



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

JBM 3-2021

Thursday, August 19, 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. <u>CALL TO ORDER</u>	
2. <u>DISCLOSURES OF PECUNIARY INTEREST</u>	
3. <u>PRESENTATIONS</u>	
3.1. <u>Vision Zero Update</u> Beth Brens, Associate Director, Reporting & Analysis	3 - 8
4. <u>DELEGATIONS</u>	
5. <u>ITEMS FOR CONSIDERATION</u>	
5.1. <u>JBM-C 7-2021</u> Court Services Update Report on Bill 177 Stronger Fairer Ontario Act Changes to Provincial Offences Act related to Early Resolution	9 - 13
6. <u>CONSENT ITEMS FOR INFORMATION</u>	
6.1. <u>JBM-C 8-2021</u> 2nd Quarter Variance Analysis and Forecast to December 31, 2021	14 - 28
6.2. <u>JBM-C 9-2021</u> Court Services COVID-19 Update	29 - 33

7. OTHER BUSINESS

8. NEXT MEETING

The next meeting will be held on Thursday, October 21, 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).

Vision Zero Update

Joint Board of Management

August 19, 2021

Beth Brens, Acting Associate Director of Financial Reporting and
Analysis

Amendments to the Inter-Municipal Agreement (IMA)

- Regional staff are working through the requested amendments received from Regional Council in December 2020
- Main change will be to align with direction to have 50% of the net vision zero revenue (after courts and transportations costs have been deducted) be distributed to the LAMs
- Ministry Reporting and use of net revenue requirements

Revised Draft Timelines

- LAM approvals of revising amending IMA
 - LAM roadshow booked - Sept 13th – Nov 16th
- Regional Council approval of revised amending IMA – December 16th (CSC December 8th)
- Regional Council Authorization of vendor agreements – December 16th (PWC December 7th)
 - in tandem with amending IMA
- Staff to Order equip – end of December
- Go Live – April 1st (assuming 3 month timeline for ordering/receiving/installing)

2022 Budget Overview – Court Services



Assumptions

- Budget will not include Distribution of Revenue – assuming program will break even
- Based on 32,500 tickets being issued (prorated for April 1st Go Live date)
- \$750,000 in committed capital budget for VZ that will need to be paid back to Region before distribution
- Budget will take into account timing of planned staffing requirements
- No money will be spent/committed in 2022 until approval of amendments to the IMA by Regional Council and LAMs

Example – if ticket revenue exceeds budget

<i>In Millions</i>	\$	Comments
Vision Zero Revenue	5.10	Ticket revenue received based on 55,000 tickets issued
Less: Courts Operating Costs	(1.70)	Staffing/prosecution resources/ ICON/Courtroom Costs
Less: Allocation Between Departments	(3.10)	Transportation Operating (2.3) and capital (.8)
Net Vision Zero Revenue	0.30	Available Vision Zero Revenue for Distribution
50% Distribution to LAMs	0.15	
50% Distribution to Region	0.15	
Total Distribution	0.30	

Assumptions

- Example is based on 55,000 tickets being issued (max. amount of tickets that courts can accommodate in first full year)
- \$750,000 in committed capital budget for VZ will be paid back to Region before distribution

Questions?

Subject: Court Services Update Report on Bill 177 Stronger Fairer Ontario Act Changes to Provincial Offences Act related to Early Resolution

Report to: Joint Board of Management, Niagara Courts

Report date: Thursday, August 19, 2021

Recommendations

1. That the Joint Board of Management recommends that Regional Council **DIRECTS** the Regional Chair to send a letter to request the Attorney General of Ontario to:
 - a) halt the proclamation of the Early Resolution reforms to the *Provincial Offences Act* included in Bill 177 *Stronger, Fairer Ontario Act*, and instead take action to review, streamline and modernize the Early Resolution provisions of the *Provincial Offences Act*;
 - b) enact changes to the *Provincial Offences Act* to permit the prosecutor and defendant or legal representative to agree, at any stage of a proceeding commenced under Part I, to a resolution in writing and to permit the Clerk of the Court to register the court outcome immediately upon receipt of the written agreement without requiring an appearance before a Justice of the Peace; and,
 - c) support the proclamation of the remainder of the Bill 177 *Stronger, Fairer Ontario Act* reforms to the *Provincial Offences Act*; and
2. That a copy of this resolution **BE FORWARDED** to the Honourable Doug Downey, Attorney General of Ontario, and copied to: other municipalities that administer Provincial Offences Courts; the Ministry of the Attorney General, and the Association of Municipalities of Ontario for support.

