



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

JBM 4-2019

Monday, November 18, 2019

3:30 p.m.

Committee Room 4

Niagara Region Headquarters

1815 Sir Isaac Brock Way, Thorold ON

	Pages
1. <u>CALL TO ORDER</u>	
2. <u>DISCLOSURES OF PECUNIARY INTEREST</u>	
3. <u>PRESENTATIONS</u>	
3.1 <u>Vision Zero *</u> Carolyn Ryall, Director, Transportation Services	3 - 21
*Report PW 64-2019, presented to the Public Works Committee on November 5, 2019, is attached for reference.	
4. <u>DELEGATIONS</u>	
5. <u>ITEMS FOR CONSIDERATION</u>	
5.1 <u>JBM-C 9-2019</u> Court Services - 2020 Budget Report	22 - 34
A presentation (to be distributed) will precede the discussion of this item.	
5.2 <u>Court Services - 2020 Budget Presentation</u>	35 - 51
6. <u>CONSENT ITEMS FOR INFORMATION</u>	
6.1 <u>JBM-C 8-2019</u> 3rd Quarter Variance Analysis and Forecast to December 31, 2019	52 - 55

6.2	<u>JBM-C 10-2019</u> Collection Agency RFP Results	56 - 57
6.3	<u>JBM-C 11-2019</u> 2020 Joint Board of Management Membership	58 - 59
6.4	<u>JBM 03-2019</u> Joint Board of Management - Niagara Courts Meeting Minutes May 30, 2019	60 - 63
6.5	<u>JBM-C 12-2019</u> Court Services 2020 Operating Budget	64 - 65

7. OTHER BUSINESS

- 7.1 Closure of Provincial Offences Court Facility located at 71 King Street, St. Catharines
- 7.2 Sale of Surplus Lands
- 7.3 Court Services Manager Recruitment

8. NEXT MEETING

The next meeting will be held on Thursday, December 12, 2019 at 3:30 p.m. in CE 101.

9. ADJOURNMENT

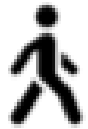
If you require any accommodations for a disability in order to attend or participate in meetings or events, please contact the Accessibility Advisor at 905-980-6000 ext. 3252 (office), 289-929-8376 (cellphone) or accessibility@niagararegion.ca (email).

Niagara Region Vision Zero Road Safety Program

**Transportation Services Division
Carolyn Ryall, Director
November 5, 2019**

Niagara Regional TMP

Daily Trip Generation Regional Roads (2016)



pedestrians



drivers or passengers

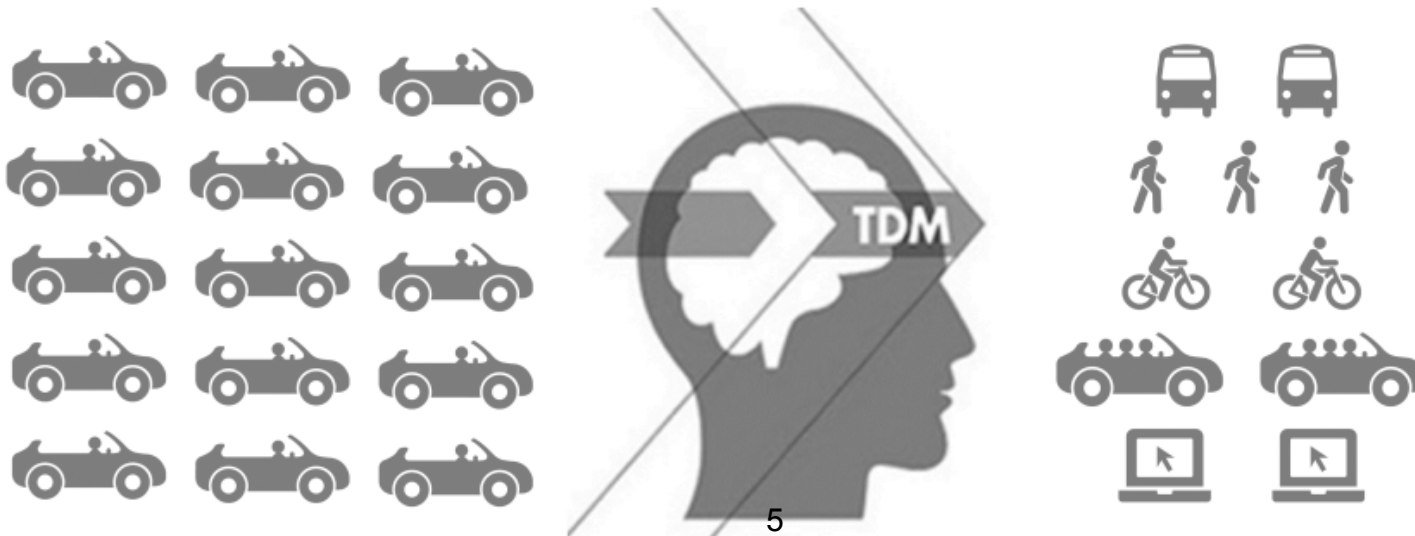


cyclists

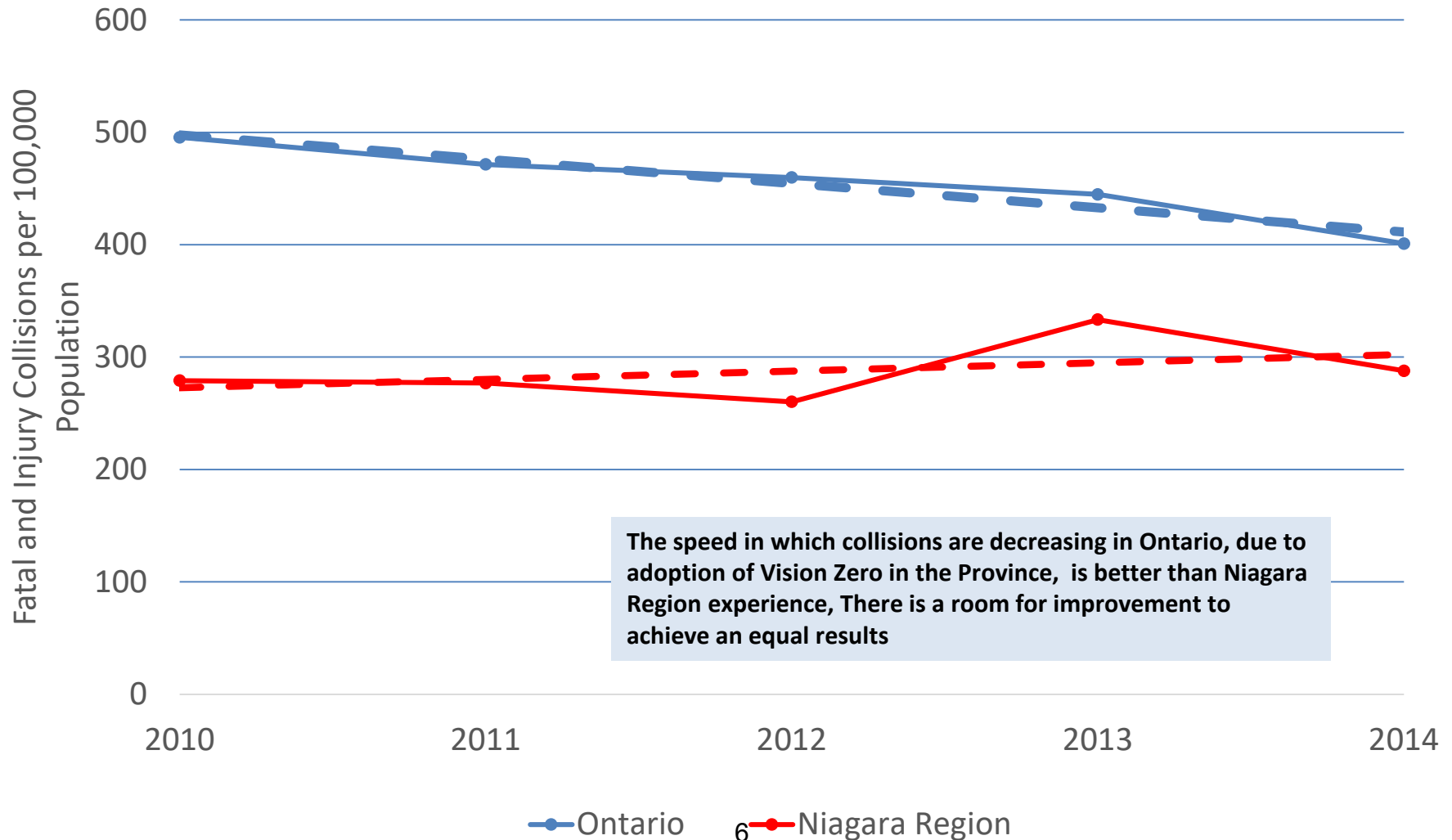
Type	Trips/day	%
Transit	16,524	1.80
Cycle	6,693	0.70
Auto Driver	711,759	75.70
Go Rail only	960	0.10
GO+ Local Transit	466	0.00
Motorcycle	1,318	0.10
Other	1,032	0.10
Auto Passenger	141,151	15.00
School Bus	28,919	3.10
Taxi Passenger	2,250	0.20
Paid Ridership	245	0.00
Walk	28,841	3.10
Total	940,158	100

Niagara Regional TMP

Transportation Demand and System Management



Ontario Fatal and Injury Rates

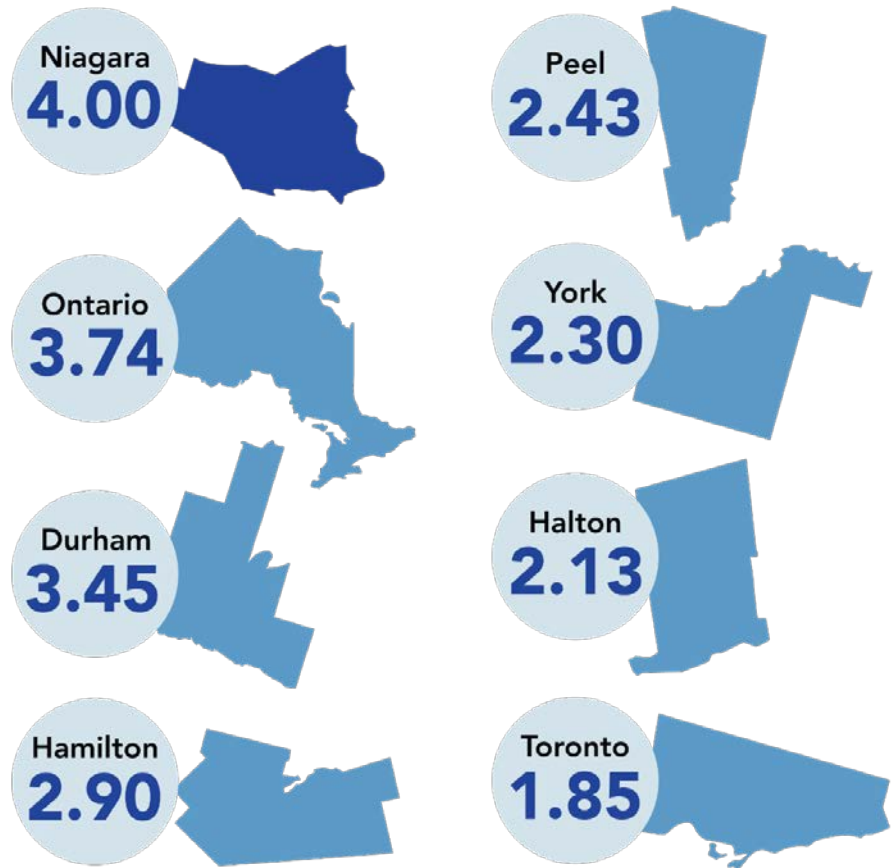


Niagara Region Among Others

Niagara Region's fatality collision
Rate is larger than that of Ontario

Based on 2010-2014 Average Fatal
Collisions per 100,000 Population

Motor Vehicle Fatalities per 100,000 population



VISION ZERO Overview

- Approved by parliament in Sweden in 1997 with one goal: ***Eliminate death and serious injury due to traffic collisions***
- No loss of life is acceptable

