



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

JBM 2-2019

Thursday, March 21, 2019

3:30 p.m.

Campbell East (CE) 103

Niagara Region Headquarters, Campbell East

1815 Sir Isaac Brock Way, Thorold

	Pages
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>	
6. <u>CONSENT ITEMS FOR INFORMATION</u>	
6.1 <u>JBM-C 2-2019</u> Prosecution Update 2019	3
6.2 <u>JBM-C 3-2019</u> Council Approval of 2019 Budget	4 - 6
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7. <u>OTHER BUSINESS</u>	

8. **NEXT MEETING**

The next meeting will be held at the call of the Chair.

9. **ADJOURNMENT**

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

MEMORANDUM

JBM-C 2-2019

Subject: Prosecution Update 2019

Date: March 21, 2019

To: Joint Board of Management, Niagara Region Courts

From: Monica Ciriello, Manager, Court Services

This spring, the Court Services Prosecution Team will be conducting an information/training session for enforcement officers from all local area municipalities. The Prosecution Team is in the process of canvassing dates with the local area municipalities and will send out invites via email once the date has been set.

This will provide an opportunity for pre-consultation as well as an overview of the following:

- How to retain the Region for prosecution services
- The court process
- Laying charges
- Preparing case files

This session will also provide a great networking opportunity for all local area municipalities in attendance.

Respectfully submitted and signed by

Monica Ciriello BA, MA, MPP, JD
Manager, Court Services

MEMORANDUM

JBM-C 3-2019

Subject: Council Approval of 2019 Budget

Date: March 21, 2019

To: Joint Board of Management, Niagara Region Courts

From: Monica Ciriello, Manager, Court Services

Niagara Regional Council approved the 2019 budget on Thursday, February 28, which includes the operating budget for Court Services.

Court Services' budget was approved as presented in JBM-C 1-2019 from the January 15, 2019 meeting. The budget forecasts a total net revenue of \$1,209,572, with \$604,786 to be shared by the local area municipalities and \$604,786 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 2019 budget:

Niagara Region Council Approves 2019 Budget

Niagara Regional Council has approved a budget for 2019 that will result in an overall property tax increase of 3.8 per cent in 2019.

Challenged with aging infrastructure and increased demands related to growth, this budget focuses on funding programs and services that are priorities for Council and residents, while limiting the impact on taxpayers.

For the average property assessed at \$267,711, the Regional portion of the tax bill will increase by \$56 in 2019, totaling \$1,517 a year.

Niagara Region's budget has three components: the operating budget, the capital budget and the rates programs.

To position Niagara on the best possible course for future success, Regional Council approved a \$274 million capital program for 2019 that includes a number of significant projects aimed at

facilitating growth and attracting employment, as well as upgrades to critical infrastructure through the Region's Asset Management Plan.

The operating budget for 2019 has been approved with a tax levy of \$365.7 million and will provide funding for the daily business of the Niagara Region, its boards and agencies. It will also pay for investments that support economic prosperity, quality of life and help protect our natural environment.

That means Niagara Region can grow its transit service. The 2019 budget includes a separate 1.4 per cent levy for Niagara Regional Transit enhancements. Other strategic initiatives included in the operating budget are:

- Asset Management governance
- Funding for development charge grants
- Emergency management psychological resources
- Enhanced funding for infrastructure renewal

Niagara Region Council also approved a combined operating rate budget increase of 5.1 per cent for water and wastewater services. The budget for waste management services which includes, curbside collection, recycling and landfill sites will see an increase of 2.1 per cent.

The rate increase for water and waste water allows the regional municipality to make strategic investments in critical infrastructure and continue to provide safe drinking water.

Some of the 2019 budget investments include:

- \$13.9 million Niagara Regional Transit enhancements including 13 new buses
- \$16.1 million Martindale Road Reconstruction
- \$6.0 million Thorold Stone Road Extension
- \$10 million Casablanca Boulevard Widening
- \$11.5 million Grimsby Water Treatment Plant System Storage
- \$21 million Decew Water Treatment Plant Upgrade
- \$5.8 million Dain City Pumping Station
- \$10.8 million Niagara Regional Housing Building and Unit Capital Investments

- \$12 million NOTL Lagoon Decommissioning
- \$8.8 million Roads repair

Quotes

"Niagara Region is investing in the future. This budget reflects Regional Council's commitment to enhancing services that matter to our citizens, such as transit, while also ensuring that critical infrastructure such as roads, bridges and our water and waste water facilities are kept in a state of good repair. This budget focuses on continuing to deliver high-quality service and securing a stronger future for our residents."

