



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

JBM 5-2019

Thursday, December 12, 2019

3:30 p.m.

Campbell East (CE) 101

Niagara Region Headquarters, Campbell East

1815 Sir Isaac Brock Way, Thorold, ON

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	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>	
5.1 <u>JBM-C 13-2019</u> Court Services Write-Off Recommendations for the Period Ending October 31, 2019	3 - 6
5.2 <u>JBM-C 14-2019</u> Recommended 2020 Meeting Dates for Joint Board of Management - Niagara Courts	7
6. <u>CONSENT ITEMS FOR INFORMATION</u>	
6.1 <u>JBM-C 15-2019</u> Court Services Strategic Plan	8 - 10

7. OTHER BUSINESS

8. NEXT MEETING

The next meeting will be held on Thursday March 5, 2020 at 3:30 p.m. in Committee Room 4.

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](mailto:accessibility@niagararegion.ca) (email).

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**REPORT TO:** Joint Board of Management, Niagara Region Courts

**MEETING DATE:** Thursday, December 12, 2019

**SUBJECT:** Court Services Write-off Recommendations For the period ending October 31, 2019

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## RECOMMENDATIONS

1. That Report JBM-C 13-2019, dated December 12, 2019, respecting the Court Services Write-off Recommendations for the period ending October 31, 2019, **BE RECEIVED**.
2. That the delinquent cases summarized in the Analysis Section of the Report, **BE APPROVED** for write-off and removal from the Integrated Court Offences Network (ICON) system in accordance with the Ministry of the Attorney General (MAG) *Provincial Offences Act* Write-off Directive and Operating Guideline and the Niagara Region Courts approved write off criteria (POA Write-off Criteria).

## KEY FACTS

- In February 2008, the Ministry of the Attorney General (MAG) released a *Provincial Offences Act* Write-Off Directive and Operating Guideline document which provides municipalities with the authority to establish write-off criteria for delinquent cases deemed uncollectible.
- Staff reported on this issue in report JBM 02-2008 dated September 25, 2008 and pursuant to the MAG directive, the Joint Board of Management and Regional Council approved the POA Write-off Criteria for delinquent Provincial Offences deemed uncollectible (Appendix I).
- Writing off these fines will reduce the overall amount for outstanding defaulted receivables for Court Services. These cases would be written off for accounting purposes only and will not absolve a convicted offender from the requirement to pay a fine, as debts to the Crown are owed in perpetuity.

## CONSIDERATIONS

- 1416 delinquent cases valued at \$1,275,757.15 have been identified for write-off for the period November 1, 2018 to October 31, 2019.

- Writing off these fines will reduce the overall amount for outstanding defaulted receivables for Court Services; however, there is no impact to the local area municipalities as these cases will be written off for accounting purposes only. Such write-offs do not absolve a convicted offender from the requirement to pay a fine, as debts to the Crown are owed in perpetuity.

## ANALYSIS

- Each fine that meets the criteria for write-off is thoroughly investigated to make sure there are no options to collect the fines such as garnishing wages or adding the fine to municipal tax roll.
  - Deceased Persons are identified through submissions of Proof of Death either to the Court or to the Ministry of Transportation.
  - Cases with a small outstanding balance (\$25.00 or less) are reviewed by staff and if they meet the criteria listed in Appendix I are identified for write-off.
- Each month the Integrated Court Offences Network (ICON) system generates a list of cases that have been identified as meeting the criteria listed in Appendix I.
- At the end of the year, all of the monthly reports are compiled to create the write-off report.
- The electronic record of the delinquent case is removed from ICON, however all original source documents are retained by the court office in accordance with MAG's directive.
- If funds are received on a delinquent fine that has been previously written off, the case is written back on and the payment accepted.
- All fines on this report have been investigated and none qualify for further collections activity.
- Staff submits these cases in accordance with the Ministry of the Attorney General (MAG) *Provincial Offences Act* Write-Off Directive and Operating Guideline and the Niagara Region Courts approved write-off criteria ("POA Write-off Criteria").

<b>2019 COURT SERVICES WRITE-OFF SUMMARY</b> <b>For the period</b> <b>November 1st, 2018 to October 31, 2019</b>		
<b>Write-off Category</b>	<b>No. of Cases</b>	<b>Dollar Value</b>
Deceased Person (DP)	1225	\$1,237,223.40
Under Payment (UP)	90	\$634.79
POA Write-off – Unable to Enforce (PW)	101	\$37,898.96
Company in Default – Bankrupt or Insolvent (CD)	0	0
Signed Affidavit – Aged (SA)	0	0
<b>TOTAL</b>	<b>1416</b>	<b>\$1,275,757.15</b>

**ALTERNATIVES REVIEWED**

No alternatives were reviewed.