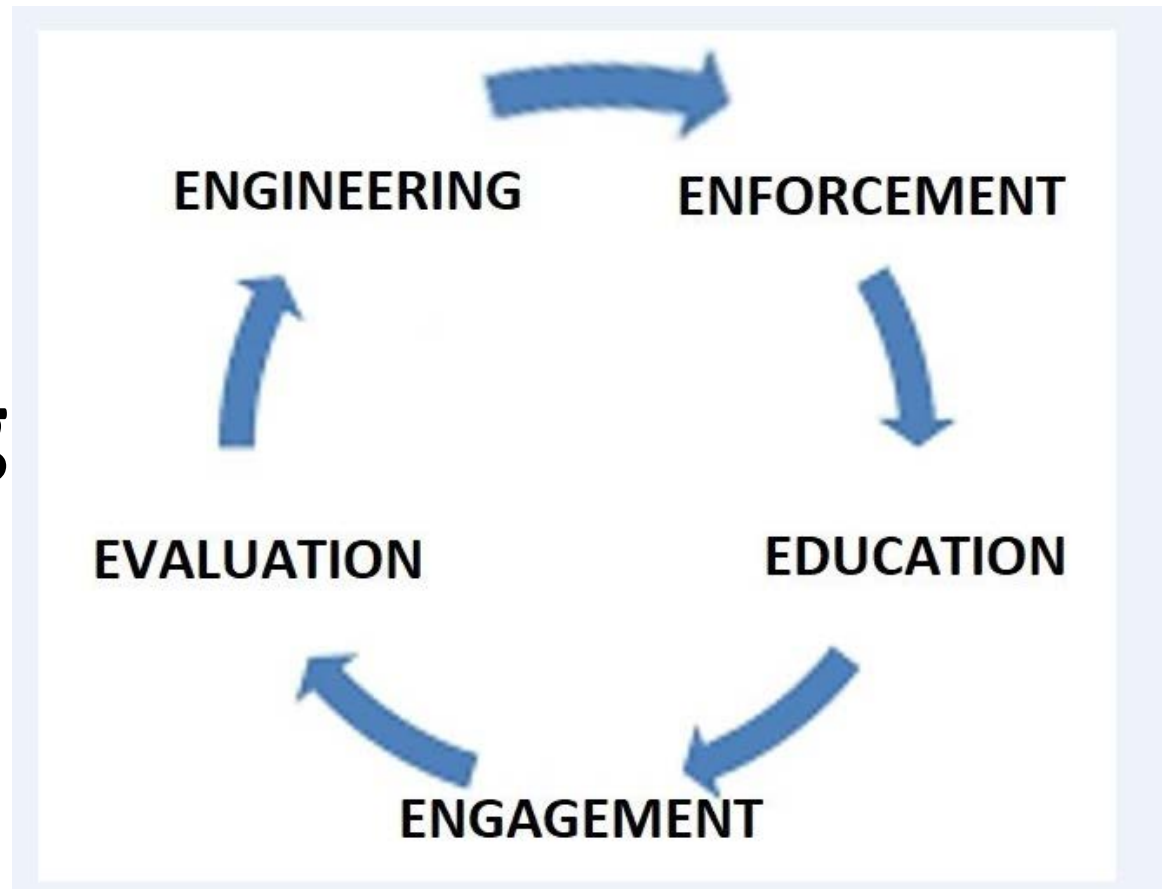


Why Implement Vision Zero Road Safety Program

- ***SAFETY is a PARAMOUNT***
- Focus on reducing traffic-related fatalities and serious injuries on our road network

Vision Zero Road Safety Program

5E's of Engineering



Community Safety Zones CSZs

- To modify driver behaviour and improve safety on certain sections of road, particularly vulnerable road users like children and seniors
- Implemented at two locations in Niagara Region in September 2019, under Bill 26 - An Act to promote public safety

A white rectangular sign with black text. It reads: 'COMMUNITY SAFETY ZONE' in a box, followed by 'FINES INCREASED' in a box.

A section of the Niagara Region Road in front of your school has been designated as a **Community Safety Zone**. The purpose of a **Community Safety Zone** is to modify driver behaviour and improve safety on certain sections of road, where public safety is of special concern.

Community Safety Zones let motorists know they are within a zone where fines are doubled through a special designation under the Highway Traffic Act for offences.

Community Safety Zone signs are posted at the limits of the zone with "Begins" and "Ends" tabs, clearly defining the legal limits of the zone.

The rules of the road do not change within the zone, only the penalties for offences are doubled.

Site selection for **Community Safety Zones** includes locations which have safety concerns, or complaints have been received, and are typically near sensitive areas such as schools, retirement homes and daycares.

For more info:
niagararegion.ca/living/roads/community-safety-zones

The logos for the City of Niagara, NSTS, and the Niagara Region are displayed at the bottom right of the page.

Automated Speed Enforcement ASE

- Speeding is a primary crash factor and a leading road safety problem, often contributing to one-third of fatal crashes and serving as an aggravating factor in most crashes.
- Bill 65 amendments to the HTA will permit Municipalities to utilize ASE in school zones and in community safety zones.
- The Region is participating in the ASE Working Groups (established in 2017) to allow all municipalities, together with the province; facilitated by the Ontario Traffic Council and supported by technical experts to use a technology based solution as a tool to address vehicle speed concerns and collision patterns involving speeding



Automated
Speed Enforcement

Red Light Camera

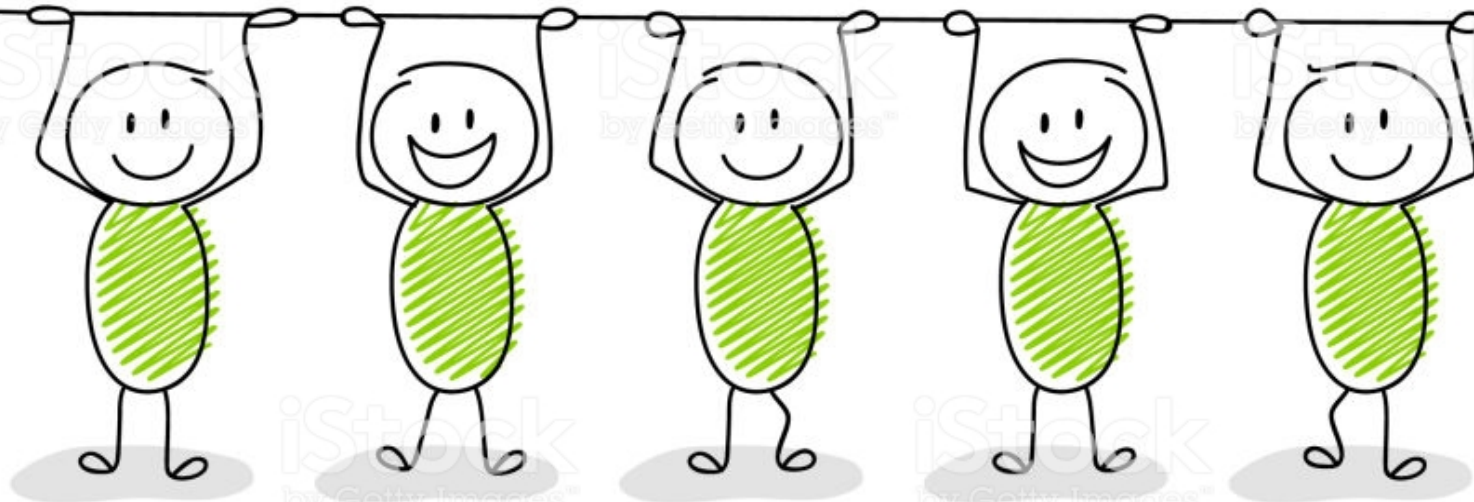
- Introduced in the Province in 2000, since then the cameras are proven to reduce right angle collisions by 25%
- The cameras are proven to be an effective means to reduce the incidences of red light infractions making streets safer for all users



Next Steps

- **Vision Zero Road Safety Program Initiatives & Implementation:**
 - Enhanced Signage, Pavement Markings, Road Geometrics / Design
 - Policy Framework Updates
 - Automated Speed Enforcement (ASE)
 - Red Light Cameras (RLCs)
 - Community Safety Zones
- **Success from a financial lens of the Vision Zero Road Safety Program is dependant upon:**
 - The ability of Niagara Region to recover its costs
 - An amendment to the Niagara Region Courts Intermunicipal Agreement net revenue sharing formula
- **The intent is to reinvest in the expansion of the program and/or investment in infrastructure deficit subject to annual budget decision of council**

TOGETHER WE CAN
MAKE A DIFFERENCE



Subject: Vision Zero Road Safety Program

Report to: Public Works Committee

Report date: Tuesday, November 5, 2019

Recommendations

1. That Regional Staff **BE AUTHORIZED** to implement initiatives under the Vision Zero Road Safety Program; including Automated Speed Enforcement (ASE), Red Light Cameras (RLCs), and Community Safety Zones; subject to successful negotiations with the LAMs with respect to the Niagara Region Courts Intermunicipal Agreement
2. That Regional Staff **BE AUTHORIZED** to initiate discussions with the Local Area Municipalities (LAMs) and amend the Niagara Region Courts Intermunicipal Agreement related to the Vision Zero Road Safety Program; and **DIRECTED** to report back to Council on the outcome of those discussions.
3. That the Vision Zero Road Safety Program **BE REFERRED** for consideration as part of the 2020 Budget Process.

Key Facts

- The purpose of the report is to seek Regional Council approval to adopt the Vision Zero Road Safety Program that strives to eliminate traffic fatalities and serious injuries on Niagara regional roads; while increasing safe, healthy, equitable mobility for all road users. An upcoming Niagara Road Safety Annual Report from 2013 – 2018 will be forthcoming in Q1 2020 which supports the need for the Vision Zero Road Safety Program.
- For many years, Niagara Regional Staff have been dealing with concerns raised by residents regarding speeding on Regional roads. Speeding is a primary crash factor and a leading road safety problem, often contributing to fatal crashes and serving as an aggravating factor in most crashes.
- A review of Niagara Region's collision data to-date shows that the total number of collisions are continuously increasing on Niagara regional roads. Niagara Region experiences a high collision fatality rate when compared to other jurisdictions in Southern Ontario.
- Vision Zero is a multi-national road traffic safety project that aims to achieve a road network with no fatalities or serious injuries involving road traffic.

- The implementation of the Vision Zero Road Safety Program will impact Regional Transportation, Business Licensing and Court Services Operating Budgets, which have been estimated at a gross cost of approximately \$5 – \$5.8 million per year dependant upon timing and duration of implementation. The costs are conservatively estimated to be fully recovered from fine infraction revenue, however this is dependant upon the ability of Niagara Region to recover its costs which would require an amendment to the Niagara Region Courts Intermunicipal Agreement net revenue sharing formula which is currently based on a 50/50 sharing between the Region and the LAMs. Therefore, negotiations with the LAMs are required.

Financial Considerations

Infractions issued under the Vision Zero Road Safety Program will be processed through Niagara Region Provincial Offences Court which is administered by Court Services. Under the current revenue sharing arrangement prescribed by the Niagara Region Courts Intermunicipal Agreement between the Region and the 12 local area municipalities (LAMs), 50% of net revenues are retained by Niagara Region and 50% of net revenues are shared with the LAMs.

Subject to Council approval, Staff will engage the LAMs to review the Niagara Region Courts Intermunicipal Agreement as it pertains to revenues from the Vision Zero Road Safety Program to ensure the program is fiscally sustainable to the Region. Currently, the revenue sharing formula provided in the Agreement would result in a negative cash flow unless significant increases in the number of tickets issued above the breakeven point noted below are realized.

Staff will report back to Committee/Council after consultation with the LAMs on the Niagara Region Courts Intermunicipal Agreement to ensure the program has long term financial sustainability to Niagara Region. It should be noted that the Vision Zero Road Safety Program will not proceed without an agreed upon formula that provides a positive cash flow to Niagara Region. It would be staff's recommendation that all infraction revenue in excess of all operating costs (Regional and Court Services) be to the benefit of the Region for potential reinvestment in the program, including consideration for local/municipal program elements.

Costs associated with administering the Vision Zero Road Safety Program will be incurred by other Regional departments in addition to Court Services. To obtain an annual break even (cost neutral) point before Intermunicipal cost sharing is considered, the following number of tickets will need to be issued under the program in the next three years:

Table 1 – Break-even Ticket Issuance

	2020	2021	2022
Number of Tickets Issued	31,000	32,500	27,000

This assumes a partial year operation in 2020 of the Vision Zero Road Safety Program (RLCs - six (6) months and ASE - nine (9) months). Subsequent years assume a full year operation of both RLCs and ASE. The field studies conducted in Q3 2019 indicated a number of speeding infractions within School Zones on Regional Roads in excess of 50,000 in support of a net positive cash flow for the Vision Zero Road Safety Program.