~ Jim Bradley, Regional Chair

"Throughout this entire process, Council and staff worked collaboratively to ensure the 2019 budget meets the expectations of our residents for high quality services and programs while also taking into account that the Region must invest for long-term impact. This budget starts to address some of the financial challenges the Region will face in years to come."

~ Gary Zalepa, Regional Councillor and Budget Chair

Respectfully submitted and signed by

Monica Ciriello BA, MA, MPP, JD
Manager, Court Services

Subject: 2018 Year-End Report for Provincial Offences Court

Report to: Joint Board of Management, Niagara Region Courts

Report date: Thursday, March 21, 2019

Recommendations

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

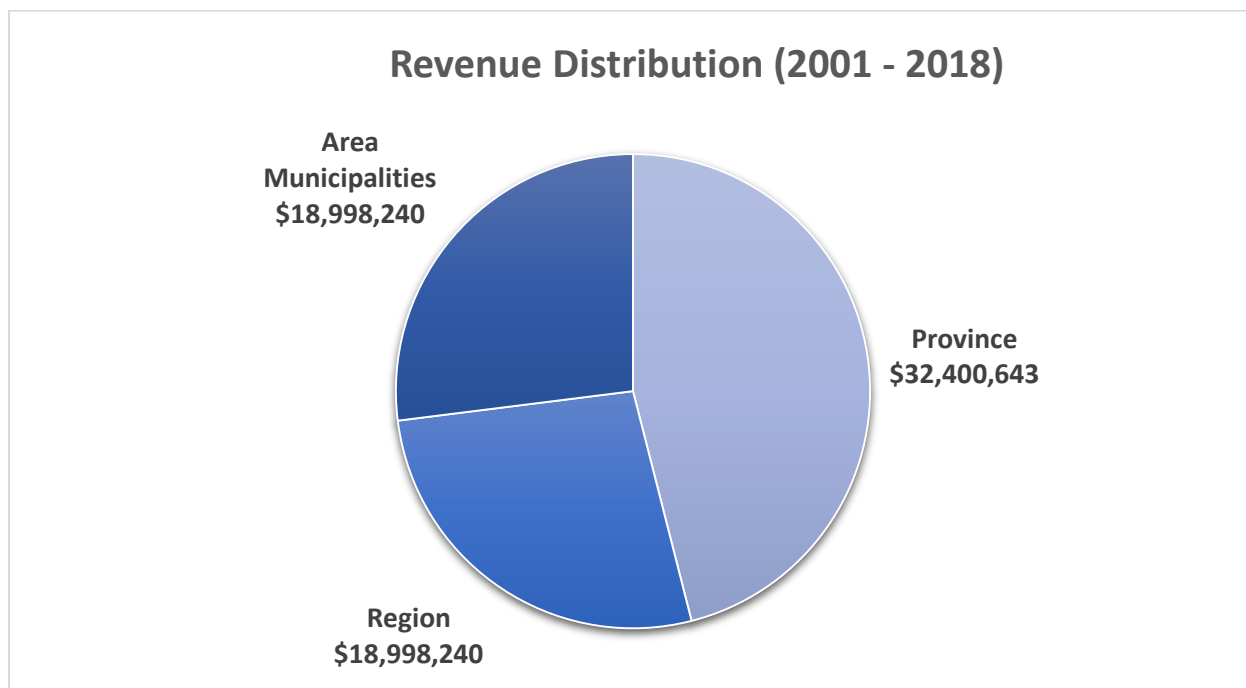
Key Facts

- 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 Courts located in St. Catharines and 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 2018, there was a 7.8% (\$530,488) increase in gross revenue despite a 7.9% (4438) decrease in charges laid.

Financial Considerations

- In 2018:
 - Gross revenue was \$7,343,696, representing a 7.8% increase (\$530,488) over 2017.
 - Gross expenditures were \$6,402,771, representing a 1.3% increase (\$79,446) over 2017.Net revenue of \$1,881,852 is expected to be distributed based on the unaudited operating statements for 2018, as per the Inter-Municipal Agreement.
- The Region assumed responsibility for the administration of the Provincial Offences Court in 2001 and since then:
 - The Region has received \$18,998,240 in net revenue, and as per the Inter-Municipal Agreement, the LAMs have shared \$18,998,240 in net revenue.

- The Region has paid the Province \$32,443,650, 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 2018 was \$7,343,696, a 7.8% (\$530,488) increase over 2017. Gross revenue is impacted by a variety of factors, including but not limited to, applications for extension of time to pay, license suspension and charges laid.