**RELATIONSHIP TO COUNCIL STRATEGIC PRIORITIES**

N/A

**OTHER PERTINENT REPORTS**

- JBM 02-2008 POA Write-off Criteria for delinquent Provincial Offences deemed uncollectible dated September 25, 2008

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**Prepared by:**

Jackie Foley  
Acting Manager Court Services

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**Recommended by:**

Donna Gibbs  
Director, Legal and Court Services

*This report was prepared by Jackie Foley, Acting Manager Court Service and reviewed by Donna Gibbs, Director, Legal and Court Services.*

ICON Code	Write-off Category	Write-off Criteria	Comments
UP	Under Payment	Case balance of \$25.00 or less	Small balances/Administrative Fees
DP	Deceased Person	Satisfactory proof of death – not applicable when case is secured by a Writ of Seizure and Sale	Satisfactory proof includes: 1. Funeral Director's Death Certificate, or 2. Government issued Death Certificate, or 3. Notification of death from MTO/enforcement agency, or 4. Copy of newspaper obituary.
SA	Signed Affidavit	Requires statutory declaration by the Offender as to payment and payment details	Requires investigation and approval from the Supervisor, POA Collections
CD	Company in Default (Bankrupt, Dissolved, Inactive)	Requires satisfactory proof of dissolution, inactive status or bankrupt corporation	Satisfactory proof includes: 1. Articles of Dissolution, or 2. Notice of Bankruptcy, or 3. Ministry notification that the corporation is inactive/cancelled.
PW	POA Write-off Unable to Enforce	Requires satisfactory proof that the case is unenforceable, that the charging document cannot be located for enforcement or supervisor approval obtained	Applies to cases <b>over 2 years past due</b> : 1. Where the charging document does not contain a date of birth or address, or 2. When the Offender is not a legal entity, or 3. Where the charging document cannot be located for enforcement, or 4. Where technical issues with ICON prevent the case from completing once payment has been satisfied
PW	POA Write-off Deemed Uncollectible	N/A	Applies to aged cases (over six yrs. Past due) once all reasonable collection efforts have been exhausted and the case is deemed uncollectible.
CW	Final Write-Off Code (Approval Obtained)	CW code indicates that appropriate approval from JBM, Treasurer (and where applicable), Corporate <b>Services</b> Committee and Regional Council has been obtained.	CW is the final write-off code. All CW cases will be purged from ICON twice yearly and must be reported to MAG annually.
NOTE:	Cases may be written-off for accounting purposes only and do not absolve a convicted offender from the requirement to pay a fine as debts to the Crown are owed in perpetuity and never forgiven.		

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## **MEMORANDUM**

**JBM-C 14-2019**

**Subject: 2020 Joint Board of Management Niagara Courts – Meeting Dates**

**Date: December 12, 2019**

**To: Joint Board of Management, Niagara Courts**

**From: Jackie Foley, Acting Manager, Court Services**

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The following is a list of proposed dates in 2020 that have been identified to hold meetings of the Joint Board of Management Niagara Courts:

**Thursday, March 5, 2020**

**Thursday, June 4, 2020**

**Thursday, August 13, 2020**

**Thursday, November 5, 2020**

**Thursday, December 17, 2020**

A resolution of the Joint Board of Management Niagara Courts is required to approve the meeting dates. Suggested wording is as follows:

That the Joint Board of Management Niagara Courts meetings, **BE HELD** on Thursdays at 3:30 p.m. on the following dates in 2020:

March 5, June 4, August 13, November 5 and December 17.

Respectfully submitted and signed by

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Jackie Foley  
Acting Manager, Court Services

## **MEMORANDUM**

**JBM-C 15-2019**

**Subject: Court Services Strategic Plan**

**Date: December 12, 2019**

**To: Joint Board of Management, Niagara Courts**

**From: Jackie Foley, Acting Manager, Court Services**

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In June of 2019, Court Services staff embarked on the process of creating a Court Services Strategic Plan. The process included an environmental scan, staff engagement sessions and a community stakeholder survey.

On August 12, 2019, Court Services held two facilitated staff engagement sessions to garner feedback to inform the Strategic Plan. The purpose of the sessions was to bring staff together from all roles within Court Services to participate in discussions and activities aimed at tracking components to assist in the development of a Strategic Plan.

On August 13, 2019, following the staff engagement sessions, a session held with the Court Services Management Team captured its feedback in the development of the Strategic Plan. The Management Team completed a SWOT analysis, identifying strengths, weaknesses, opportunities and threats for Court Services, and built on the feedback collected from front line staff to finalize an official vision statement and mission statement for Court Services.

In August of 2019, an online survey, sent to stakeholders who collaborate with Court Services, captured their feedback and informed the development of the Court Services Strategic Plan. Stakeholders were asked about areas where collaboration was going well, areas for improvement, opportunities for future collaboration, and communication preferences. The survey was open from August 13 - 27, 2019. In total 17 individuals completed the survey. The results of the survey will inform implementation of the Strategic Plan in 2020.

Feedback provided by staff, management and stakeholders was integral in the creating the key priority areas and Strategic Directions Document for Court Services (attached as **Appendix 1** to this memo, which sets out the Vision Statement, Mission Statement and key priorities). The Plan also aligns with Niagara Region's Strategic plan (<https://www.niagararegion.ca/priorities/pdf/strategic-plan-2019-2022.pdf>).



Future reports to JBM will provide updates on the implementation of the Strategic Plan.