Transportation and Business Licensing Costs

Costs associated with administering the Vision Zero Road Safety Program include: equipment, ticket processing (Joint Processing Centre), MTO charges, consulting, staffing (2 FTEs) and administration estimated at approximately \$2.3 million per year. The anticipated cost for the partial 2020 year of operation of the program for Transportation and Business Licensing is \$1.7 million.

Court Services Costs

Costs associated with court administration, including processing tickets, prosecution, adjudication, and collection services associated with the Vision Zero Road Safety Program include: additional staffing (12 FTEs), call in (per diem) prosecutors, ticket processing charges, victim fine surcharges, and adjudication costs estimated at approximately \$2.7 – \$3.5 million per year. The anticipated cost of the partial 2020 year of operation of the program for Court Services is \$1.8 million. Note that the Court Services anticipated costs include a victim fine surcharge, which is a mandatory cost imposed for every ticket issued that is payable to the Province. This expense is anticipated to be between \$1 – \$1.4 million annualized.

The anticipated gross operating expenditure costs of the program from 2020 – 2022 are noted in Table 2 below (including victim fine surcharges). As mentioned previously, 2020 assumes six months of operation for RLCs and nine months of operation for ASE.

Table 2 – Three Year Operating Expense Budget Impacts (in millions)

	2020	2021	2022
Transportation and business licensing	\$ 1.7	\$ 2.3	\$ 2.3
Niagara Region Court Services	1.8	2.7	3.5
Total	\$ 3.5	\$ 5.0	\$ 5.8

Business cases will be included for consideration as part of the 2020 Operating Budget deliberations for Court Services as well as the Transportation and Business Licensing Divisions of Niagara Region on the Vision Zero Road Safety Program initiative.

The intent is to reinvest the Region's surplus, if any, in the expansion of the program and/or investment in the infrastructure deficit subject to the annual budget decision of council.

Analysis

With the implementation of the objectives outlined in the approved the Transportation Master Plan (TMP) and in support of Council's 2019 – 2022 Strategic Priorities, this report presents Transportation Services' implementation strategy for the Vision Zero Road Safety Program through the recommendation of a set of extensive, proactive and targeted initiatives, informed by data and aimed at eliminating serious injury and fatalities on Regional roads.

On average, approximately 2,650 collisions are reported annually on Niagara Regional roads between years 2013 – 2018. These injuries and deaths affect not only the victims and their families, but also impact healthcare, community, and social services. Many of these collisions can be prevented through strategic and effective road safety initiatives (Vision Zero Road Safety Program) that include: infrastructure planning and design changes; enforcement; and public education.

However, no loss of life as a result of traffic collisions is acceptable under the Vision Zero philosophy. The Vision Zero philosophy is a significant departure from the traditional approach to road safety. This transformative change will take several years to fully establish itself.

The Vision Zero Road Safety Program will draw solutions from the 5Es of engineering, enforcement, education, engagement and evaluation. The plan will focus the solutions on six (6) emphasis areas: pedestrians, cyclists, motorcyclists, school-aged children, older adults and aggressive and distracted driving. The Vision Zero Road Safety Program will focus on a set of the most effective actions including:

Speed management strategy: Higher speeds contribute to higher risk of serious injuries and fatalities by reducing driver reaction time, increasing the vehicle stopping distance, and inflicting more severe blunt force trauma on victims upon impact. The proposed speed management strategy is comprised of six integrated speed reduction tools aimed at mitigating risks associated with high speeds. These include: road design improvements, police partnership, deployment of speed signs, speed limit reductions, automated speed enforcement and public education.

Road design improvements: Geometric modifications to the design of the road are known to be one of the most effective ways of achieving the intended target speed for the context and improving road user behaviour. There will be a greater focus on this safety countermeasure, including integration of safety improvements, road realignments and enhanced road illumination.

Proactively addressing high-risk mid-block crossings: Mid-block crossings are prevalent with pedestrian collisions. Recommendations will be brought forward in staff reports on new traffic signals, pedestrian crossovers (PXOs) and enhanced signage.

Proactively addressing collisions at signalized intersection: angle collisions are high in Niagara Region. The implementation of Red Light Camera as a default safety feature will mitigate traffic fatalities and serious injuries.

Education and engagement plan: The overarching goals of the education and engagement component of the Vision Zero Road Safety Program are to inform and consult with the public, building support for infrastructure improvements, and instituting a shift in social norms and road user behaviour.

Next steps to initiate the work of the Vision Zero Road Safety Program will include: an analysis of statistic data collected on Regional Roads (collision data, speeds, volumes, classifications of vehicles); Regional Council priorities; and input from key road safety stakeholders and partner agencies including, local municipalities, Niagara Region Public Health, Niagara Regional Police, District School Board of Niagara (DSBN), Niagara Catholic District School Board (NCDSB) and Niagara Student Transportation Services.

Strategic Priorities

Alignment to Niagara Region Transportation Master Plan and Council's 2019-2022 Strategic Priorities

Niagara Region is undergoing significant change and by 2041 will have grown and evolved on economic, demographic, social and technological fronts. This recommendation will support growth and enhance Niagara globally by promoting an integrated network of roads and highways for the safe movement of people and goods.

Also, this is a step forward to adopting a Vision Zero Road Safety Plan in Niagara Region; helping to reduce aggressive driving and speeding in areas within Niagara Region that have higher concentrations of school children and families.

Other Pertinent Reports

PW 35-2019 Automated Speed Enforcement – Safer School Zones Act
PW 36-2019 Red Light Camera
PW 38-2019 Community Safety Zones

Prepared by:

Carolyn Ryall
Director, Transportation Services
Public Works Department

Recommended and Submitted by:

Ron Tripp, P.Eng.
Acting Chief Administrative Officer /
Commissioner of Public Works

This report was prepared in consultation with Brian McMahon, Program Financial Specialist, Sara Mota, Program Financial Specialist, Dan Ane, Manager Program Financial Support, Sulaf Alkarawi, Associate Director Transportation Planning and reviewed by Donna Gibbs, Director Legal Court Services and Helen Chamberlain, Director Financial Management and Planning / Deputy Treasurer.

Appendices

None.

Subject: 2020 Court Services – Budget Report

Report to: Joint Board of Management, Niagara Region Courts

Report date: Monday, November 18, 2019

Recommendations

1. That the 2020 Court Services gross base operating budget of \$6,230,582 and net budgeted revenue of \$834,418, as outlined in **Appendix 1, BE APPROVED.**
2. That the 2020 Court Services gross operating budget of \$1,794,747 and net operating budget of \$0 for the program change related to the implementation of the Vision Zero Road Safety Program, as outlined in **Appendix 2, BE APPROVED**
SUBJECT TO:
 - a. Successful completion of an amendment to the Niagara Region Courts Inter-municipal Agreement with respect to the sharing of revenue and costs of the Vision Zero Road Safety Program; and,
 - b. Regional Council approval of both the Vision Zero Road Safety Program and the related operating budget for 2020;
3. That Staff **BE DIRECTED** to report back to the Joint Board of Management following satisfaction of the conditions listed in Recommendation 2 on the implementation of the Vision Zero Road Safety Program.

Key Facts

- Under the provisions of the Memorandum of Understanding (the “MOU”), the Local Side Agreement and the Inter-municipal Agreement, the Regional Municipality of Niagara (the “Region”) acts as an agent on behalf of the twelve local area municipalities (the “LAMS”), and administers Provincial Offences Court.
- Niagara Region Courts Inter-municipal Agreement (the “Inter-municipal Agreement”) provides that:

Section 7 – Budget

7.1 The Manager, on behalf of the Agent, shall prepare an annual budget for the Program setting out estimated operating and capital costs, and projected revenue from fines, fees, applicable grants, subsidies and other revenues. The

budget shall be submitted to the Board for approval. Following Board endorsement, the budget shall be submitted to Regional Council for approval.

Section 8 – Apportionment of Costs and Revenue

8.1 The Agent shall be entitled to recover its costs from the gross revenues generated by the transfer of POA administration. Gross revenues shall not include Part II Parking revenues, as otherwise provided for in Section 6 of this Agreement.

8.2 The Region shall receive 50% of the net revenues.

8.3 All Municipalities, with the exception of the Region, shall receive 50% of net revenues, and it shall be distributed on the basis of assessment.

- Court Services staff administers a high volume of charges 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 and Gaming Control Act*.
- If the Joint Board of Management (“JBM”) and Budget Review Committee of the Whole approves the base Court Services 2020 operating budget, the benefits include a 2020 distribution level for net revenue forecasted at \$834,418 to the local area municipalities and \$834,418 to the Region, which is an increase in net revenue of 38% over the 2019 approved budget and thereby a better outcome than the budget planning direction of 2% provided by Council.
- If JBM and Budget Review Committee of the Whole approves the 2020 operating budget program change for the implementation of the Vision Zero Road Safety Program (“Vision Zero”), it is expected that public safety will be increased as a result of a change in driving behaviour, contributing to road safety and reducing traffic collisions and resulting injuries or fatalities.
- Staff have determined that an amendment to the Inter-Municipal Agreement is required in order for the Vision Zero program to be financially sustainable, failing which staff will not proceed with the implementation of the program.

Financial Considerations

Base Operating Budget

The total budgeted net revenue for 2020 is \$1,668,836, to be split between the Niagara Region and the LAMs in accordance with the Inter-municipal Agreement. The amount of \$834,418 is budgeted to be distributed to the LAMs, based on the 2020 proportionate share of assessment value for the municipalities.

It is anticipated that base revenue generated from the payment of fines will increase by \$325,000 based on current trends and the implementation of new contracts with collection agencies to collect delinquent fines. Staff also anticipate an overall reduction in base operating expenses, including indirect allocations, of \$134,264, as a result of savings to be realized through the reduction of 3 permanent FTEs and the closure of the St. Catharines courthouse in October 2019, offset by increases in expenses related to the increased revenue projections such as Victim Fine Surcharge ("VFS") and Collection Agency Costs ("CAC").

It is important to note that Court Services generates revenue and continues to be self-funded, and therefore is not reliant on the levy budget. Pursuant to the Inter-municipal Agreement, net revenue is shared, with 50% going to the Region and 50% going to the LAMS. The 2020 budget as presented proposes a \$229,632 or 38% increase in net Regional revenue and is within Regional Council's budget planning direction of 2% of the net 2019 base budget (which would equate to a net revenue decrease of \$12,000).

Vision Zero Road Safety Program Change

Staff in the Transportation Services division have proposed the introduction and implementation of the Vision Zero program on certain Regional roads in 2020 that is comprised of red light cameras ("RLC") and automated speed enforcement ("ASE"). Infractions issued under Vision Zero will be processed through the Niagara Region Provincial Offences Court.

Report PW 64-2019 Vision Zero Road Safety Program was presented to the Public Works Committee and approved in principle on November 5, 2019. At the time of writing this report, PW 64-2019 is to be considered by Council for approval on November 14, 2019. Recommendations in PW 64-2019 include authorization to implement initiatives under Vision Zero, subject to successful negotiations with the LAMs to amend the Inter-municipal Agreement with respect to the sharing of both the revenues and the costs associated with the implementation and operation of the Vision Zero program to ensure that the program is financially sustainable to the Region. Currently, the revenue-sharing formula provided in the Inter-municipal Agreement would result in a negative cash flow for the Niagara Region.

It is important to note that the Vision Zero program will not proceed and no costs will be incurred under this program unless an agreement can be reached with the LAMs whereby the Inter-municipal Agreement is successfully amended with respect to the

sharing of revenues and total program operational costs; therefore, no net revenue has been included in the proposed 2020 budget for this program change. The implementation of the program is also dependent on final approval by Regional Council of the program and the associated budget.

Revenue and costs proposed in the 2020 operating budget are estimated assuming a partial year of operation in 2020 of Vision Zero, with RLC operating for six (6) months and ASE for nine (9) months. These costs would decrease if the implementation of the program is delayed.

Based on the estimated volume of charges arising from the implementation of Vision Zero, costs associated with court administration, including the processing of tickets, prosecution, adjudication and collection services associated with the Vision Zero Program have been proposed as a program change for the 2020 operating budget (Appendix 2). Included in these costs are additional staffing (12 FTEs), contract Per Diem Prosecutors, ticket processing charges, VFS, adjudication and other administrative costs estimated at \$1.8 million for 2020.

Provided the Inter-Municipal Agreement is amended for this program, and based on the estimated charges that will be issued, it is estimated that the revenue generated from the payment of fines will be sufficient for the program to be self-funded, which includes the operational costs of the program incurred by Court Services, as well as Transportation Services and Business Licensing. The program would therefore not be reliant on the levy budget as a funding source. The implementation of the program will not negatively affect the distribution of net revenue, as proposed in the 2020 base operating budget for the current POA Court Services as outlined in Appendix 1.