- Applications for extension of time to pay fines:
 - The number of applications from 2017 to 2018 has remained consistent. There is a correlation between extension requests and diminishing revenue, as defendants usually file for extensions for economic reasons.
- Suspension of driver's licenses:
 - The number of suspensions increased from 2017 to 2018. Suspensions occur when certain fines are not paid by the due 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.

- Charges laid:
 - The number of charges laid has continued to decrease on an annual basis since 2014.

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 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.

Court Services continues to see positive benefits from the amalgamation of court operations from three court locations to two, one being the new Welland courthouse. Administrative and prosecution staff have benefited from a reduced reliance on the labour pool and not needing to operate out of multiple locations.

Costs

Gross expenditures in 2018 was \$6,402,771, a 1.3% increase over 2017.

Costs are 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 (average of 4 appearances per case). These factors increase costs to administer through the court system from filing to completion.

To offset the decrease in the number of charges laid, and maintain or decrease overall costs Court Services has continued to undertake a number of cost saving strategies:

- A reduction in personnel costs due to the vacancy management of 3 positions throughout portions of the year;
- Reduced use of part-time staff to backfill absences;
- The new court master plan reduced adjudication costs by consolidating all matters to the new courthouse in Welland as of October 1, 2018 with the full benefit being realized in 2019;
- Court Services has continued to utilize video conferencing in the courtrooms to connect with interpreters and as a result, a further reduction of \$12,000 over the initial \$20,000 in savings in 2017 for interpreter costs was realized;
- Greater use of online video for meetings and video conferencing for appearances; and

- The benefit of the 2017 implementation of e-ticketing will continue to be realized beyond 2018 as more agencies transition to e-ticketing.

It is important to note that some of the savings outlined above were somewhat offset by increases in costs such as:

- Per diem prosecutors required to manage vacancies;
- Increase in Part III prosecution costs as a result of corrections by the Ministry in the number of hours that are charged;
- Unanticipated IT costs for software licenses; and
- Larger amount of collections costs than forecasted as a result of increased enforcement efforts and activity.

The amounts paid to other POA courts for fees collected on their behalf varies from year to year and the amount is difficult to predict. This expense was lower than forecasted in 2018 by approximately \$54,000.

Customer Service

The average time to trial decreased from 5.5 months in 2017 to 5.0 months.

The prosecution unit continues to provide French language services to Provincial Offences Courts for trials in neighbouring municipalities on occasion on a fee for service basis or 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 frequently asked questions and answers are displayed on digital screens in the public waiting area to assist members of the public with information regarding court procedures. Furthermore, Court Services has implemented the online initiative spearheaded by the Ministry of the Attorney General to allow the public to look up the status of their matter before the court.

A customer service survey was completed in 2018 and resulted in 98.7% customer satisfaction.

Delinquent Fine Enforcement

In 2018, \$2,932,487 in delinquent fines was collected, an increase of \$177,760 from 2017. On average, 578 new cases were added to the delinquent fines portfolio each month in 2018, up from an average of 548 cases per month from 2017. This represents a 5.5% increase or 360 cases more than were added in 2017. This increase in delinquent cases occurred despite a decrease of 7.9% in the number of charges filed in 2018.

As of December 31, 2018, approximately 79% of all fines outstanding were delinquent. Delinquency occurs when the time to pay a fine has expired and the fine or part of a fine remains unpaid. The balance or approximately 21% of all fines outstanding is on cases where there is a conviction and a fine amount assessed however not delinquent because there was time to pay granted or a subsequent extension of time to pay was granted.

A partnership was created between the Region and 11 of the LAMs in the “add to tax roll” program, which has proven to be an effective enforcement initiative since its implementation in 2014. \$1,188,702 has been added to tax rolls in the Region and to date \$775,356 has been collected, which is a 65% collection rate. In 2018, \$175,108 of that amount was collected.

Staff utilize several other enforcement methods. These include the suspension of driver’s license, use of third party collection agencies, and civil enforcement. Civil enforcement includes the garnishment of wages and the filing of Writs of Execution to secure property owned by the debtor.

Through ongoing investigative and collection efforts by staff in 2018, an additional \$641,322 was secured through the filing of 206 Writs of Execution (2017 - \$417,328, 208 Writs of Execution filed). \$182,540 has already been collected from these new Writs of Execution filed in 2018. 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 1-2018 2018 Year-End Report for the Provincial Offences Court

Prepared by:

Monica Ciriello
Manager, Court Services
Enterprise Resource Management
Services

Recommended by:

Todd Harrison, CPA, CMA
Commissioner/Treasurer
Enterprise Resource Management
Services

Submitted by:

Ron Tripp, P.Eng.
Acting, Chief Administrative Officer

This report was prepared in consultation with Sara Mota, Program Financial Specialist, and reviewed by Donna Gibbs, Director, Legal and Court Services.