Key Facts

- Legislative amendments to modernize the *Provincial Offences Act* (“POA”) were passed by the Ontario Legislature in December 2017 under Schedule 35 of Bill 177 *Stronger, Fairer Ontario Act* (“Bill 177”). These amendments include changes to reform the Early Resolution (“ER”) process, improve the collection of default fines, and expand the powers of the clerk of the court. In December 2019, the Ministry of the Attorney General advised that it intends to implement Bill 177 amendments through a phased approach.
- While many of the proposed reforms would significantly assist Provincial Offences Courts, the proposed amendments to the ER process would replace the existing

simplified process with a cumbersome and lengthy process, including complicated rules and time periods that will not be easily understood by the public, thereby impeding access to justice.

- ER is an optional program Provincial Offences Courts can offer allowing defendants who opt to dispute their charges to request a meeting with a prosecutor to resolve charges prior to trial.
- On May 6, 2021, the Municipal Court Managers' Association (MCMA) of Ontario sent a letter to all association members requesting support to halt the proclamation of the ER reforms to the POA included in Bill 177 and advocate for further Provincial reforms to streamline and modernize this section of the legislation. As a result, a number of other municipalities, including York, Caledon and Mississauga, have already advocated for this POA reform.
- Niagara Region Provincial Offences Court is among only 15 courts in Ontario offering ER, and it has been an essential process to support the administration of justice in Niagara Region.
- Staff recommend seeking the support of Regional Council to advocate to the Province for further reform to the ER process to make it easier for members of the public, and the Provincial Offences Court, to access and implement this option.

Financial Considerations

There are no financial implications directly associated with this report.

Analysis

Legislative amendments to the POA were passed by the Ontario Legislature in December 2017 under Bill 177. These amendments include reforming the ER process, improving collection of default fines, and expanding the powers of the Clerk of the Court.

In December 2019, the Ministry of the Attorney General indicated its intention to implement a phased-in approach to the Bill 177. To date the Ministry has only proclaimed and implemented sections allowing for use of certified evidence. Based on information received from the Ministry on May 11, 2021, further Bill 177 amendments are scheduled to be proclaimed over the next several months as follows:

- November 2021 –
 - Court Clerk Reforms (Part 1): authorizing municipal court clerks, rather than Justices of the Peace, to enter convictions where the defendant fails

to respond to a ticket and approve applications for extensions of time to pay fines.

- Q1 2022 –
 - Court Clerk Reforms (Part 2): authorizing municipal court clerks, rather than Justices of the Peace, to approve applications for reopening convictions.
 - Fine Enforcement Reforms: requiring the payment of oldest defaulted fines first and replacing the default “fee” with an administrative monetary penalty, which would be payable each time a fine is not paid by the due date); and,
 - ER reforms.

The Bill 177 reforms related to expansion of the role of the court clerk support ease of access by the public and would be very beneficial administratively, particularly in assisting the Court to manage the impacts of the pandemic and the challenge presented by limited judicial resources. Staff support the Province proclaiming those reforms as soon as possible.

However, the proposed ER reforms will replace a simplified process currently in place, with a process that is complex and less efficient, substantially increasing administrative burdens. In addition, the proposed complexity of the changes will make it more difficult for the public to understand what is expected of them and will accordingly hinder, rather than facilitate, access to justice.

ER is an optional program offered by Provincial Offences Courts to allow defendants an opportunity to request a meeting with a prosecutor to resolve the charges prior to a trial. In July 2020, ER matters were the first POA proceedings to resume in the Region during the pandemic. The current resolution rate for ER in Niagara is approximately 84% of charges for which this option is selected. Prior to the pandemic, ER accounted for the resolution of approximately 92% of all Part I charges filed. The high rate of participation by the public in the ER process is an indication that the existing process provides an easy-to-understand and effective way to resolve minor offences.

The amendments proposed in Bill 177 will create a more complicated legislative framework with additional rules, appearances by the defendant, and time periods to navigate. The proposed new ER process involves different processes that are dependent on the nature of the resolution reached with the prosecutor. In some cases, the defendant has to appear before a Justice of the Peace to register the conviction and there are potential additional appearances required by the defendant and the

prosecutor. In other cases, an appearance before a Justice of the Peace is not required; however, there is a new abandonment period before an outcome is registered. The inclusion of this abandonment period is not necessary, as there are existing remedies in the POA, including a right of appeal.