Analysis

Base Operating Budget

As per Table 1 below, the total budgeted revenue is proposed to increase by 4.8% or \$325,000. Recent year-over-year trends have shown an increase in both infraction and delinquent fine revenue. Staff have therefore estimated a corresponding increase in the budgeted revenue for 2020. As set out in JBM-C 10-2019 Collection Agency RFP Results, new collection strategies will be implemented and are expected to promote increased recovery of fine payments.

Court Services has leveraged the opportunity to collect on some of its delinquent fines through a partnership with all 12 LAMs through the “add to tax roll” initiative. A total of approximately \$845,000 in delinquent fines has been successfully collected since implementation of this initiative in 2014, which represents a 61% recovery rate. As set

out in this report, these funds are split between Niagara Region and all local area municipalities.

As shown in Table 1 below, the total operating expenses for service delivery, including indirect allocations, but excluding the distribution of net revenue to the LAMs, is budgeted with an overall decrease of 2.4% or \$134,264. This net decrease is the result of a combination of the following:

- Reduction of 3 full-time court clerk positions (overall reduction from 26.0 to 23.0 FTEs), which were realized through attrition. These reductions are a result of re-distribution of workloads and streamlining of processes, which were made possible through the continued expansion of the e-ticketing program and the amalgamation of Court Services locations. These initiatives will provide efficient and effective delivery of services at reduced costs.
- Building cost savings realized through the closure of the St. Catharines Courthouse on October 31, 2019 and consolidation of operations at the newly constructed Welland Courthouse.
- The savings above are partially offset by increases in expenses related to the higher revenue projections, including increased VFS and CAC.

Table 1 – 2020 Court Services Gross & Net Budget

	2020	2019	\$ Change	% Change
Gross Operating Expenses (excluding Dist. to LAMs)	\$ 5,396,164	\$ 5,530,428	\$ (134,264)	-2.4%
Gross Operating Revenues	\$ (7,065,000)	\$ (6,740,000)	\$ (325,000)	4.8%
Total Net Revenue to be Allocated	\$ (1,668,836)	\$ (1,209,572)	\$ (459,264)	38.0%
50% Distribution to LAMs	\$ 834,418	\$ 604,786	\$ 229,632	38.0%
Net Revenue - Niagara Region	\$ (834,418)	\$ (604,786)	\$ (229,632)	38.0%

There is no planned contribution to the Court Services Reserve Fund in 2020 as a result of the initiation of debt financing for the new courthouse. Net revenue previously allocated to reserve is being directed to pay for debt financing on the new courthouse and is included in the indirect allocation expenses.

Operating Budget with Vision Zero Road Safety Program

The total Court Services operating expenses, including VFS costs, for the implementation and operation of the Vision Zero program is estimated to be

approximately \$1.8 million for 2020, based on the assumed start dates of April 2020 for ASE and July 2020 for RLC and the resulting estimated volume of charges (currently approximately 32,000 to 38,000 charges are processed per year on average by Court Services). This would include the costs for additional staffing (including Per Diem contract Prosecutors), VFS, adjudication, ticket processing and other administrative costs. There are no anticipated capital costs for Court Services to support the program.

Additional costs associated with administering and operating the Vision Zero program will also be incurred by other Regional departments in addition to Court Services, including the Transportation Services and Business Licencing divisions. These costs are estimated to be approximately \$1.7 million for 2020 and include equipment costs, ticket processing through a Joint Processing Centre, MTO charges, consulting and additional program staffing.

In anticipation of Council approval in principle of the Vision Zero program, a consolidated business case has been prepared (attached as Appendix 2) and will be included for consideration as part of the 2020 Operating Budget deliberations for the program.

Subject to successful negotiation with the LAMs with respect to the sharing of revenues and operating costs for the program, approximately 31,000 tickets will need to be issued to obtain an annual break even (cost neutral) point. The field studies conducted by Transportation Services staff have indicated that the number of speeding infractions within School Zones on Regional Roads will support the minimum required number of tickets.

Alternatives Reviewed

Further reduction in discretionary expenses would result in the Niagara Region not being able to meet its obligations under the Memorandum of Understanding with the Ministry of the Attorney General to properly administer the Provincial Offences Court in Niagara.

Other Pertinent Reports

JBM-C 1-2019 Court Services – 2019 Budget Report
PW 64-2019 Public Works – Vision Zero Road Safety Program

Prepared by:

Jackie Foley
Acting Manager, Court Services
Corporate Services

Recommended by:

Todd Harrison, CPA, CMA
Commissioner/Treasurer
Corporate Services

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

Appendices

- | | |
|------------|--|
| Appendix 1 | Schedule of Expenditures and Revenue;
Courts 2018 Actuals; 2019 budget and Q3
Forecast and 2020 budget |
| Appendix 2 | TRP-001 2020 Operating Business Case
– Vision Zero Road Safety Program |

D_70000A

	2018 Actual	2019		2020						
	Total	Q3 Forecast Total	Budget Total	Base Services	Base Variance	Base Variance %	Budget Total Program Changes	Total	Total Variance	Total Variance %
A_40000AB Compensation	1,756,200	1,677,338	2,040,634	1,919,300	(121,334)	(5.9%)	650,404	2,569,704	529,071	25.9%
A_41000AB Administrative	1,835,136	1,793,537	1,834,060	1,852,730	18,669	1.0%	1,038,448	2,891,177	1,057,117	57.6%
A_44000AB Operational & Supply	1,295,809	1,349,551	928,536	1,159,074	230,538	24.8%	103,489	1,262,564	334,028	36.0%
A_52000AB Equipment, Vehicles, Technology	9,513	8,332	500	500	-	-	-	500	-	-
A_58000AB Financial Expenditures	163,314	209,177	108,000	158,000	50,000	46.3%	-	158,000	50,000	46.3%
A_75100AC Transfers To Funds	44,503	-	-	-	-	-	-	-	-	-
A_60000AC Allocation Between Departments	(7,208)	(7,822)	(9,170)	(6,890)	2,280	(24.9%)	-	(6,890)	2,280	(24.9%)
Gross Expenditure Subtotal	5,097,267	5,030,112	4,902,560	5,082,714	180,154	3.7%	1,792,341	6,875,055	1,972,495	40.2%
A_34950AB Other Revenue	(7,343,696)	(7,175,207)	(6,740,000)	(7,065,000)	(325,000)	4.8%	(1,794,747)	(8,859,747)	(2,119,747)	31.5%
Gross Revenue Subtotal	(7,343,696)	(7,175,207)	(6,740,000)	(7,065,000)	(325,000)	4.8%	(1,794,747)	(8,859,747)	(2,119,747)	31.5%
Net Expenditure (revenue) before indirect allocations	(2,246,429)	(2,145,094)	(1,837,440)	(1,982,286)	(144,846)	7.9%	(2,406)	(1,984,692)	(147,252)	8.0%
A_70000AC Indirect Allocation	623,300	626,579	680,116	590,231	(89,885)	(13.2%)	4,813	595,044	(85,072)	(12.5%)
A_70200AC Capital Financing Allocation	682,203	551,937	552,538	555,230	2,692	0.5%	-	555,230	2,692	0.5%
Allocation Subtotal	1,305,504	1,178,516	1,232,654	1,145,462	(87,192)	(7.1%)	4,813	1,150,274	(82,380)	(6.7%)
Net Expenditure (revenue) after indirect allocations	(940,926)	(966,578)	(604,786)	(836,824)	(232,038)	38.4%	2,406	(834,418)	(229,632)	38.0%

FTE - Reg	26.0	23.0	(3.0)	12.0	35.0	9.0
FTE - Temp	-	-	-	-	-	-

Vision Zero Road Safety Program - 2020 Operating Budget Business Case

Public Works-Levy - Transportation Planning; Business Licensing; Court Services

Initiative Start Date: January 01, 2020

Reason for Business Case: Operating Project

Description of program change:

Vision Zero is a multi-national road traffic safety project that aims to achieve a road network with no fatalities or serious injuries involving road traffic. The Vision Zero Road Safety Program strives to eliminate traffic fatalities and serious injuries on Niagara regional roads; while increasing safe, healthy, equitable mobility for all road users.

The implementation of the Vision Zero Road Safety Program will impact the Regional Transportation, Business Licensing and Court Services Operating Budgets, at an estimated annual gross cost, including the mandatory Victim Fine Surcharge paid to the Ministry of the Attorney General, of approximately \$5 – \$5.8 million (\$3.5 million in 2020 for a partial year of operation, dependent upon timing and duration of implementation).

Transportation Services will be responsible for the operation of the Vision Zero program, including monitoring, evaluation and expansion. Budgeted costs include equipment-related costs, ticket processing charges through a Joint Processing Centre (JPC), MTO charges, staffing and other and are estimated at approximately \$2.28 million on an annual basis (\$1.725 million in 2020 for partial year of operation).

Business Licensing will act as the Provincial Offences Officer and will be responsible for the processing the delivery of the tickets between the JPC and Court Services. Annual costs are estimated at approximately \$34,000.

Infractions issued under the Vision Zero Road Safety Program will be processed through Niagara Region Provincial Offences Court which is administered by Court Services. Costs are estimated at \$2.7 – \$3.5 million annually and include the Victim Fine Surcharge, as well as adjudication and court-related costs, ticket processing and staffing costs (\$1.8 million in 2020 for partial year of operation). Costs are expected to increase if ticket volumes increase over time.

The operating costs for the program are conservatively estimated to be fully recovered from fine infraction revenue. However, this is dependant upon the ability of Niagara Region to recover its full operating costs, which would require an amendment to the Niagara Region Courts Inter-municipal Agreement net revenue sharing formula which is currently based on a 50/50 sharing between the Region and the LAMs. Therefore, negotiations with the LAMs are required and have been authorized by Council. Staff will engage the LAMs to review the Niagara Region Courts Inter-Municipal Agreement as it pertains to net revenues from the Vision Zero Road Safety Program to ensure the program is fiscally sustainable to the Region.

It is important to note that the Vision Zero program will not proceed and no costs will be incurred under this program unless an agreement can be reached with the LAMs and the Inter-Municipal Agreement is successfully amended with respect to the sharing of revenues and operational costs, and therefore no net revenue has been included in the 2020 budget.

Niagara Region experiences a high collision fatality rate when compared to other jurisdictions in Southern Ontario. Deployment of Automated Speed Enforcement (ASE) cameras at school zones and community safety zones, reference to the Province of Ontario Safer School Zones Act - 2017, will facilitate the municipal adoption of this technology on roads with speed limits under 80 km/h in school and community safety zones.

Vision Zero Road Safety Program - 2020 Operating Budget Business Case

Red Light Cameras (RLCs) have been operating in the Province since November 2000 and have so far been installed in 7 Ontario municipalities. The RLC program and processes are well established and respected for their consistency and quality. For legal and practical reasons, all components of the program, from the equipment used through to the processing of the violations, are identical for all participating municipalities within Ontario.

RLCs are an effective safety tool since they reduce the incidence of motorists running red lights. Red light running is one of the causes of angle or "t-bone" collisions, the most severe type of collision that often results in serious injuries. A review of Niagara Region's collision database indicated that there are an average of 60 right-angle collisions at signalized intersections per year. The most reliable statistics currently available suggest that RLCs can reduce the frequency of right-angle collisions by 25%.

Business Reasons for Program Change:

For many years, Niagara Region Staff have been dealing with concerns raised by residents regarding speeding on regional roads. Speeding is a primary crash factor and a leading road safety problem, often contributing to fatal crashes and serving as an aggravating factor in most crashes. A review of Niagara Region's collision data to-date shows that the total number of collisions are continuously increasing on Niagara regional roads.

A step forward to adopting a Vision Zero Road Safety Plan in Niagara Region; helping to reduce aggressive driving and speeding by enhancing a safe systems approach, and drawing solutions from engineering, enforcement, education, engagement and evaluation. Those solutions focus on 6 emphasis areas of pedestrians, cyclists, motorcyclists, school-aged children, older adults and aggressive and distracted driving.

Supports Council's Strategic Priorities: Businesses and Economic Growth, Healthy and Vibrant Community, Responsible Growth and Infrastructure Planning, Sustainable and Engaging Government

Niagara Region HOW WE GO Transportation Master Plan defined programs and infrastructure improvements required to address transportation and growth needs from today through to 2041. One of the main goals is to provide integrated network of roads and highways for the safe movement of people and goods.

The proposed Vision Zero Road Safety Program is a critical part in building a safe and inclusive community. It is an important mechanism to remove barriers for equity seeking groups by prioritizing vulnerable road users. Niagara Region is undergoing significant change and by 2041 will have grown and evolved on economic, demographic, social and technological fronts. This recommendation will support growth and enhance Niagara globally by promoting an integrated network of roads and highways for the safe movement of people and goods.