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

**JBM 1-2019
Tuesday, January 15, 2019
Committee Room 4
Niagara Region Headquarters
1815 Sir Isaac Brock Way, Thorold ON**

Committee: D. Gibbs (Niagara Region), C. Genesse (Pelham), S. Hanson (Port Colborne), H. Salter (Board Chair), G. Stephenson (Fort Erie), J. Tosta (Board Vice-Chair)

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

1. CALL TO ORDER

Kelly Lotimer, Legislative Coordinator, called the meeting to order at 3:30 p.m.

2. DISCLOSURES OF PECUNIARY INTEREST

There were no disclosures of pecuniary interest.

3. SELECTION OF COMMITTEE CHAIR AND VICE-CHAIR FOR 2019 TERM

3.1 Call for Nominations for Board Chair

Kelly Lotimer, Legislative Coordinator, called for nominations for the position of Chair of the Joint Board of Management - Niagara Courts for a one year term (2019).

Moved by D. Gibbs
Seconded by S. Hanson

That Heather Salter **BE NOMINATED** for the position of Chair of the Joint Board of Management - Niagara Courts for a one year term (2019).

3.2 Motion to Close the Nominations for Board Chair

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

Moved by D. Gibbs
Seconded by C. Genessee

That the nominations for the position of Chair of the Joint Board of Management - Niagara Courts for a one year term (2019), **BE CLOSED**.

Carried

3.3 Voting for Position of Board Chair

There being only one nominee for the position, Ms. Lotimer announced that Heather Salter would be the Chair of the Joint Board of Management - Niagara Courts for the 2019 term.

3.4 Call for Nominations for Board Vice-Chair

Kelly Lotimer, Legislative Coordinator, called for nominations for the position of Vice-Chair of the Joint Board of Management - Niagara Courts for a one year term (2019).

Moved by H. Salter
Seconded by D. Gibbs

That Jack Tosta **BE NOMINATED** for the position of Vice-Chair of the Joint Board of Management - Niagara Courts for a one year term (2019).

3.5 Motion to close the Nominations for Board Vice-Chair

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

Moved by G. Stephenson
Seconded by H. Salter

That the nominations for the position of Vice-Chair of the Joint Board of Management - Niagara Courts for a one year term (2019), **BE CLOSED**.

Carried

3.6 Voting for Position of Board Vice-Chair

There being only one nominee for the position, Ms. Lotimer announced that Jack Tosta would be the Vice-Chair of the Joint Board of Management - Niagara Courts for the 2019 term.

At this point in the meeting, Heather Salter assumed the chair.

4. **PRESENTATIONS**

There were no presentations.

5. **DELEGATIONS**

There were no delegations.

6. **ITEMS FOR CONSIDERATION**

6.1 **JBM-C 1-2019**

Court Services – 2019 Budget

Monica Ciriello, Manager, Niagara Courts, provided Committee members with information respecting the 2019 Joint Board of Management - Court Services Budget. Topics of the presentation included:

- 2019 Organization Overview
- 2019 Operating Budget
- Risks and Opportunities
- Full-time Equivalent (FTE) Summary
- 2019 Budget Summary
- Multi-Year Budget (2019-2021)

A copy of the presentation is attached to these minutes.

Moved by C. Genesse
Seconded by D. Gibbs

That Report JBM-C 1-2019, dated January 15, 2019, respecting Court Services - 2019 Budget Report, **BE RECEIVED** and the following recommendation **BE APPROVED**:

1. That the 2019 Court Services gross operating budget of \$6,135,214 and net budgeted revenue of \$604,786, as outlined in Appendix 1, **BE APPROVED**.

Carried

7. CONSENT ITEMS FOR INFORMATION

7.1 JBM 5-2018

Joint Board of Management Committee Meeting Minutes (Open and Closed Session)

December 13, 2018

Moved by C. Genesse
Seconded by D. Gibbs

That JBM 5-2018, being the open and closed session minutes of the Joint Board of Management - Niagara Courts meeting held on Thursday, December 13, 2018, **BE RECEIVED** for information.

Carried

8. OTHER BUSINESS

There were no items of other business.

9. CLOSED SESSION

There were no closed session items.

10. NEXT MEETING

The next meeting will be held on Thursday, March 21, 2019 at 3:30 p.m. in CE103.

11. ADJOURNMENT

There being no further business, the meeting adjourned at 3:59 p.m.

Heather Salter
Board Chairman

Kelly Lotimer
Legislative Coordinator

Ann-Marie Norio
Regional Clerk