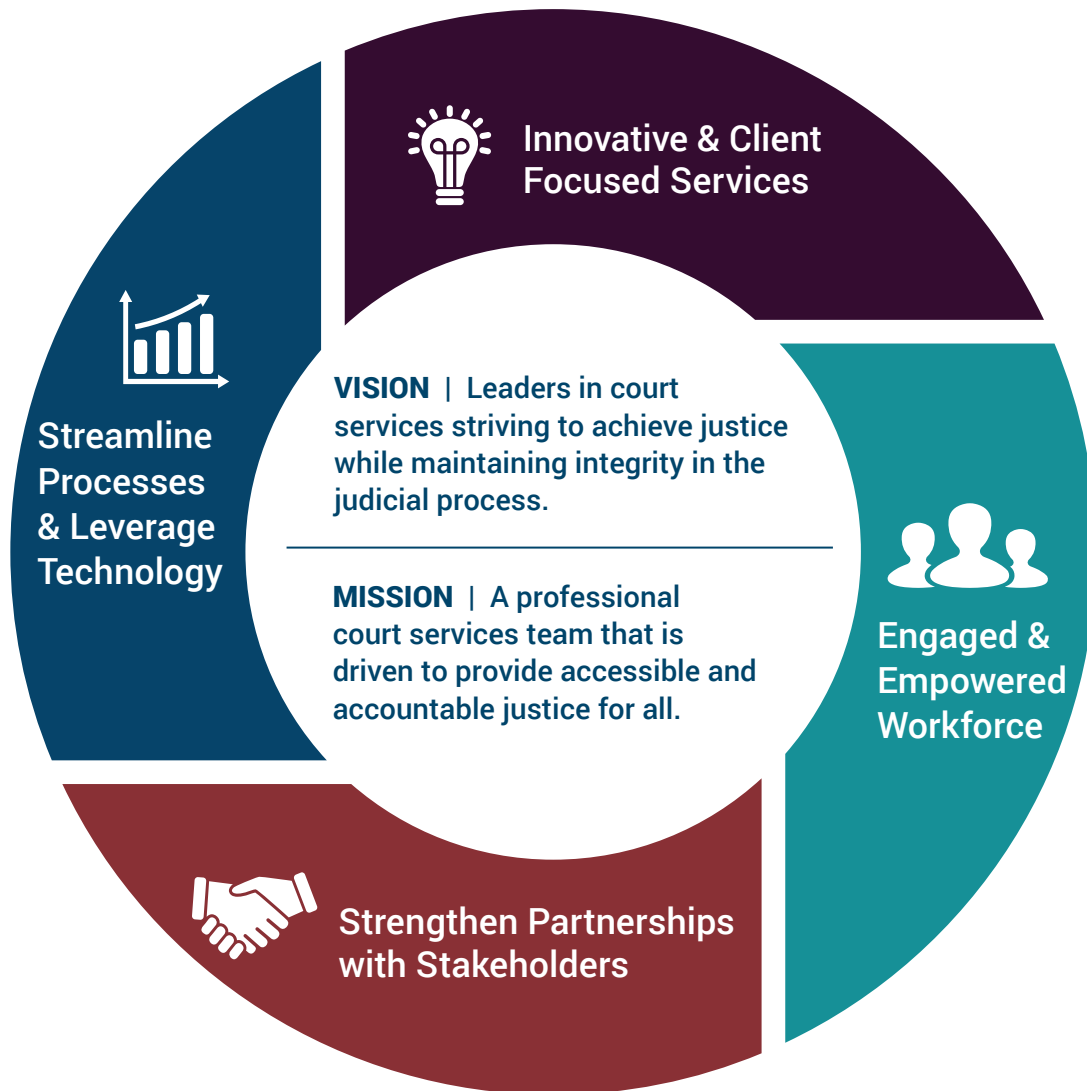
Respectfully submitted and signed by

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Jackie Foley  
Acting Manager, Court Services

# Court Services Strategic Directions

2019 - 2021



## Innovative & Client Focused Services

- Explore opportunities to move towards multi-channel service delivery
- Focus on sustainable customer satisfaction and meeting clients' needs



## Engaged & Empowered Workforce

- Work to improve team cohesion and collaboration efforts
- Move forward to improve employee retention and recognition
- Development of a more comprehensive training and development program across teams



## Strengthen Partnerships with Stakeholders

- Work collaboratively with stakeholders, exploring innovative approaches to meet client needs
- Maintain open communication with partners while exploring communication frequency and approaches to best suit stakeholder needs



## Streamline Processes & Leverage Technology

- Explore opportunities to leverage technology to provide alternative service delivery
- Work to move from reactive towards proactive solutions
- Implement a performance measurement framework to ensure service delivery is focused on results

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

**JBM 4-2019  
Monday, November 18, 2019  
Committee Room 4  
Niagara Region Headquarters  
1815 Sir Isaac Brock Way, Thorold ON**

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

Absent/Regrets: G. Stephenson (Fort Erie)

Staff: J. Foley, Acting Manager, Court Services, T. Harrison, Commissioner/Treasurer, Corporate Services, K. Lotimer, Legislative Coordinator, S. Mota, Program Financial Specialist, M. Trennum, Deputy Regional Clerk

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**1. CALL TO ORDER**

H. Salter, Board Chair, called the meeting to order at 3:35 p.m.

H. Salter, Board Chair suggested that if there were no objections, that Item 6.5, JBM-C 12-2019, be moved up on the agenda for consideration immediately following the Court Services - 2020 Budget presentation.