Vision Zero Road Safety Program - 2020 Operating Budget Business Case

Staffing Impact:

14 Permanent, Full Time, 1 Student - Non-Union and CUPE 1287

Total Cost of Staffing Position: - 2020 \$933,303, 2021 - \$1,177,839

Staffing Implementation Date: January 01, 2020

The implementation of the Vision Zero program will require additional staffing complement in both Transportation Services and Court Services as detailed below:

Transportation Services - 2 permanent, full-time non-union project manager FTE's and 1 non-union student will be required to implement, monitor and expand the Vision Zero program in future.

Court Services - 12 permanent, full-time FTE's, 1 non-union and 11 unionized CUPE 1287, will be required to manage the significant increase in ticket volumes that will be processed through the Court system with the implementation of the Vision Zero program. The non-union position will be a Prosecution Coordinator position. The unionized positions will consist of 9 Court Clerks and 2 Trial Coordinators.

Vision Zero Road Safety Program - 2020 Operating Budget Business Case

Financial Impact Summary	Current Year Impact	Multi Year Impact		
	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>Beyond</u>
Gross Expenditures	3,546,591	5,058,960	5,759,125	-
Gross Revenues	(3,546,591)	(5,058,960)	(5,759,125)	-
Net Impact to levy	-	-	-	-
% Change over prior year	0.000%			

Prepared by Division Manager:	Sulaf Al Karawi/ Jackie Foley
Reviewed by Program Financial Specialist:	Brian McMahon/ Sara Mota
Approved by Director / Commissioner:	Carolyn Ryall/ Donna Gibbs/Angelo Apfelbaum

VISION ZERO ROAD SAFETY PROGRAM

		Total Vision Zero			Red Light Camera (RLC)			Automated Speed Enforcement (ASE)		
		2020	2021	2022	2020	2021	2022	2020	2021	2022
Revenue:	Gross Ticket Revenue	\$ 3,546,591	\$ 5,058,960	\$ 5,759,125	\$ 878,977	\$ 1,444,309	\$ 1,052,475	\$ 2,667,615	\$ 3,614,651	\$ 4,706,650
	less: Victim Fine Surcharge expense	(723,710)	(1,057,160)	(1,447,420)	(138,320)	(276,640)	(276,640)	(585,390)	(780,520)	(1,170,780)
	Net Ticket Revenue	\$ 2,822,881	\$ 4,001,800	\$ 4,311,705	\$ 740,657	\$ 1,167,669	\$ 775,835	\$ 2,082,225	\$ 2,834,131	\$ 3,535,870
Expenses:										
	Transportation Services									
	Equipment Costs	\$ 388,292	\$ 714,356	\$ 319,390	\$ 290,978	\$ 581,956	\$ 186,990	\$ 97,314	\$ 132,400	\$ 132,400
	Ticket Processing Costs	601,625	804,250	1,143,250	93,125	126,250	126,250	508,500	678,000	1,017,000
	Staffing	282,899	288,557	294,328	115,098	117,400	119,748	167,801	171,157	174,580
	Other	452,500	475,000	475,000	72,500	95,000	95,000	380,000	380,000	380,000
		1,725,316	2,282,163	2,231,968	571,701	920,606	527,988	1,153,615	1,361,557	1,703,980
Business Licensing	Processing and Delivery Costs	\$ 26,528	\$ 34,089	\$ 34,092	\$ 3,626	\$ 6,193	\$ 6,197	\$ 22,902	\$ 27,896	\$ 27,896
Court Services	Staffing	\$ 650,404	\$ 889,282	\$ 1,178,678	\$ 124,213	\$ 168,637	\$ 169,161	\$ 526,191	\$ 720,645	\$ 1,009,517
	Courtroom Costs	240,300	529,600	532,800	19,700	39,400	39,656	220,600	490,200	493,144
	Ticket Processing Costs	108,000	148,500	216,000	6,750	13,500	13,500	101,250	135,000	202,500
	Other	72,333	118,167	118,167	14,667	19,333	19,333	57,667	98,833	98,833
		1,071,037	1,685,548	2,045,645	165,330	240,870	241,650	905,708	1,444,678	1,803,994
	Total Expenses (excluding Victim Fine Surcharge)	\$ 2,822,881	\$ 4,001,800	\$ 4,311,705	\$ 740,657	\$ 1,167,669	\$ 775,835	\$ 2,082,225	\$ 2,834,131	\$ 3,535,870
Net Revenue (Cost)		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Total Expenses per above (excluding Victim Fine Surcharge)		\$ 2,822,881	\$ 4,001,800	\$ 4,311,705	\$ 740,657	\$ 1,167,669	\$ 775,835	\$ 2,082,225	\$ 2,834,131	\$ 3,535,870
add: Victim Fine Surcharge Costs		723,710	1,057,160	1,447,420	138,320	276,640	276,640	585,390	780,520	1,170,780
Total Expenses including Victim Fine Surcharge		\$ 3,546,591	\$ 5,058,960	\$ 5,759,125	\$ 878,977	\$ 1,444,309	\$ 1,052,475	\$ 2,667,615	\$ 3,614,651	\$ 4,706,650

NIAGARA REGION BUDGET

2020

Joint Board of Management
Court Services

November 18, 2019

Program/Service Definition

- POA Transferred on January 29, 2001
- Region is the Agent on behalf of Local Area Municipalities
- Responsible for administration of the POA program including Courts Administration, Prosecutions and Collections
- Pursuant to POA Transfer Agreements (MOU & LSA) and Inter-Municipal Agreement

PROGRAM IS:

- Self-funding not reliant on Levy
- Net revenue sharing Region 50% and LAMs 50%

Joint Board of Management

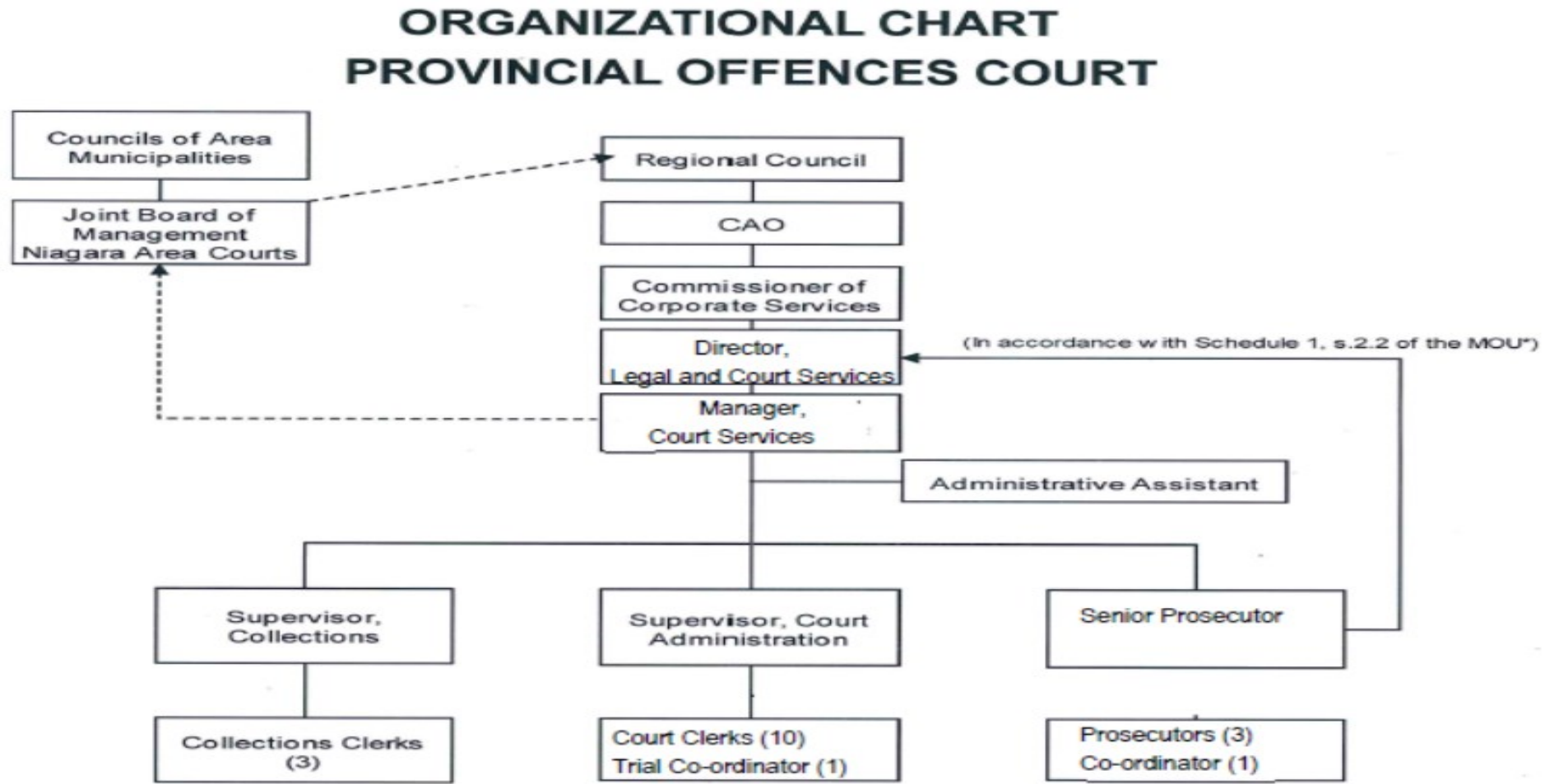
Membership – Municipal Staff Appointed (7 members)

- 4 Permanent
 - Niagara Falls, Niagara Region, St. Catharines, and Welland
- 3 Rotate yearly
 - Fort Erie, Grimsby, Lincoln, Niagara-on-the lake, Pelham, Port Colborne, Thorold, Wainfleet, and West Lincoln

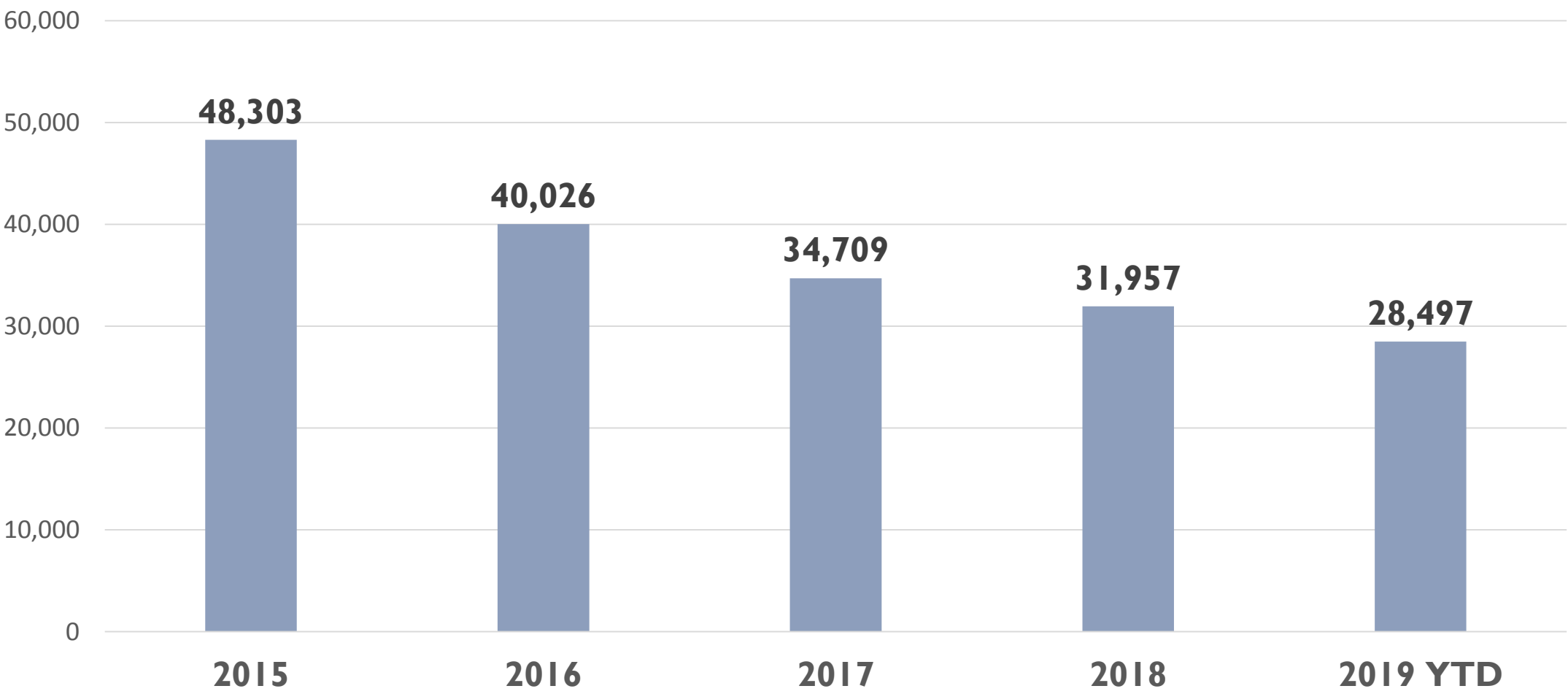
Role

- Co-ordinate performance of the Transfer Agreements
- Provide advice to the Agent
- Approve program