A modern, efficient and effective justice system requires convenience and ease of access for the public, and simplified, efficient processes that provide proportionate options to the public for minor offences under Part I of the POA. To ensure a simplified and efficient ER process, Staff recommend that the POA be amended to provide that any resolution meeting between the defendant and the prosecutor can be held in writing and that all written agreements reached between the prosecutor and defendant can be filed with the Clerk of the Court, without need for an appearance before a Justice of the Peace. In addition to supporting a more efficient process that expedites dispositions for defendants; this would also conserve court time and judicial resources for contested matters.

Alternatives Reviewed

The Joint Board of Management and Regional Council could decline to pursue the opportunity to advocate for further ER reforms to the POA.

Relationship to Council Strategic Priorities

Court Services aims to continually support Regional Council's 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

JBM-C 2-2020 [Bill 177 Update](#)

Prepared by:
Miranda Vink
Manager, Court Services
Corporate Services

Recommended by:
Todd Harrison
Commissioner
Corporate Services

Appendices

None

MEMORANDUM**JBM-C 8-2021****Subject: 2nd Quarter Variance Analysis and Forecast to December 31, 2021****Date: August 18, 2021****To: Joint Board of Management, Niagara Courts****From: Miranda Vink, Manager, Court Services**

As a result of a recent forecasting exercise undertaken, the following is a summary of the status of the 2021 Court Services budget as of June 30, 2021. The year-to-date variance analysis is attached as **Appendix 1**.

Overall, expenses and revenue look slightly different than initially projected for 2021. In addition to the budget impacts related to the COVID-19 pandemic, the 2021 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 2021. To support the program, the 2021 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 the delayed implementation 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 2021 have been adjusted to reflect this change.

Base program revenue from January 1 to June 30, 2021 is under budget year-to-date by 13% overall (excluding budgeted Vision Zero revenue). Due to the COVID-19 pandemic, the courthouse building was closed to the public during the Stay At Home Order from January 15, 2021 through February 16, 2021. In-person court matters have been adjourned from March 16, 2020, with no resumption date for in-person matters presently set. As a result, there were limited matters which were eligible for remote proceedings at the start of 2021. Although remote Early Resolution guilty pleas, Judicial Pre-Trial, and all other non-trial matters resumed in 2020, the majority of Q1 2021 was

spent without the ability to schedule new trials. As a result of significant efforts on the part of the Court Services team to meet MAG guidelines, Niagara POA Court was however the first in Ontario to commence virtual Part I trials as of April 12, 2021. Another impact to infraction revenue is the rate of new charges laid. For January through June 2021, we saw a 5% increase in charges laid compared to the same time period in 2020. As 2020 was an anomaly year due to the pandemic and 2019 saw a very large increase in charges, it is positive to note that charging trends appear similar to 2018, which was more of a typical year in terms of charging volumes.

Collections efforts have resumed, including but not limited to the suspension of driver's licence, add to tax roll, use of third party collection agencies, and civil enforcement through Small Claims Court. However, Court Services was unable to action any newly delinquent charges until the pause on enforcement pursuant to Provincial and Judicial Orders ended on February 26, 2021. This had implications for what would have been Infraction and Delinquent revenue realized in 2020. However, with enforcement methods having resumed, this revenue has now begun to be realized in 2021 and will add to the overall 2021 gross revenue figures. Driver's license suspensions resumed April 19, 2021 and resulted in a number of payments for delinquent fines as well. The year-to-date delinquent fine revenue is under budget by 9%.

Year-to-date base program operational expenditures, including indirect allocations, are under budget overall by 14% (excluding budgeted Vision Zero expenses), due the adjournment of trials from January 1 to April 11, 2021, in addition to the vacancy management of several positions for Q1 2021.

Considering the commencement of Part I virtual trials in April 2021, and with the approval to commence Part III Trials in September 2021, staff anticipates a continued increase to infraction revenue in Q3 and Q4; however, all in-person court matters continue to be adjourned. While Court Services continues to operate to the extent possible despite the restrictions on in-person matters and with reduced judicial resources, it has been projected that both the revenue and expenses will be less than anticipated for 2021.

Appendix 2 to this memo is a summary illustrating the forecast of Court Services' revenue and expenses to the end of 2021 based on circumstances at this time. Base program revenue has been forecasted with an unfavourable variance (excluding Vision Zero) of 5.4% overall, or a deficit of \$480 thousand by year-end in line with current revenue trends. Total expenditures are anticipated to show a favourable variance (excluding Vision Zero) of 5.5% or \$372 thousand, resulting in a net revenue of

\$1,146,262 (\$573,131 for the local area municipalities and \$573,131 for the Region). The final net revenue distribution share to the area municipalities will be dependent on the audited year-end results, but is forecasted to be unfavourable by approximately \$107 thousand 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 2021.