**2. DISCLOSURES OF PECUNIARY INTEREST**

There were no disclosures of pecuniary interest.

**3. PRESENTATIONS**

**3.1 Vision Zero**

Carolyn Ryall, Director, Transportation Services, provided information respecting Vision Zero Road Safety Program. Topics of the presentation included:

- Niagara Regional Transit Master Plan
- Vision Zero Overview
- Community Safety Zones
- Automated Speed Enforcement
- Red Light Cameras

**4. DELEGATIONS**

There were no delegations.

5. **ITEMS FOR CONSIDERATION**

5.1 **Court Services - 2020 Budget Presentation**

Jackie Foley, Acting Manager, Niagara Courts, provided information respecting Niagara Region Budget 2020 Joint Board of Management Court Services. Topics of the presentation included:

- 2020 Operating Budget
- Base Budget/Base Budget Changes
- 2020 Operating Budget Total with Vision Zero Program Change
- Risks and Opportunities

A copy of the presentation is attached to these minutes.

6. **CONSENT ITEMS FOR INFORMATION**

6.5 **JBM-C 12-2019**

Court Services 2020 Operating Budget

Moved by D. Gibbs

Seconded by C. Genesse

That Correspondence Item JBM-C 12-2019, being a memorandum from J. Foley, Acting Manager, Court Services, respecting Court Services 2020 Operating Budget, **BE RECEIVED** for information.

**Carried**

5. **ITEMS FOR CONSIDERATION**

5.1 **JBM-C 9-2019**

Court Services – 2020 Budget Report

Moved by D. Gibbs

Seconded by S. Hanson

That Report JBM-C 9-2019, dated November 18, 2019, respecting Court Services – 2020 Budget Report, **BE RECEIVED** and the following recommendations, **BE APPROVED**:

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; and
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.

Moved by S. Hanson  
Seconded by C. Genesse

That Clause 1 of the motion, **BE AMENDED** to reflect an allocation for 2020 of \$200,000 to the Court Services Capital Reserve 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**.

**Carried**

The Board Chair called for a vote on the motion as follows:

That Report JBM-C 9-2019, dated November 18, 2019, respecting Court Services – 2020 Budget Report, **BE RECEIVED** and the following recommendations, **BE APPROVED**, as amended:

1. That the 2020 Court Services gross base operating budget of \$6,330,582 and net budgeted revenue of \$734,418, 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; and

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.

**Carried**

## **6. CONSENT ITEMS FOR INFORMATION**

Moved by C. Genesse  
Seconded by S. Hanson

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

JBM-C 8-2019  
3rd Quarter Variance Analysis and Forecast to December 31, 2019

JBM-C 10-2019  
Collection Agency RFP Results

JBM-C 11-2019  
2020 Joint Board of Management Membership

JBM 03-2019  
Joint Board of Management - Niagara Courts  
Meeting Minutes  
May 30, 2019

**Carried**

## **7. OTHER BUSINESS**

### **7.1 Closure of Provincial Offences Court Facility located at 71 King Street, St. Catharines**

Jackie Foley, Acting Manager, Court Services, provided information to Board members respecting the closure of the St. Catharines Provincial Offences Court Facility located at 71 King Street. The closure was completed on October 31, 2019, with all activities previously provided at this location being relocated to the Welland Provincial Offences Court location.

### **7.2 Sale of Surplus Land**

Jackie Foley, Acting Manager, Court Services, advised Board Members that the sale of the surplus land located at 445 East Main Street, in the city of Welland, to Niagara Regional Housing closed on October 21, 2019. The balance paid on closing was \$215,163.60.

7.3 Court Services Manager Recruitment

Donna Gibbs, Director, Legal Court Services, provided an update to Board Members respecting the recruitment process for the position of Manager, Court Services. She noted first round interviews will be completed by November 22, 2019, with second round interviews scheduled shortly after.

8. **NEXT MEETING**

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

9. **ADJOURNMENT**

There being no further business, the meeting adjourned at 5:03 p.m.