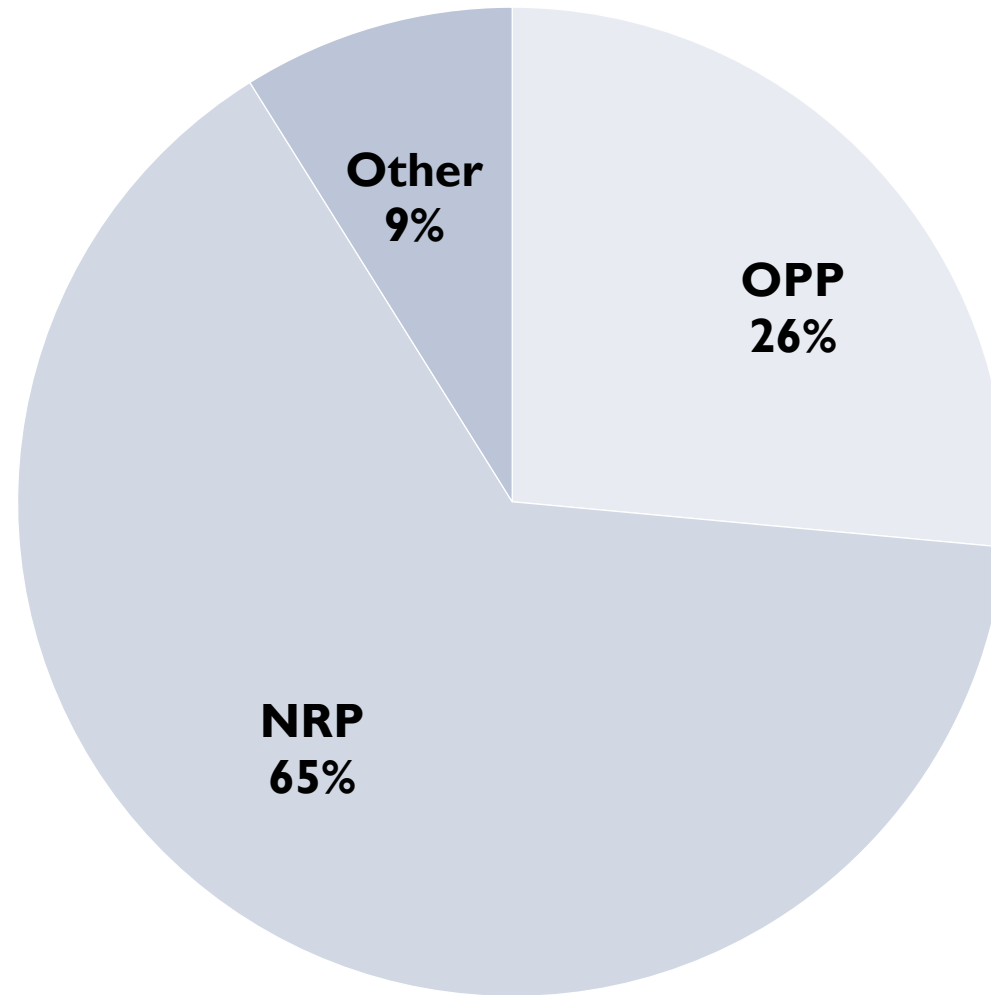
POA Organizational Chart



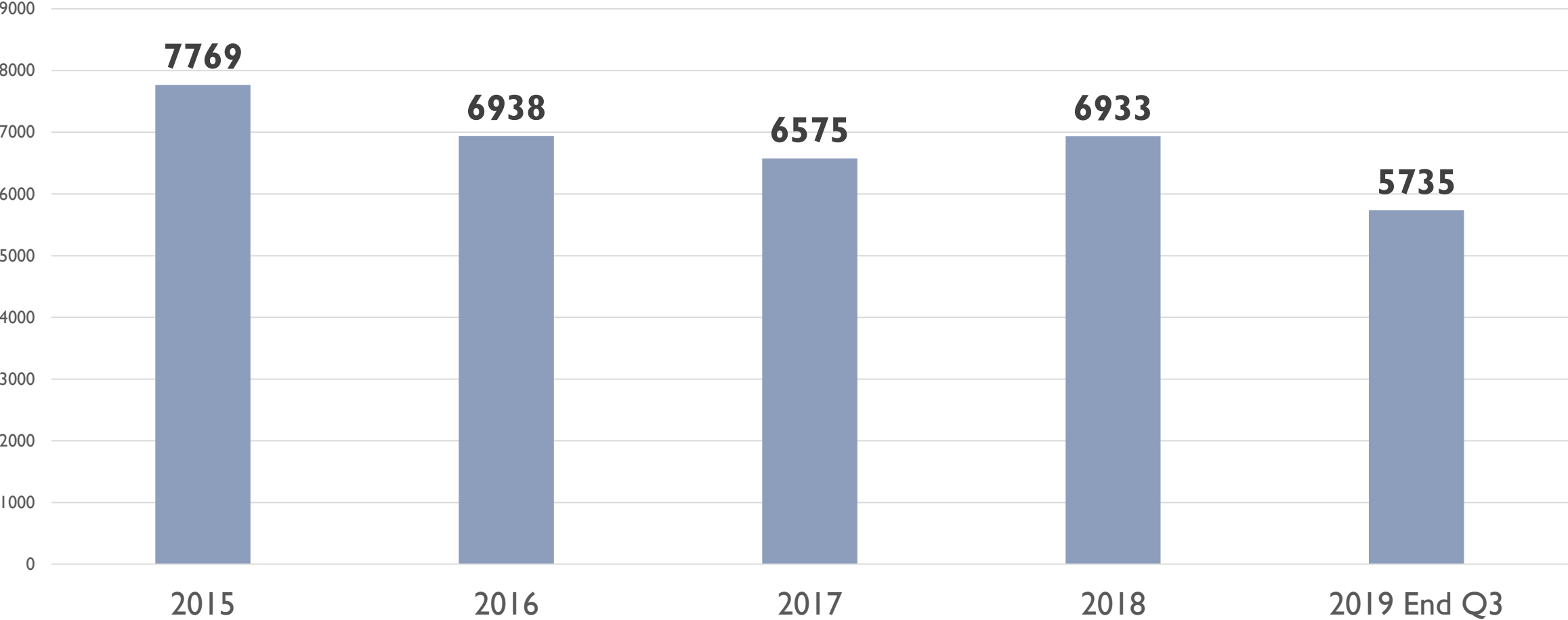
Annual Charging Volumes (2019 Q3)



2019 Charges by Enforcement Agency



New Delinquent Fines Volumes (2019 Q3)



2020 Operating Budget

Year-Over-Year Base Budget

- Recommended budget - below Council's budget planning direction of 2% increase
 - Decrease of 21.4% - Net revenue increase for Region of \$130,000 and \$130,000 to the Local Area Municipalities

	(in 000's)	2019 Approved Budget	2020 Budget	Change
Gross Expenditure (including indirect allocations and debt charges)*	\$	6,135	\$ 6,331	\$ 195
Gross Revenue		(6,740)	(7,065)	(325)
Net Revenue	\$	(605)	\$ (734)	\$ (130)
Permanent FTE		26.0	23.0	(3.0)

* Gross expenditures include LAMs portion of surplus net revenue

Full-time Equivalent (FTE) Summary–Base Budget

Reduction of 3 Court Clerk FTEs for 2020

- Re-distribution of workloads and streamlined processes
 - E-ticketing
 - Consolidation of POA court services in one location

Base Permanent FTEs	
	FTE
2019 Total	26.0
Change Base	(3.0)
2020 Total	23.0
% Change	-11.5%

2020 Operating Budget Summary

Base budget changes- \$129,632 (21.4%) net revenue increase

- **Increase in gross revenue - \$325,000**

- Based on current trends, implementation of new contracts with collection agencies

- **Decrease in personnel costs - \$121,334**

- Reduction of 3 FTEs due to streamlining of processes through e-ticketing and consolidation of services in one location

- **Increase in administrative costs - \$18,669**

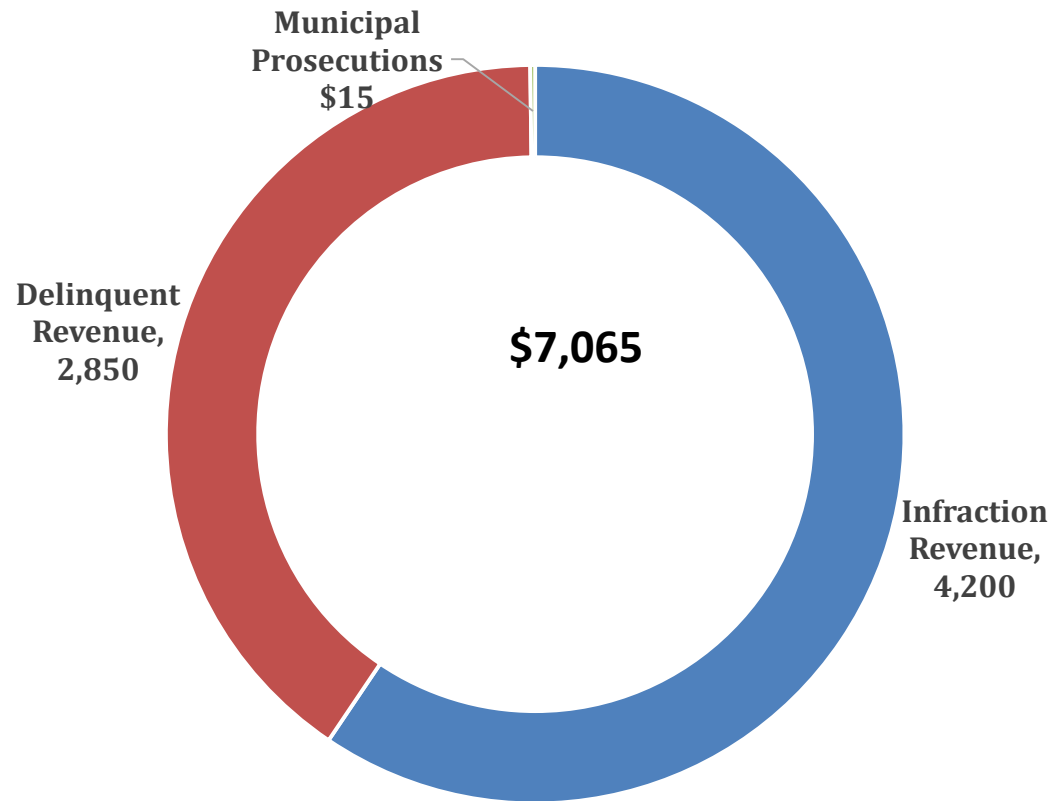
- Increase in Victim Fine Surcharge costs and credit card fees (aligns with increased revenue), offset by reductions in adjudication and interpreter costs