Respectfully submitted and signed by

Miranda Vink
Manager, Court Services

COURT SERVICES

Variance Analysis: January to June 2021

JBM-C 8-2021

August 19, 2021

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
Expenses								
Compensation	\$ 1,186,993	\$ 851,849	\$ 335,144	28.2%	\$ 2,588,575	33%	-17%	Under budget due to vacancy management; Vision Zero savings \$218,457
Administrative	1,230,348	\$ 792,565	437,783	35.6%	2,890,995	27%	-23%	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 \$291,579
Operational & Supply	505,474	409,540	95,934	19.0%	1,113,882	37%	-13%	Under budget due to a decrease in the fines collected on behalf of other POA offices, offset through lower revenue below; Vision Zero savings \$15,368

Occupancy & Infrastructure	500	725	(225)	-44.9%	1,000	72%	22%	Over budget due to higher building modifications and janitorial supplies purchased to meet COVID-19 protocols
Equipment, Vehicles & Technology	6,750	16,562	(9,812)	-145.4%	13,500	123%	73%	Over budget due to increased purchases of technology to support virtual court proceedings and COVID-19 protocols including screening of visitors to the courthouse.
Financial Expenditures	111,500	64,406	47,094	42.2%	223,000	29%	-21%	Under budget due to a decrease in Collection Charges paid to third party collection agencies as a result of a pause on enforcement pursuant to Provincial and Judicial Orders and a pause on Drivers License Suspension which have now both resumed.
Total Expenses	3,041,565	2,135,646	905,919	29.8%	6,830,952	31%	-19%	
Revenue								
Other Revenue	(3,947,271)	(3,059,615)	(887,655)	22.5%	(8,951,021)	34%	-16%	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 \$418,830
Total Revenue	(3,947,271)	(3,059,615)	(887,655)	22.5%	(8,951,021)	34%	-16%	
Intercompany Charges								
Intercompany Charges	(1,495)	1,739	(3,234)	216.4%	(2,980)	-58%	-108%	Over budget due to the allocation of general corporate 2021 COVID-19 funding from the Province to fund pandemic-related expenses

Net Expenditure/(Revenue) before Transfers & Indirect Allocations	(907,201)	(922,230)	15,029	-1.7%	(2,123,049)	43%	-7%	
Transfers								
Transfer to Reserve Fund	154,025	154,025	-	0.0%	308,050	50%	0%	Transfer of funds to the Court Services facility reserve to fund future facility needs
Total Transfers	154,025	154,025	-	0.0%	308,050	50%	0%	
Net Expenditure/(Revenue) before Indirect Allocations	\$ (753,176)	\$ (768,205)	\$ 15,029	-2.0%	\$ (1,814,999)	42%	-8%	
Indirect Allocations & Debt								
Indirect Allocations & Debt	419,971	394,522	25,450	6.1%	1,134,824	35%	-15%	Under budget due to lower than budgeted corporate cost allocations, including building maintenance, finance, real estate and procurement costs
Total Indirect Allocations & Debt	419,971	394,522	25,450	6.1%	1,134,824	35%	-15%	
Net Expenditure/(Revenue) after Indirect Allocations	\$ (333,204)	\$ (373,684)	\$ 40,479	-12.2%	\$ (680,175)	55%	5%	

COURT SERVICES

Variance Analysis: January to June 2021

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
Expenses										
Compensation	\$ 1,186,993	\$ 218,457	\$ 968,536	\$ 851,849	\$ 116,687	12.1%	\$ 2,588,575	33%	-17%	Under budget due to vacancy management
Administrative	1,230,348	291,579	938,769	792,565	146,204	15.6%	2,890,995	27%	-23%	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	505,474	15,368	490,106	409,540	80,566	16.4%	1,113,882	37%	-13%	Under budget due to a decrease in the fines collected on behalf of other POA offices, offset through lower revenue below.