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Heather Salter  
Board Chair

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Kelly Lotimer  
Legislative Coordinator

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Ann-Marie Norio  
Regional Clerk

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

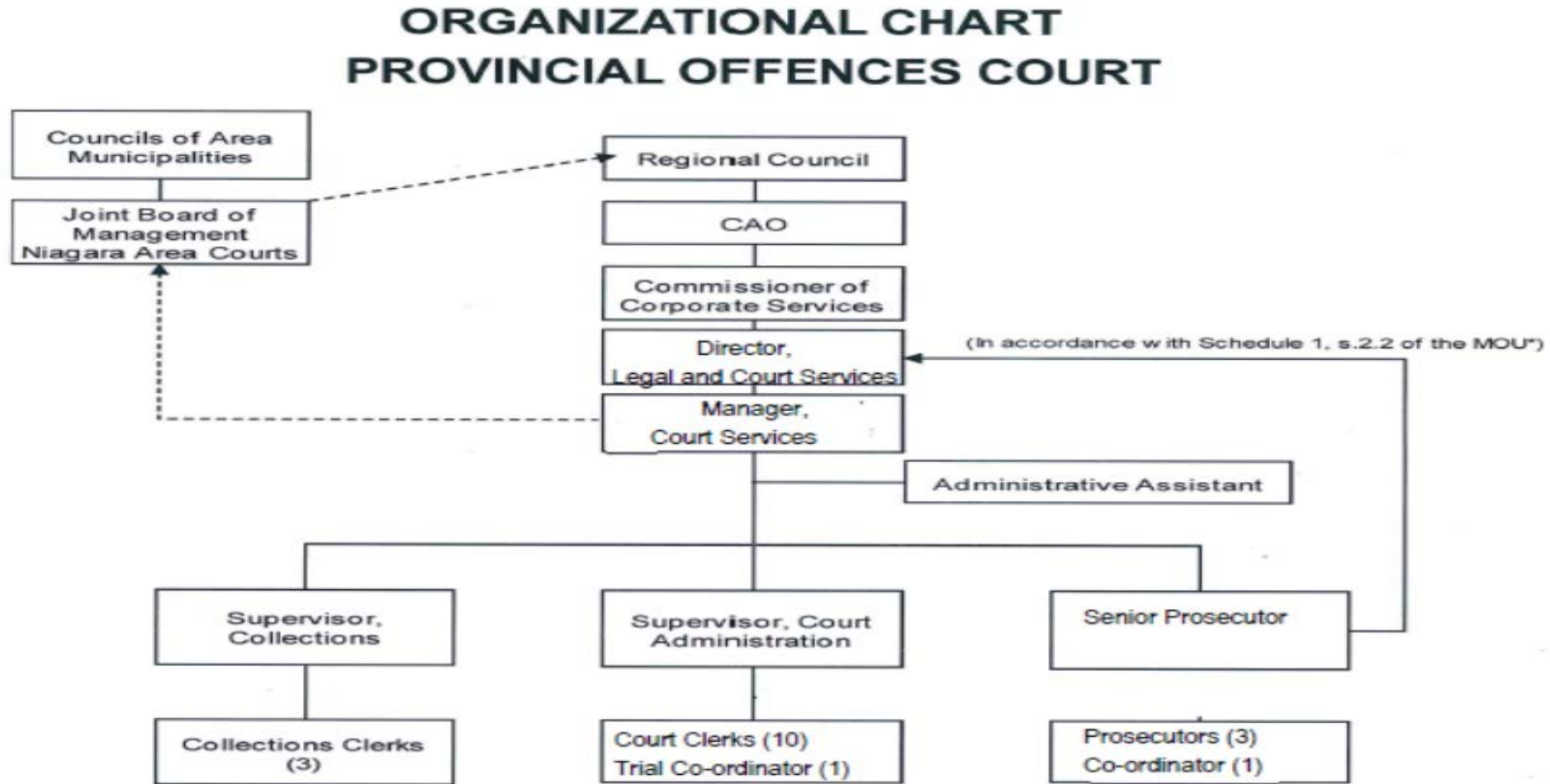
## Membership – Municipal Staff Appointed (7 members)