2020 Operating Budget Summary

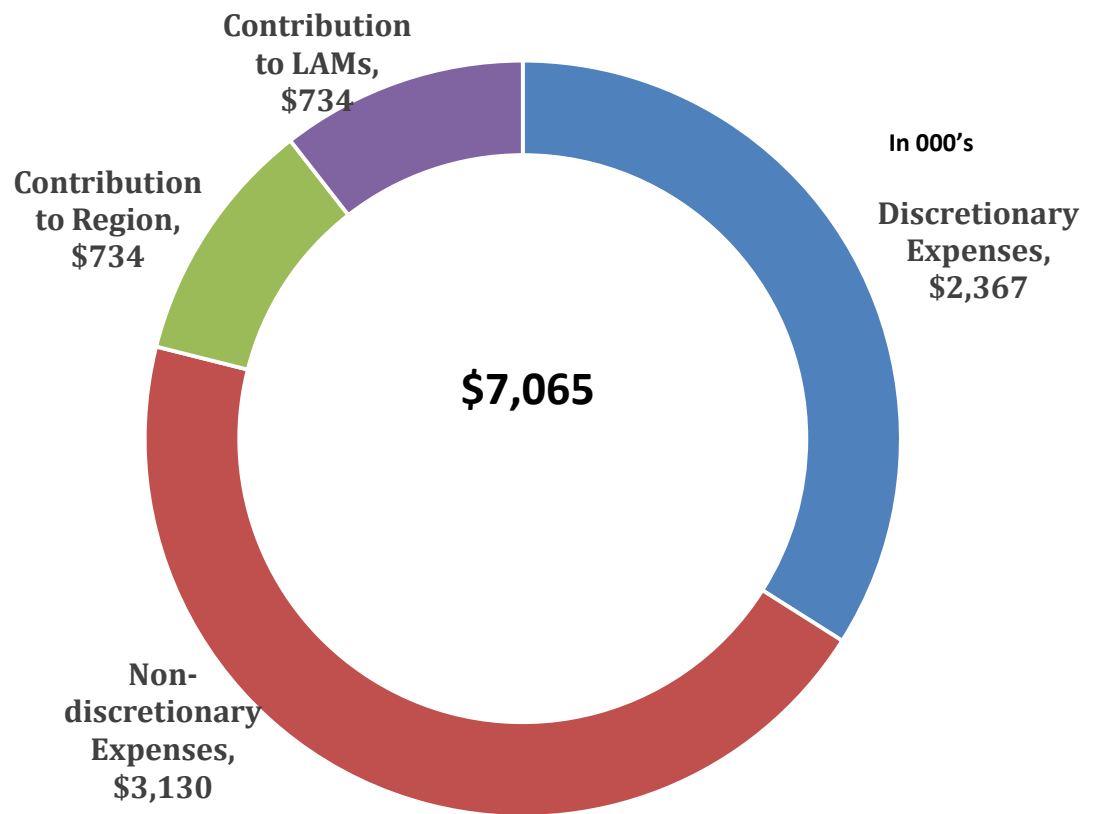
- **Increase in operational and supply expenses - \$128,132**
 - Increased distribution to LAMS resulting from increased net revenue
- **Increase in collection charges - \$50,000**
 - Aligns with projected delinquent revenue increases – paid to collection agencies
- **Decrease in indirect allocations - \$82,380**
 - Building cost savings – closure of St. Catharines courthouse
- **Transfer to Capital Reserve - \$200,000**
 - Recommended for future capital requirements

2020 Budget Summary

Where the Money Comes From (in 000's)



Where the Money Goes



2020 Operating Budget

Total With Vision Zero Program Change

- Recommended budget - below Council's budget planning direction of 2% increase
 - Decrease of 21.4% - Net revenue increase for Region of \$130,000 and \$130,000 to the Local Area Municipalities

	(in 000's)	2019 Approved Budget	2020 Budget	Change
Gross Expenditure (including indirect allocations and debt charges)*	\$	6,135	\$ 8,125	\$ 1,990
Gross Revenue		(6,740)	(8,860)	(2,120)
Net Revenue	\$	(605)	\$ (734)	\$ (130)
Permanent FTE		26.0	35.0	9.0

* Gross expenditures include LAMs portion of surplus net revenue

2020 Operating Budget

Vision Zero Road Safety Program - \$0 net revenue

- Red Light Cameras (RLC) and Automated Speed Enforcement (ASE)
- Total Estimated Program Costs (annual) - \$5 - \$5.8 million
 - Program operated by Transportation Services division - \$2.3 million
 - Equipment, ticket processing charges, MTO charges, program evaluation
 - Business Licensing division – acting as Provincial Offences Officer - \$34,000
 - Processing & delivery of tickets between Joint Processing Centre & Courts
 - Court Services – infractions issued will be processed through Niagara Region Provincial Offences Court - \$2.7 - \$3.5 million (including VFS)
 - Court administration, prosecution, adjudication, collections
- Court Services – would require the addition of 12 FTEs to support the Vision Zero program

2020 Operating Budget

Vision Zero Road Safety Program - \$0 net revenue

- Under current Inter-municipal Agreement, program would result in negative cash flow to Region
- Council has authorized staff to engage and negotiate with LAMs to amend the Agreement to be financially sustainable to Region
- Program will not proceed unless Inter-municipal Agreement can be amended
- Therefore, no net revenue has been proposed for this program
- If program proceeds, infraction revenue expected to offset total program costs of \$5 - \$5.8 million

Risks and Opportunities

- Charging volume trending higher for 2019 over 2018
 - Leverage technology and external partnership (i.e. e-ticketing)
- Increasing Volume of delinquent fines
 - New Collection Agency partnerships and placement strategies
 - Add to Tax now with all 12 LAMs
 - Focus on Civil Enforcement
- Unknown timing of POA Modernization and Part 3 Prosecution
 - Network with MCMA and PAO and Crown's office
 - Gathering statistical data to assist with future implementation
- Unknown impacts of ASE and RCL
 - Monitor program closely and develop processes focus on efficiency and leverage technology and external partnerships

Questions?

Jackie Foley

Acting Manager, Court Services

905-687-6590 Ext 1606

jackie.foley@niagararegion.ca

MEMORANDUM

JBM-C 8-2019

Subject: 3rd Quarter Variance Analysis and Forecast to December 31, 2019

Date: November 18, 2019

To: Joint Board of Management, Niagara Region Courts

From: Jackie Foley, Acting Manager, Court Services

As a result of a recent forecasting exercise undertaken, the following is a summary of the status of the 2019 Court Services budget as at September 30, 2019. The year-to-date variance analysis is attached as **Appendix 1**.

Revenue is over budget year-to-date by 8.1% due to an increase in infraction revenue and delinquent revenue collected, as well as the payment of a number of larger than average fine amounts.

Operational expenditures are over budget by 2.6%, due primarily to an increase in the net revenue distribution owing to the local area municipalities for 2019 based on the year-to-date surplus resulting from increased revenues as of September 30, 2019 and the vacancy management of several positions in Q1 – Q3.

Appendix 2 to this memo is a spreadsheet illustrating the forecast of Court Services' revenue and expenses to the end of 2019. At this time, revenue is forecasted to be over budget by 6.5% or \$435,207 by year-end. Total expenditures are anticipated to come in over budget by 2.6% or \$127,607, resulting in a net revenue of \$1,933,156 (\$966,578 for the local area municipalities and \$966,578 for the Region). The final net revenue distribution share to the area municipalities will be dependent on the audited year-end results, which is forecasted to be favourable by approximately \$361,792 to the local area municipalities and to the Niagara Region by the same amount.

Appendix 3 to this memo is a spreadsheet illustrating the forecast of our distribution to the area municipalities to the end of 2019.

Respectfully submitted and signed by

Jackie Foley
Acting Manager, Court Services

COURT SERVICES

Variance Analysis: January to September 2019

JBM-C 8-2019
November 18, 2019
Appendix I

Percentage of Year Elapsed: 75%

	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	\$ 1,528,463	\$ 1,228,781	\$ 299,682	19.6%	\$ 2,039,232	60.3%	-14.7%	Under budget - Vacancy Management
Administrative	1,376,470	1,331,038	45,432	3.3%	1,834,060	72.6%	-2.4%	Under budget due to lower than anticipated Adjudication costs, Interpreter Fees and External Legal Expenses
Operational & Supply	696,777	1,031,542	(334,765)	-48.0%	928,536	111.1%	36.1%	Over budget due to an increase in the amount of fines collected on behalf of other POA offices, which are offset in higher revenue below, as well as an increase in the anticipated distribution to area municipalities as a result of higher net revenues
Equipment, Vehicles & Technology	375	6,165	(5,790)	-1544.0%	500	1233.0%	1158.0%	Over budget due to unanticipated computer software support costs
Financial Expenditures	81,000	182,177	(101,177)	-124.9%	108,000	168.7%	93.7%	Over budget due to an increase in Collection Charges paid to third party collection agencies as a result of increased delinquent fines received, which are offset in higher revenue below
Total Expenses	3,683,085	3,779,703	(96,618)	-2.6%	4,910,328	77.0%	2.0%	
Revenue								
Other Revenue	(5,055,000)	(5,465,207)	410,207	-8.1%	(6,740,000)	81.1%	6.1%	Over budget due to higher than anticipated infraction revenue & delinquent fine revenue collected
Total Revenue	(5,055,000)	(5,465,207)	410,207	-8.1%	(6,740,000)	81.1%	6.1%	
Intercompany Charges								
Intercompany Charges	(6,878)	(5,530)	(1,348)	19.6%	(9,170)	60.3%	-14.7%	Under budget due to timing of billing for Municipal prosecutions for the Smoke Free Ontario Act, as the work is billed when completed
Net Expenditure/(Revenue) before Indirect Allocation	(1,378,793)	(1,691,034)	312,241	-22.6%	(1,838,842)	92.0%	17.0%	
Indirect Allocation								
Indirect Allocations & Debt	974,907	953,637	21,270	2.2%	1,234,056	77%	2%	Slightly under the 3rd quarter year to date budget
Total Indirect Allocations & Debt	974,907	953,637	21,270	2.2%	1,234,056	77%	2.3%	
Net Expenditure/(Revenue) after Indirect Allocations	\$ (403,886)	\$ (737,397)	\$ 333,511	-82.6%	\$ (604,786)	122%	47%	

COURT SERVICES

2019 3rd Quarter Forecast: October to December

JBM-C 8-2019
November 18, 2019
Appendix 2

	Annual Budget	Year to Date Actual (as of September 30/19)	Forecast October to December	Total Forecast for 2019	Annual Budget vs. Forecast Variance Surplus (Deficit)	
Expenses						
Compensation	\$ 2,039,232	\$ 1,228,781	\$ 448,557	\$ 1,677,338	361,894	17.7%
Administrative	1,834,060	1,331,038	462,499	1,793,537	40,523	2.2%
Operational & Supply*	928,536	1,031,542	318,009	1,349,551	(421,015)	-45.3%
Equipment, Vehicles & Technology	500	6,165	2,167	8,332	(7,832)	-1566.4%
Financial Expenditures	108,000	182,177	27,000	209,177	(101,177)	-93.7%
Total Expenses	4,910,328	3,779,703	1,258,232	5,037,935	(127,607)	-2.6%
Revenue						
Other Revenue	(6,740,000)	(5,465,207)	(1,710,000)	(7,175,207)	435,207	-6.5%
Total Revenue	(6,740,000)	(5,465,207)	(1,710,000)	(7,175,207)	435,207	-6.5%
Intercompany Charges						
Intercompany Charges	(9,170)	(5,530)	(2,293)	(7,822)	(1,348)	-14.7%
Net Expenditure/(Revenue) before Indirect Allocation	(1,838,842)	(1,691,034)	(454,061)	(2,145,094)	306,252	16.7%
Indirect Allocations & Debt						
Indirect Allocation	1,234,056	953,637	224,879	1,178,516	55,540	4.5%
Total Indirect Allocation	1,234,056	953,637	224,879	1,178,516	55,540	4.5%
Net Expenditure/(Revenue) after Indirect Allocation	\$ (604,786)	\$ (737,397)	\$ (229,182)	\$ (966,578)	361,792	59.8%

* Operational & Supply Expenses include the forecasted amount to be distributed to the LAMs of \$966,578, which is 50% of the total net revenue of \$1,933,156

2019 Court Distribution to Area Municipalities

2019 Budget					
Estimates versus Actual	Total	March	June	September	December
Budgeted POA Revenues to be distributed:	\$604,786.00	\$151,196.50	\$151,196.50	\$151,196.50	\$151,196.50
Forecasted POA Revenues to be distributed:	\$966,578.00	\$151,196.50	\$151,196.50	\$151,196.50	\$512,988.50
Favourable/(unfavourable) Variance	\$361,792.00	\$0.00	\$0.00	\$0.00	\$361,792.00