Occupancy & Infrastructure	500	-	500	725	(225)	-44.9%	1,000	72%	22%	Over budget due to higher building modifications and janitorial supplies purchased to meet COVID-19 protocols
Equipment, Vehicles & Technology	6,750	-	6,750	16,562	(9,812)	-145.4%	13,500	123%	73%	Over budget due to increased purchases of technology to support virtual court proceedings and COVID-19 protocols including screening of visitors to the courthouse.
Financial Expenditures	111,500	-	111,500	64,406	47,094	42.2%	223,000	29%	-21%	Under budget due to a decrease in Collection Charges paid to third party collection agencies as a result of a pause on enforcement pursuant to Provincial and Judicial Orders and a pause on Drivers License Suspension which have now both resumed.
Total Expenses	3,041,565	525,404	2,516,161	2,135,646	380,515	12.5%	6,830,952	31%	-19%	
Revenue										
Other Revenue	(3,947,271)	(418,830)	(3,528,441)	(3,059,615)	(468,825)	13.3%	(8,951,021)	34%	-16%	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
Total Revenue	(3,947,271)	(418,830)	(3,528,441)	(3,059,615)	(468,825)	13.3%	(8,951,021)	34%	-16%	

Intercompany Charges											
Intercompany Charges	(1,495)	-	(1,495)	1,739	(3,234)	216.4%	(2,980)	-58%	-108%	Over budget due to the allocation of general corporate 2021 COVID-19 funding from the Province to fund pandemic-related expenses	
Net Expenditure / (Revenue) before Transfers & Indirect Allocations	(907,201)	106,574	(1,013,775)	(922,230)	(91,545)	9.0%	(2,123,049)	43%	-7%		
Transfers											
Transfer to Reserve Fund	154,025	-	154,025	154,025	-	0.0%	308,050	50%	0%	Transfer of funds to the Court Services facility reserve to fund future facility needs	
Total Transfers	154,025	-	154,025	154,025	-	0.0%	308,050	50%	0%		
Net Expenditure / (Revenue) before Indirect Allocations	\$ (753,176)	\$ 106,574	\$ (859,750)	\$ (768,205)	\$ (91,545)	10.7%	\$ (1,814,999)	42%	-8%		

Indirect Allocations & Debt										
Indirect Allocations & Debt	419,971	-	419,971	394,522	25,450	6.1%	1,134,824	35%	-15%	Under budget due to lower than budgeted corporate cost allocations, including building maintenance, finance, real estate and procurement costs
Total Indirect Allocations & Debt	419,971	-	419,971	394,522	25,450	6.1%	1,134,824	35%	-15%	
Net Expenditure/(Revenue) after Indirect Allocations	\$ (333,204)	\$ 106,574	\$ (439,778)	\$ (373,684)	\$ (66,095)	15.0%	\$ (680,175)	55%	5%	

COURT SERVICES

2021 Second Quarter Forecast: July to December

JBM-C 8-2021
August 19, 2021
Appendix 2

	Annual Budget	Year to Date Actual (as of June 30/21)	Forecast July to December	Total Forecast for 2021	Annual Budget	vs. Forecast Variance Surplus (Deficit)
Expenses						
Compensation	\$ 2,588,575	\$ 851,849	\$ 949,319	\$ 1,801,168	787,407	30.4%
Administrative	2,890,995	792,565	925,162	1,717,727	1,173,268	40.6%
Operational & Supply*	1,113,882	409,540	477,253	886,793	227,089	20.4%
Occupancy & Infrastructure	1,000	725	7,600	8,325	(7,325)	-732.5%
Equipment, Vehicles & Technology	13,500	16,562	10,084	26,646	(13,146)	-97.4%
Financial Expenditures	223,000	64,406	158,997	223,403	(403)	-0.2%
Total Expenses	6,830,952	2,135,646	2,528,415	4,664,061	2,166,891	31.7%
Revenue						
Other Revenue	(8,951,021)	(3,059,615)	(3,616,659)	(6,676,274)	(2,274,747)	25.4%
Total Revenue	(8,951,021)	(3,059,615)	(3,616,659)	(6,676,274)	(2,274,747)	25.4%
Intercompany Charges						
Intercompany Charges	(2,980)	1,739	(1,485)	254	(3,234)	108.5%
Net Expenditure/(Revenue) before Transfers & Indirect Allocations	(2,123,049)	(922,230)	(1,089,729)	(2,011,958)	(111,091)	5.2%

Transfers						
Transfer to Reserve Fund	308,050	154,025	154,025	308,050	-	0.0%
Total Transfers	308,050	154,025	154,025	308,050	-	0.0%
Net Expenditure/(Revenue) before Indirect Allocations	\$ (1,814,999)	\$ (768,205)	\$ (935,704)	\$ (1,703,908)	(111,091)	6.1%
Indirect Allocations & Debt						
Indirect Allocations & Debt	1,134,824	394,522	736,256	1,130,778	4,046	0.4%
Total Indirect Allocations & Debt	1,134,824	394,522	736,256	1,130,778	4,046	0.4%
Net Expenditure/(Revenue) after Indirect Allocations	\$ (680,175)	\$ (373,683)	\$ (199,448)	\$ (573,131)	(107,044)	15.7%