- 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

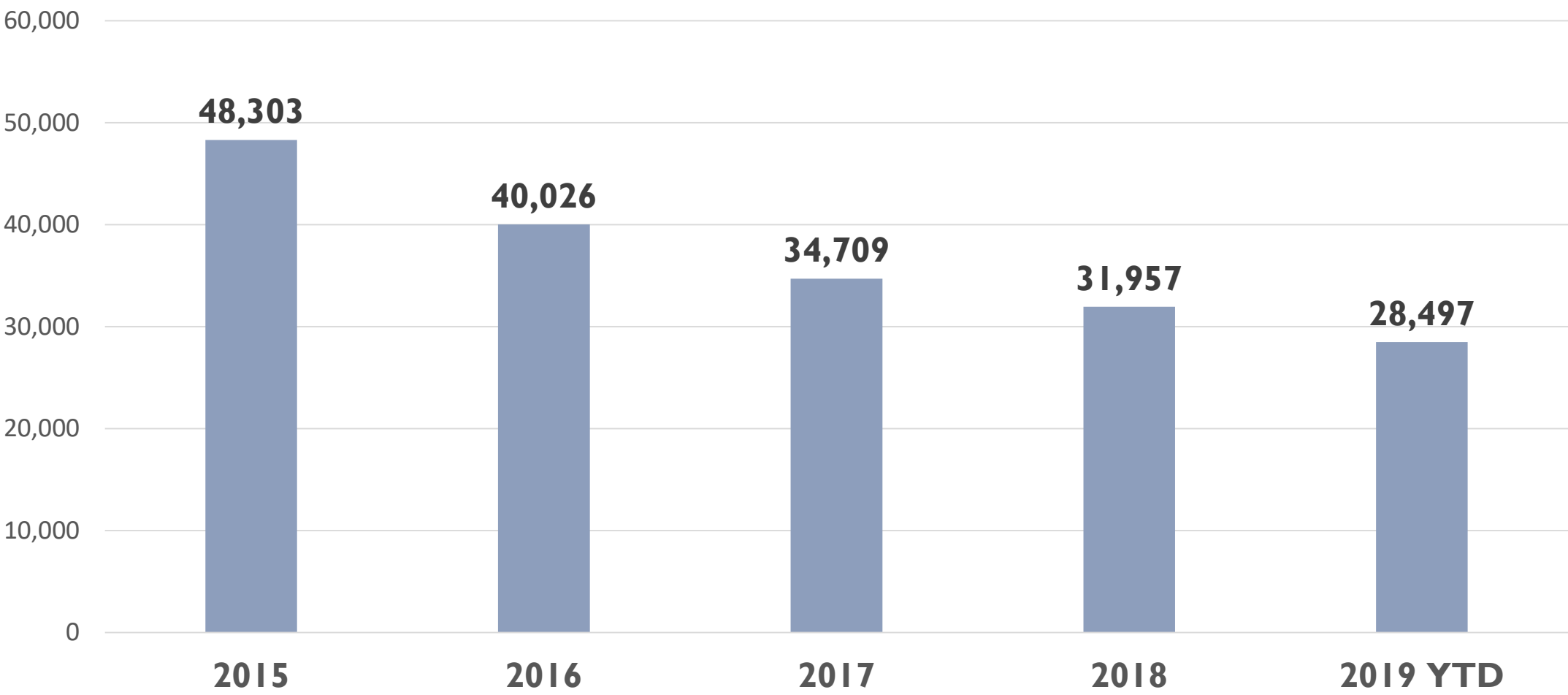
## Role

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

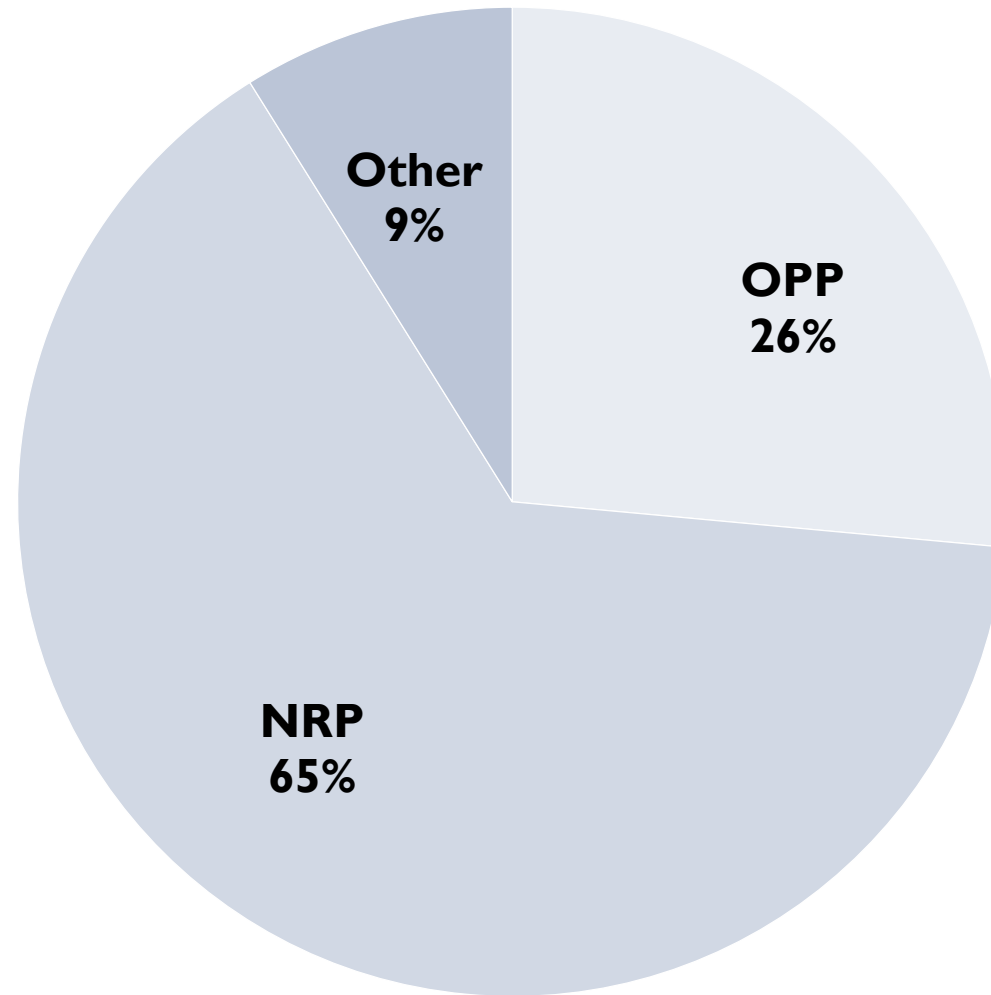
# POA Organizational Chart



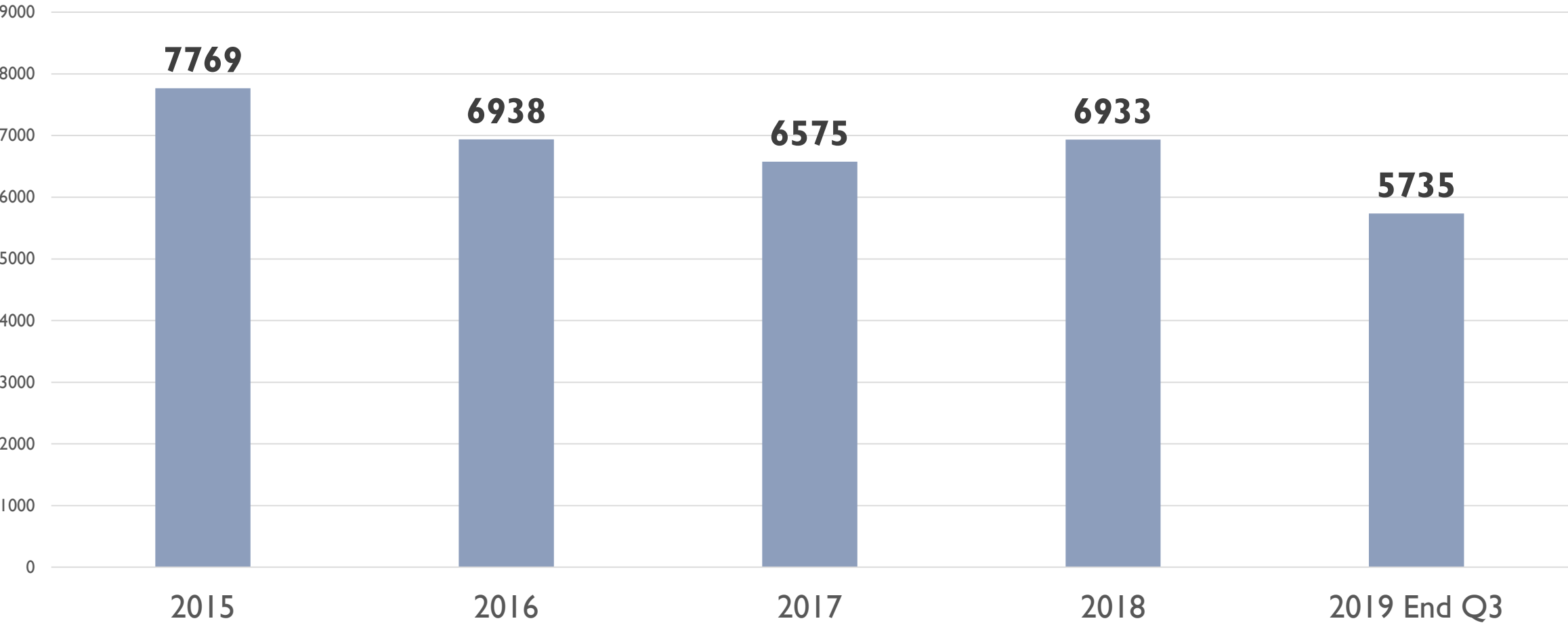
# Annual Charging Volumes (2019 Q3)



# 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)
<b>Net Revenue</b>	<b>\$</b>	<b>(605)</b>	<b>\$ (734)</b>	<b>\$ (130)</b>
<b>Permanent FTE</b>		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**