Area Municipality	2019	Apportioned	Budget	Budgeted Distribution by Quarter			
	Assessment		Total	March	June	September	December
Niagara Falls	\$11,423,994,476	19.50%	\$188,482.72	\$29,483.32	\$29,483.32	\$29,483.32	\$100,032.76
Port Colborne	\$1,883,392,977	3.21%	\$31,027.16	\$4,853.41	\$4,853.41	\$4,853.41	\$16,466.93
St. Catharines	\$14,860,665,217	25.36%	\$245,124.17	\$38,343.43	\$38,343.43	\$38,343.43	\$130,093.88
Thorold	\$2,327,497,177	3.97%	\$38,373.14	\$6,002.50	\$6,002.50	\$6,002.50	\$20,365.64
Wellsand	\$4,719,658,916	8.05%	\$77,809.53	\$12,171.32	\$12,171.32	\$12,171.32	\$41,295.57
Fort Erie	\$3,781,255,244	6.45%	\$62,344.27	\$9,752.17	\$9,752.17	\$9,752.17	\$33,087.76
Grimsby	\$4,562,453,495	7.78%	\$75,199.78	\$11,763.09	\$11,763.09	\$11,763.09	\$39,910.51
Lincoln	\$3,794,236,761	6.47%	\$62,537.59	\$9,782.41	\$9,782.41	\$9,782.41	\$33,190.36
NOTL	\$5,294,306,150	9.03%	\$87,281.98	\$13,653.04	\$13,653.04	\$13,653.04	\$46,322.86
Pelham	\$2,698,198,822	4.60%	\$44,462.59	\$6,955.04	\$6,955.04	\$6,955.04	\$23,597.47
Wainfleet	\$1,086,036,827	1.85%	\$17,881.71	\$2,797.14	\$2,797.14	\$2,797.14	\$9,490.29
West Lincoln	\$2,188,974,902	3.73%	\$36,053.36	\$5,639.63	\$5,639.63	\$5,639.63	\$19,134.47
Total	\$58,620,670,964	100.00%	\$966,578.00	\$151,196.50	\$151,196.50	\$151,196.50	\$512,988.50

MEMORANDUM

JBM-C 10-2019

Subject: Collection Agency RFP Results

Date: November 18, 2019

To: Joint Board of Management, Niagara Region Courts

From: Jackie Foley, Acting Manager

Court Services Collections staff leverage various tools to collect delinquent Provincial Offence Act “POA” fines including demand notices, suspension of driver’s licences, plate denials, add to tax role and various methods of civil enforcement including garnishments and Writs of Seizure and Sale. In addition to internal efforts, Niagara Region has engaged third party collection agencies to assist with the collection of delinquent POA fines since 2004.

The most recent RFP was posted in 2014 for collection agencies services and provided for a maximum term of five years. In July 2019, in light of the fact that the current contracts were set to expire on October 31, 2019, Niagara Region posted an RFP on behalf of a number of participating municipalities to solicit proposals from collection agencies for the collection of delinquent POA fines and other municipal debts. The RFP process was completed ahead of schedule and new contracts were executed before October 31, 2019 resulting in a seamless transition.

In response to the July 2019 RFP seventeen agencies expressed interest in providing services resulting in fourteen proposal submissions.

Following the closing of the posting, an evaluation team was formed. The team consisted of seven representatives, one from each of the following municipalities:

- Niagara Region
- City of Barrie
- Town of Caledon/Dufferin
- City of Brampton
- County of Norfolk
- City of Peterborough
- County of Lambton

After the evaluation was completed, the following six agencies had technical scores high enough to pass the threshold and were awarded a contract:

- Credit Bureau Services of Canada
- CBV Collection Services

- EOS
- Partners in Credit
- Credit Bureau of Canada Collection – Collectcents
- Commercial Credit Adjusters

Commission rates range between 12.00% and 14.50% for first placement, 17.50% to 24.00% for second placement, and 29.50% to 44.00% for third placement.

There are more than 51,000 delinquent POA cases with a total dollar value exceeding 49 million dollars.

Prior to the issuance of the 2019 RFP, collections staff conducted a review of the delinquent fine inventory and prior distribution strategies. Staff consulted with collection experts and networked with other POA courts in the development of a new strategy for the distribution of delinquent inventory. The new strategy expects to promote higher fine payments and ensure appropriate efforts and tools are utilized.

The new strategy takes into account the age of delinquency and amount of time the case is placed with an agency. Distribution of the current delinquent inventory will be as follows:

- cases less than 2 years overdue will be placed with an agency as first placement for six months;
- cases 2 to 6 years overdue will be placed with an agency as second placement for 9 months;
- cases more than 6 years overdue will be placed with an agency as third placement for a minimum of 9 months.

The new contracts will run from November 1, 2019 for a period of 3 years with an option to renew for up to two 1-year terms.

Staff will monitor the effectiveness of the new strategy and provide updates as part of the regular financial reporting to JBM.

Respectfully submitted and signed by

Jackie Foley
Acting Manager, Court Services

MEMORANDUM

JBM-C 11-2019

Subject: 2020 Joint Board of Management Membership

Date: November 18, 2019

To: Joint Board of Management, Niagara Region Courts

From: Jackie Foley, Acting Manager, Court Services

Pursuant to Section 1.3 of the Niagara Region Courts Inter-Municipal Agreement, "The Joint Board of Management (JBM) has 7 members in total composed of one (1) staff person to be determined by respective municipalities to represent each of the following municipalities: The Region, Niagara Falls, Welland and St. Catharines. Further, there will be three appointed from the nine area municipalities (Wainfleet, Fort Erie, Port Colborne, West Lincoln, Lincoln, Grimsby, Thorold, Niagara on the Lake and Pelham) who have membership on JBM on a revolving basis. Each municipality in this group has one representative for one year in a 3 year period."

At its meeting of October 31, 2000, the Joint Board of Management, Niagara Region Courts, established a three-year rotation schedule (attached as Appendix "A") for municipal representation of the Board. As such for 2020, members from Grimsby, Lincoln and Niagara on the Lake will replace current members from Port Colborne, Pelham and Fort Erie.

A letter from the Acting Manager, Court Services dated October 28, 2019 was sent to the Clerks in Grimsby, Lincoln and Niagara on the Lake asking that a representative be identified to sit on the Board in 2020 by December 15, 2019.

Respectfully submitted and signed by

Jackie Foley
Acting Manager, Court Services

JOINT BOARD OF MANAGEMENT – NIAGARA REGION COURTS

Rotation Schedule

YEAR	PERMANENT MEMBERS	ROTATING MEMBERS
2020	<ul style="list-style-type: none"> • St. Catharines • Niagara Falls • Welland • Region of Niagara 	<ul style="list-style-type: none"> • Grimsby • Lincoln • N-O-T-L
2021	<ul style="list-style-type: none"> • St. Catharines • Niagara Falls • Welland • Region of Niagara 	<ul style="list-style-type: none"> • Thorold • Wainfleet • West Lincoln
2022	<ul style="list-style-type: none"> • St. Catharines • Niagara Falls • Welland • Region of Niagara 	<ul style="list-style-type: none"> • Port Colborne • Pelham • Fort Erie

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

**JBM 03-2019
Thursday, May 30, 2019
Campbell East (CE) 101
Niagara Region Headquarters, Campbell East
1815 Sir Isaac Brock Way, Thorold, ON**

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

Absent/Regrets: S. Hanson (Port Colborne)

Staff: M. Ciriello, Manager, Court Services, T. Harrison,
Commissioner/Treasurer, Enterprise Resource Management
Services, K. Lotimer, Legislative Coordinator, S. Mota, Program
Financial Specialist

1. CALL TO ORDER

H. Salter, Board Chair, called the meeting to order at 3:35 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 5-2019

Court Services - St. Catharines

Moved by G. Stephenson

Seconded by C. Genesse

That Report JBM-C 5-2019, dated May 30, 2019, respecting Court Services – St. Catharines, **BE RECEIVED** and the following recommendation **BE APPROVED**:

1. That staff **BE DIRECTED** to consolidate all Provincial Offences Court services in Niagara Region by closing the Provincial Offences Court Facility located at 71 King Street, St. Catharines upon expiry of existing lease (October 31, 2019).

Moved by H. Slater

Seconded by J. Tosta

1. That the chart on page 4 of Report JBM-C 5-2019, respecting the Number of People Attending the Two Courthouses, **BE EXCLUDED** from the subsequent report to the Corporate Services Committee; and
2. That staff **CONSIDER** another method of conveying this information in the subsequent report to the Corporate Services Committee respecting Court Services – St. Catharines.

Defeated

The Board Chair called the question on the original motion as follows:

That Report JBM-C 5-2019, dated May 30, 2019, respecting Court Services – St. Catharines, **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That staff **BE DIRECTED** to consolidate all Provincial Offences Court services in Niagara Region by closing the Provincial Offences Court Facility located at 71 King Street, St. Catharines upon expiry of existing lease (October 31, 2019).

Carried

5.2 JBM-C 6-2019

Approval of Court Services 2018 Audited Schedule of Revenue, Expenses and Funds Available for Distribution

Moved by C. Genesse
Seconded by D. Gibbs

That Report JBM-C 6-2019, dated May 30, 2019, respecting Approval of Court Services 2018 Audited Schedule of Revenue, Expenses and Funds Available for Distribution, **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That the draft audited schedule of revenues, expenses and funds available for distribution for the year ended December 31, 2018 for The Regional Municipality of Niagara Court Services ("Court Services") (Appendix 1) **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.

Carried

6. **CONSENT ITEMS FOR INFORMATION**

Moved by G. Stephenson
Seconded by J. Tosta

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

JBM-C 7-2019

1st Quarter Variance Analysis and Forecast to December 31, 2019

JBM 02-2019

Joint Board of Management – Niagara Courts

Meeting Minutes

March 21, 2019

Carried

7. OTHER BUSINESS

7.1 Next Joint Board of Management Meeting

Monica Ciriello, Manager, Court Services, advised Board Members of the necessity to change the date of the Joint Board of Management, Niagara Courts meeting scheduled for Thursday, November 14, 2019, due to the timing of reports. Proposed dates will be emailed to Board Members and the meeting will be rescheduled to the date that the majority are able to attend to ensure quorum will be achieved.

8. NEXT MEETING

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

9. ADJOURNMENT

There being no further business, the meeting adjourned at 4:04 p.m.

Heather Salter
Board Chair

Kelly Lotimer
Legislative Coordinator

Ann-Marie Norio
Regional Clerk

MEMORANDUM**JBM-C 12-2019****Subject: Court Services 2020 Operating Budget****Date: November 18, 2019****To: Joint Board of Management, Niagara Region Courts****From: Jackie Foley, Acting Manager, Court Services**

As noted in Report JBM-C 9-2019, the draft budget does not include any transfers to the Court Services Capital Reserve. Currently the budget is providing funds for the debt servicing costs for the new Welland facility however no transfers are being made to the capital reserve for ongoing capital requirements of the facility and/or subsequent replacement in accordance with best practice in asset management. As the draft budget for 2020 reflects incremental net revenue to the Region and Local Area Municipalities \$459,264 over the 2019 budget, this would be a reasonable time to consider an appropriate capital reserve strategy.

To that end, staff is recommending consideration of an alternative to the draft budget in Report JBM-C 9-2019 that includes an annual \$200,000 allocation to the Court Services Capital Reserve. This amount is based on the following assumptions.

- The current Welland facility cost approximately \$12 million.
- With an expected service life of 40 years the replacement of the facility could be in excess of \$25 million.
- Currently there is a balance in the Court Reserve of \$1.6 million.
- The budget remaining in the capital project to be returned to the reserve of approximately \$900,000.
- Debt charge budget is approximately \$531,000 and this budget can be repurposed to reserve contributions when the debt is paid off in 2042. From that time to future facility replacement this could provide for \$7.5 million to the capital reserve.
- Remaining requirement is approximately \$15 million.
- \$200,000 included in the base budget in 2020 with additional inflation provided for in future years operating budgets will generate additional \$15 million in funding.

The proposed change to the budget is as follows:

	2020 (as presented in JBM-C 9-	2020 (revised)	2019	\$ Change (2019 vs. 2020 revised)	% Change
Gross Operating Expenses (excluding Dist. to LAMs)	\$ 5,396,164	\$ 5,596,164	\$ 5,530,428	\$ 65,736	1.2%
Gross Operating Revenues	\$ (7,065,000)	\$ (7,065,000)	\$ (6,740,000)	\$ (325,000)	4.8%
Total Net Revenue to be Allocated	\$ (1,668,836)	\$ (1,468,836)	\$ (1,209,572)	\$ (259,264)	21.4%
50% Distribution to LAMs	\$ 834,418	\$ 734,418	\$ 604,786	\$ 129,632	21.4%
Net Revenue - Niagara Region	\$ (834,418)	\$ (734,418)	\$ (604,786)	\$ (129,632)	21.4%

Subject to JBM's approval of this change, the first recommendation in the report would be amended as follows:

1. That the 2020 Court Services gross base operating budget of \$6,330,582 ~~\$6,230,582~~ and net budgeted revenue of \$734,418 ~~\$834,418~~, as outlined in **Appendix 1, BE APPROVED.**

Respectfully submitted and signed by

Jackie Foley
Acting Manager, Court Services