* Operational & Supply Expenses include the forecasted amount to be distributed to the LAMs of \$573,131, which is 50% of the total net revenue of \$1,146,262

COURT SERVICES

2021 Second Quarter Forecast: July to December

JBM-C 8-2021
August 19, 2021
Appendix 2

	Total Approved Budget	Vision Zero Budget	Base Program Budget	Year to Date Actual (as of June 30/21)	Forecast July to December	Total Forecast for 2021	Base Program Budget	vs. Forecast Variance Surplus (Deficit)
Expenses								
Compensation	\$ 2,588,575	\$ 655,372	\$ 1,933,203	\$ 851,849	\$ 949,319	\$ 1,801,168	\$ 132,035	5.1%
Administrative	2,890,995	1,033,479	1,857,516	792,565	925,162	1,717,727	139,789	4.8%
Operational & Supply*	1,113,882	105,896	1,007,986	409,540	477,253	886,793	121,193	10.9%
Occupancy & Infrastructure	1,000	-	1,000	725	7,600	8,325	(7,325)	-732.5%
Equipment, Vehicles & Technology	13,500	-	13,500	16,562	10,084	26,646	(13,146)	-97.4%
Financial Expenditures	223,000	-	223,000	64,406	158,997	223,403	(403)	-0.2%
Total Expenses	6,830,952	1,794,747	5,036,205	2,135,646	2,528,415	4,664,061	372,144	5.5%
Revenue								
Other Revenue	(8,951,021)	(1,794,747)	(7,156,274)	(3,059,615)	(3,616,659)	(6,676,274)	(480,000)	5.4%
Total Revenue	(8,951,021)	(1,794,747)	(7,156,274)	(3,059,615)	(3,616,659)	(6,676,274)	(480,000)	5.4%
Intercompany Charges								
Intercompany Charges	(2,980)	-	(2,980)	1,739	(1,485)	254	(3,234)	108.5%

Net Expenditure/(Revenue) before Transfers & Indirect Allocations	(2,123,049)	-	(2,123,049)	(922,230)	(1,089,729)	(2,011,959)	(111,090)	5.2%
Transfers								
Transfer to Reserve Fund	308,050	-	308,050	154,025	154,025	308,050	-	0.0%
Total Transfers	308,050	-	308,050	154,025	154,025	308,050	-	0.0%
Net Expenditure/(Revenue) before Indirect Allocations	\$ (1,814,999)	\$ -	\$ (1,814,999)	\$ (768,205)	\$ (935,704)	\$ (1,703,909)	(111,090)	6.1%
Indirect Allocations & Debt								
Indirect Allocations & Debt	1,134,824	-	1,134,824	394,522	736,256	1,130,778	4,046	0.4%
Total Indirect Allocations & Debt	1,134,824	-	1,134,824	394,522	736,256	1,130,778	4,046	0.4%
Net Expenditure/(Revenue) after Indirect Allocations	\$ (680,175)	\$ -	\$ (680,175)	\$ (373,683)	\$ (199,448)	\$ (573,131)	(107,044)	15.7%

* Operational & Supply Expenses include the forecasted amount to be distributed to the LAMs of \$573,131, which is 50% of the total net revenue of \$1,146,262

2021 Court Distribution to Area Municipalities

2021 Budget					
Estimates versus Actual	Total	March	June	September	December
Budgeted POA Revenues to be distributed:	\$680,174.00	\$170,043.50	\$170,043.50	\$170,043.50	\$170,043.50
Forecasted POA Revenues to be distributed:	\$573,131.00	\$170,043.50	\$170,043.50	\$170,043.50	\$63,000.50
Favourable/(Unfavourable) Variance	(\$107,043.00)	\$0.00	\$0.00	\$0.00	(\$107,043.00)

Adjustment for 2020 Actual Results	Q1 Budgeted Distribution less 2020 Forecasted Variance
(\$24,013.59)	\$146,029.91