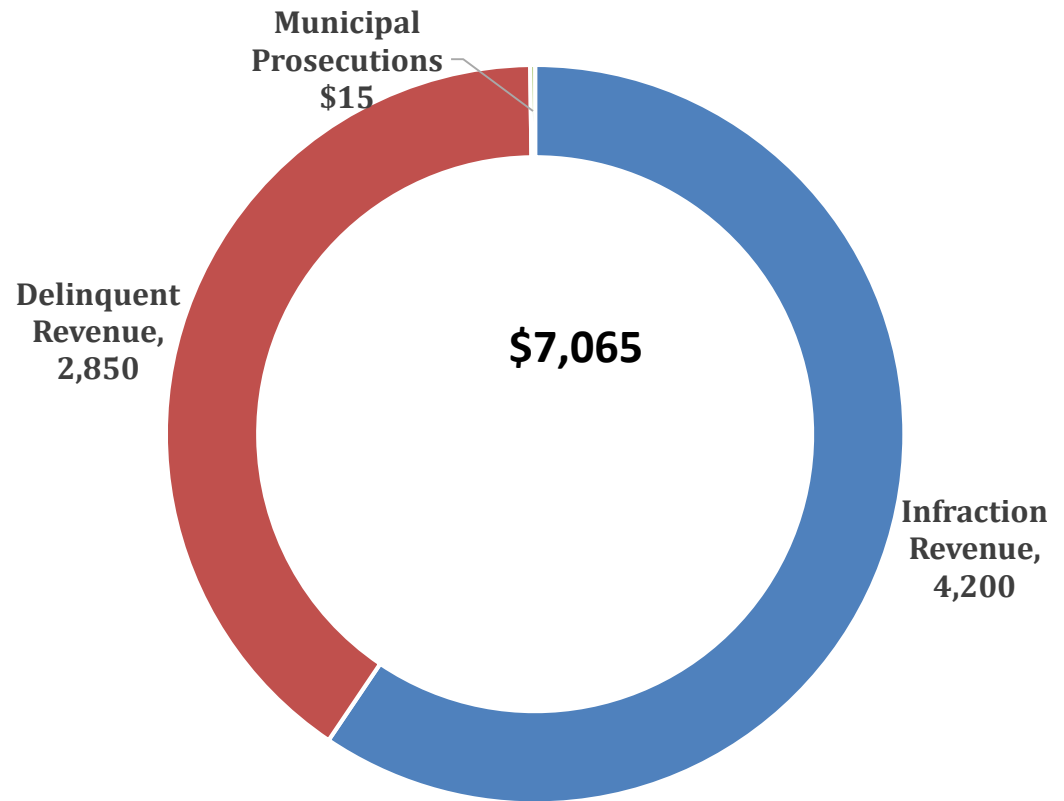
- Increase in Victim Fine Surcharge costs and credit card fees (aligns with increased revenue), offset by reductions in adjudication and interpreter costs

# 2020 Operating Budget Summary

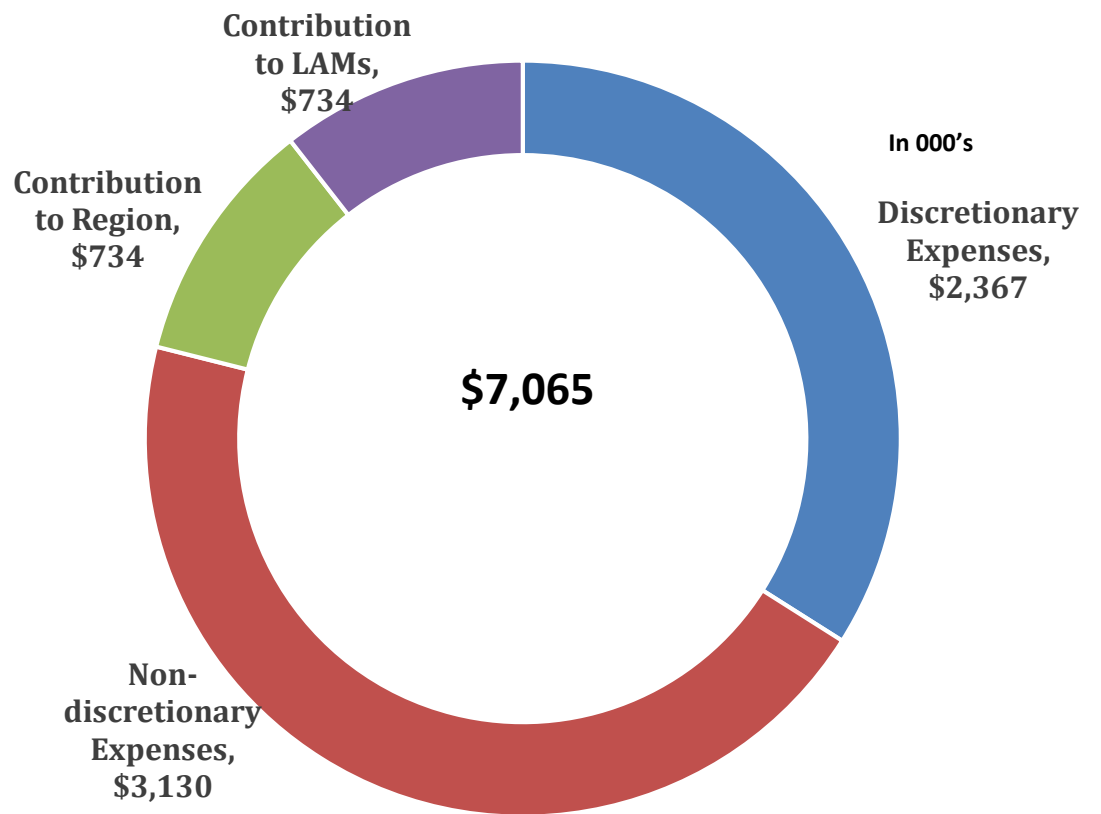
- **Increase in operational and supply expenses - \$128,132**
  - Increased distribution to LAMS resulting from increased net revenue
- **Increase in collection charges - \$50,000**
  - Aligns with projected delinquent revenue increases – paid to collection agencies
- **Decrease in indirect allocations - \$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)
<b>Net Revenue</b>	<b>\$</b>	<b>(605)</b>	<b>\$ (734)</b>	<b>\$ (130)</b>
<b>Permanent FTE</b>		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](mailto:jackie.foley@niagararegion.ca)