B. Treble (West Lincoln)
Absent/Regrets:	E. Lustig (Niagara Falls)
Staff Members Present via Video Conference :	B. Brens, Manager, Program Financial Support, B. Hutchings, Program Financial Specialist, K. Lotimer, Legislative Coordinator, M. Van Dyke, Manager, Court Services

1. CALL TO ORDER

Kelly Lotimer, Legislative Coordinator, called the meeting to order at 3:31 p.m.

2. DISCLOSURES OF PECUNIARY INTEREST

There were no disclosures of pecuniary interest.

3. SELECTION OF COMMITTEE CHAIR AND VICE-CHAIR

3.1 Call for Nominations for Committee Chair

Kelly Lotimer, Legislative Coordinator, called for nominations for the position of Chair of the Joint Board of Management - Niagara Courts for 2021.

Moved by D. Gibbs
Seconded by H. Salter

That Jack Tosta **BE NOMINATED** as Chair of the Joint Board of Management - Niagara Courts for 2021.

3.2 Motion to Close Nominations for Committee 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 M. Tardiff
Seconded by J. Simpson

That nominations for the position of Chair of the Joint Board of Management - Niagara Courts **BE CLOSED**.

Carried

3.3 Voting for the Position of Committee Chair

There being only one nominee for the position, Ms. Lotimer announced that Jack Tosta would be the Chair of the Joint Board of Management - Niagara Courts for 2021.

3.4 Call for Nominations for Committee Vice-Chair

Kelly Lotimer, Legislative Coordinator, called for nominations for the position of Vice-Chair of the Joint Board of Management - Niagara Courts for 2021.

Moved by J. Tosta
Seconded by H. Salter

That Mark Tardiff **BE NOMINATED** for the position of Vice-Chair of the Joint Board of Management - Niagara Courts for 2021.

3.5 Motion to Close Nominations for Committee 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 B. Treble
Seconded by J. Simpson

That the nominations for the position of Vice-Chair of the Joint Board of Management - Niagara Courts **BE CLOSED**.

Carried

3.6 Voting for the Position of Committee Vice-Chair

There being only one nominee for the position, Ms. Lotimer announced that Mark Tardiff would be the Vice-Chair of the Joint Board of Management for 2021.

Ms. Lotimer advised Committee members that since meetings are currently being held electronically, any changes to the Chair and Vice-Chair of the Board will be effective for the next meeting.

At this point in the meeting, H. Salter, current Board Vice-Chair, 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 J. Tosta
Seconded by D. Gibbs

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

JBM-C 1-2021
Court Services COVID-19 Update

JBM-C 2-2021
Vision Zero Update

JBM-C 3-2021
Council Approval of 2021 Court Services Budget

JBM 6-2020
Joint Board of Management - Niagara Courts Meeting Minutes - December 17, 2020

Carried

8. **OTHER BUSINESS**

There were no items of other business.

9. **NEXT MEETING**

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

10. ADJOURNMENT

There being no further business, the meeting adjourned at 4:05 p.m.

Heather Salter
Board Vice-Chair

Kelly Lotimer
Legislative Coordinator

Ann-Marie Norio
Regional Clerk