				Budgeted Distribution by Quarter			
Area Municipality	2021 Assessment	Apportioned	Budget Total	March	June	September	December
Niagara Falls	\$12,230,752,948	19.50%	\$ 132,639.32	\$ 33,159.83	\$ 33,159.83	\$ 33,159.83	\$ 33,159.83
Port Colborne	\$1,976,203,636	3.15%	\$ 21,431.60	\$ 5,357.90	\$ 5,357.90	\$ 5,357.90	\$ 5,357.90
St. Catharines	\$15,502,337,580	24.72%	\$ 168,117.92	\$ 42,029.48	\$ 42,029.48	\$ 42,029.48	\$ 42,029.48
Thorold	\$2,597,811,909	4.14%	\$ 28,172.12	\$ 7,043.03	\$ 7,043.03	\$ 7,043.03	\$ 7,043.03
Welland	\$5,069,489,336	8.08%	\$ 54,977.12	\$ 13,744.28	\$ 13,744.28	\$ 13,744.28	\$ 13,744.28
Fort Erie	\$4,005,541,681	6.39%	\$ 43,438.64	\$ 10,859.66	\$ 10,859.66	\$ 10,859.66	\$ 10,859.66
Grimsby	\$4,957,557,153	7.90%	\$ 53,763.00	\$ 13,440.75	\$ 13,440.75	\$ 13,440.75	\$ 13,440.75
Lincoln	\$4,182,315,747	6.67%	\$ 45,356.04	\$ 11,339.01	\$ 11,339.01	\$ 11,339.01	\$ 11,339.01
NOTL	\$5,688,875,611	9.07%	\$ 61,693.84	\$ 15,423.46	\$ 15,423.46	\$ 15,423.46	\$ 15,423.46
Pelham	\$2,937,344,600	4.68%	\$ 31,854.60	\$ 7,963.65	\$ 7,963.65	\$ 7,963.65	\$ 7,963.65
Wainfleet	\$1,169,363,123	1.86%	\$ 12,681.16	\$ 3,170.29	\$ 3,170.29	\$ 3,170.29	\$ 3,170.29
West Lincoln	\$2,401,969,400	3.83%	\$ 26,048.64	\$ 6,512.16	\$ 6,512.16	\$ 6,512.16	\$ 6,512.16
Total	\$62,719,562,724	100.00%	\$ 680,174.00	\$ 170,043.50	\$ 170,043.50	\$ 170,043.50	\$ 170,043.50

2020 Variance to be applied to 2021 Distribution Payments	Q1 Budgeted Distribution less 2020 Forecasted Variance
\$ (4,680.25)	\$ 28,479.58
\$ (758.83)	\$ 4,599.07
\$ (5,996.19)	\$ 36,033.29
\$ (960.54)	\$ 6,082.49
\$ (1,935.50)	\$ 11,808.78
\$ (1,527.26)	\$ 9,332.40
\$ (1,906.68)	\$ 11,534.07
\$ (1,582.50)	\$ 9,756.51
\$ (2,185.24)	\$ 13,238.22
\$ (1,111.83)	\$ 6,851.82
\$ (449.05)	\$ 2,721.24
\$ (919.72)	\$ 5,592.44
\$ (24,013.59)	\$ 146,029.91

MEMORANDUM**JBM-C 9-2021****Subject: Court Services COVID-19 Update****Date: August 19, 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 5-2021 from April 8, 2021, 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.

Court Services has maintained ongoing contact 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.

Quick Facts

- **Leaders in Court Services:** Niagara Court Services became the first Provincial Offences Courthouse in Ontario to launch Zoom Trial proceedings in April 2021. Court Services provided support and resources to numerous municipalities across Ontario, including hosting court observation opportunities and Q&A sessions, as well as providing additional training opportunities for interested parties. Following this, Niagara Court Services also received inquiries from Provincial Offences Courthouses in Alberta and Nova Scotia to consult and support the launch of virtual trials in their provinces as well.
- **Virtual Court:** Over 2,700 individuals attended our virtual courtrooms (including participants and observers) between April 12 and June 30.

- **Trial Scheduling:** Currently scheduling Zoom trials into November 2021 for both Part I and Part III matters.
- **Early Resolution (ER):** As of June 1, 2021, Court Services has an 84% resolution rate, resulting in 16% of matters being set for trial. The trial request rate has gradually declined over the last several months, however overall it is the highest rate Court Services has experienced since ER started in 2012.
- **COVID-19 Related Charges:** Approximately 1000 cases related to the COVID-19 Pandemic (Reopening/Quarantine/Emergency Measures/bylaw) have been received during the last 15 months.
- **Delinquent Fine Enforcement:** For the first time since March 2020, Q2 of 2021 saw the return of enforcement activities for newly delinquent fines. During April and May 2021, a total of 2242 cases were suspended, with a total balance outstanding of just over \$3 Million. During these same months, we received payment in full for 468 (21%) of the cases totaling over \$330,300 (11%).

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.
- MAG have emphasized that virtual matters via audio and video will continue be the primary mechanism, with in-person matters occurring only when mandatory.
- In terms of site readiness, 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.
- A site assessment was completed on January 19, 2021, by Corporate Health & Safety and 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.
- The only site readiness component currently outstanding relates to daily HVAC reporting requirements based on further information provided by MAG in late May 2021 that may necessitate additional investments in infrastructure and labour resources. Court Services is actively working in collaboration with Facilities

Management, the Ministry and the Recovery Secretariat to determine next steps with regard to HVAC reporting.

- Once this is resolved, final approval to resume in-person matters will then be confirmed with the Niagara Region's CAO in accordance with Provincial requirements.
- Effective April 12, 2021, Niagara Provincial Offences commenced virtual Part I Trials via Zoom video; and received approval to commence Part III trial matters beginning in September 2021.
- Training and reference documents were prepared and provided to Court Services staff, judiciary, enforcement agencies, paralegal agent groups and external prosecutors 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 has now begun to be realized in 2021 and add to the overall 2021 gross revenue figures. As a Collections mechanism, drivers' license suspensions also resumed April 19, 2021 for the first time since March 2020.
- All 3 courtrooms are equipped to proceed with virtual trials with the necessary zoom licences and installation of document cameras and graphics processors completed to support the display of exhibits.
- To support access to justice in the new world of virtual court, Court Services established agreements with the Welland and St. Catharines Public Libraries to offer computer access and private space to participate in virtual court matters as needed. Staff also procured an iPad and docking station to create a Zoom Access Hub onsite in the courthouse lobby for individuals to use where they do not have access to internet or Zoom-compatible devices.
- Court Services has received approximately 1000 cases related to the pandemic, under a variety of different acts and municipal bylaws. Many of these charges are dedicated fines, which do not result in revenue for Court Services but do represent increased workload for prosecutors (e.g. high volume of disclosure)

and pressures on court time. Court Services is presently working to establish solutions to mitigate these current challenges.

- MAG is continuing to plan for a phased approach to the transfer of Part III prosecutions 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 commence within 2021 subject to the approval of the necessary amendment to the Inter-municipal 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.
- 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. A temporary Screener role was added to the staffing complement as a result of this pressure; the cost of which has been offset by Provincial pandemic relief funding.
- In addition it became quickly 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. As such, a temporary Court Customer Service representative role has been added to Court Services for the remainder of 2021 to assist with mitigating some of these pressures.
- The prosecution of COVID-19 pandemic related charges is beginning to present some workload challenges due to the significant amount of disclosure and time commitments required for these cases; which are also less likely to result in early resolution given their nature. Court Services is exploring options for 2022 with regard to temporary prosecution staffing resources to assist with these challenges.

Operational Outlook

- September to December 2021:
 - Launch virtual Part III trials via Zoom video effective September 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.
 - 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 Inter-municipal 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 2-2021
Thursday, April 8, 2021
Meeting held by Video Conference**

Committee Members Present: D. Gibbs (Niagara Region), H. Salter (St. Catharines), J. Simpson (Thorold), M. Tardiff (Board Vice-Chair, Wainfleet), J. Tosta (Board Chair, Welland), B. Treble (West Lincoln)

Absents/Regrets: E. Lustig (Niagara Falls)

Staff Members Present: B. Brens, Manager, Program Financial Support, B. Hutchings, Program Financial Specialist, K. Lotimer, Legislative Coordinator, S. Mota, Corporate Reporting Supervisor, M. Vink, Manager, Court Services

1. CALL TO ORDER

J. Tosta, Board 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 6-2021

Approval of Court Services 2020 Audited Schedule of Revenues, Expenses and Funds Available for Distribution

Moved by D. Gibbs

Seconded by M. Tardiff

That Report JBM-C 6-2021, dated April 8, 2021, respecting Approval of Court Services 2020 Audited Schedule of Revenues, Expenses and Funds Available for Distribution, **BE RECEIVED** and the following recommendations **BE APPROVED**:

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 Report JBM-C 6-2021 **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.

Carried

6. CONSENT ITEMS FOR INFORMATION

Moved by B. Treble
Seconded by D. Gibbs

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

JBM-C 4-2021
2020 Year-End Report for Provincial Offences Court

JBM-C 5-2021
Court Services COVID-19 Update

JBM 1-2021
Joint Board of Management - Niagara Courts Meeting Minutes – January 28, 2021

Carried

7. OTHER BUSINESS

There were no items of other business.

8. NEXT MEETING

The next meeting will be held on Thursday, August 19, 2021, at 3:30 p.m.

9. **ADJOURNMENT**

There being no further business, the meeting adjourned at 3:55 p.m.

Jack Tosta
Board Chair

Kelly Lotimer
Legislative Coordinator

Ann-Marie Norio
Regional Clerk