

# TWENTY22

## NIAGARA REGION BUDGET

### **Budget Review Committee of the Whole**

Court Services

November 25, 2021

# Program/Service Definition

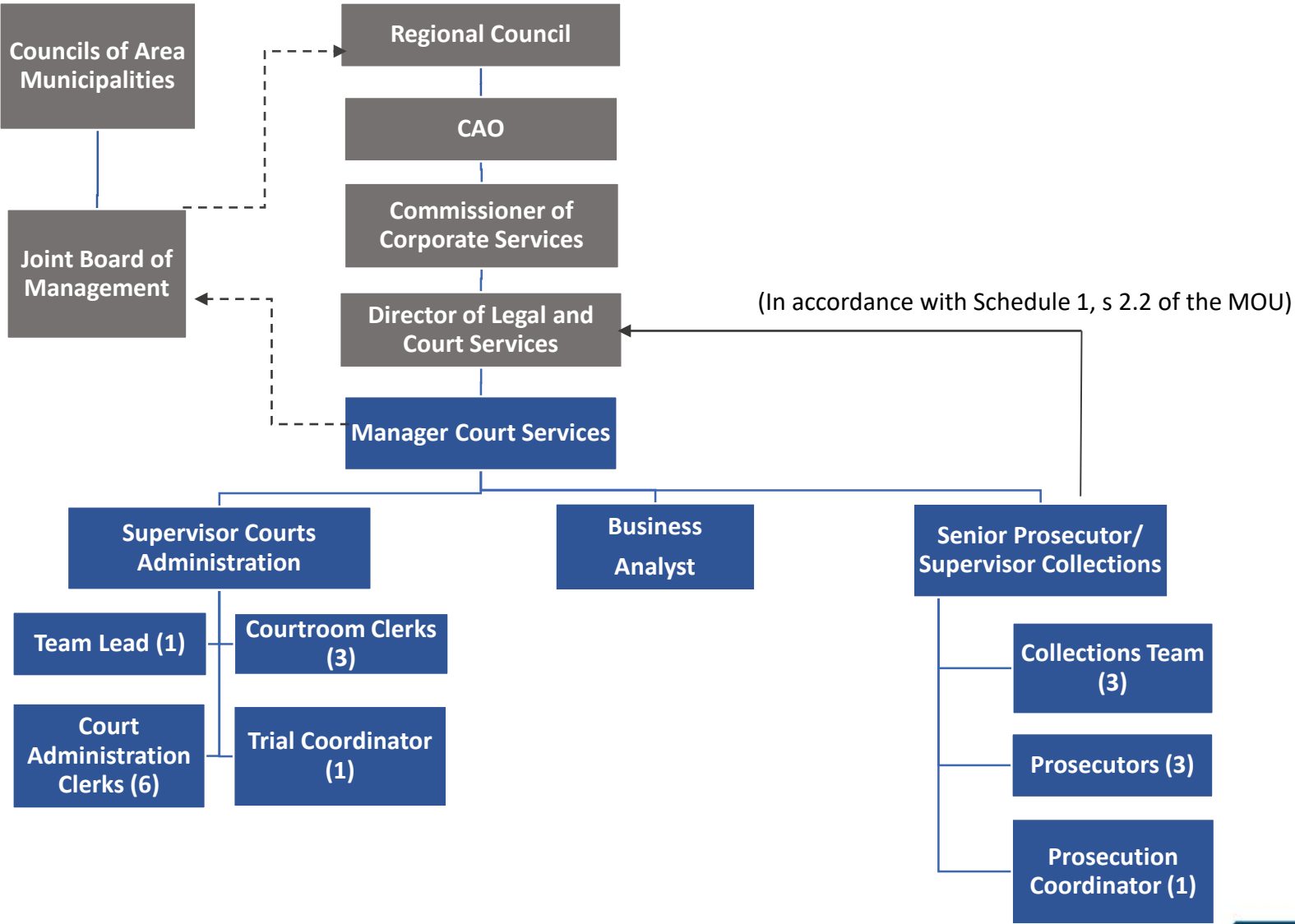
## Court Services

- POA Transferred on January 29, 2001
- Region is the Agent on behalf of Local Area Municipalities (LAMs)
- 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%

# POA Organizational Chart



# Joint Board of Management

Membership – Municipal Staff Appointed (7 Members)

- 4 Permanent
  - Niagara Region, Niagara Falls, St. Catharines and Welland
- 3 Rotate Annually
  - Fort Erie, Grimsby, Lincoln, Niagara-on-the-Lake, Pelham, Port Colborne, Thorold, Wainfleet and West Lincoln
- Role
  - Coordinate performance of the Transfer Agreements
  - Provide advice to the Agent
  - Approve program

# 2022 Organization Overview

## **Court Services Goals:**

- To achieve excellence in leadership, collaboration & relationships working as One Team
- To foster engagement through open communication, empowerment and innovation, and
- To deliver fair, accessible & respectful customer service while preserving the integrity of the Judicial process.

## **2022 Objectives:**

- Leverage technology
- Streamline Court Services
- Build stakeholder relationships
- Enforce orders of the Court

# 2022 Organization Overview

## 2022 COVID-19 Impacts:

### Present & Future of Court Proceedings

- Remote court proceedings commenced July 6, 2020 for Early Resolution & Judicial Pre-Trial
- As of April 2021, all court matters including trials are occurring remotely
- Continued emphasis on remote court matters where eligible, combined with the re-introduction of in-person court matters when approved by the Ministry of the Attorney General (MAG)
  - Pending direction from MAG regarding how to proceed with trials in-person and hybrid (virtual/in-person)
- Implementation of resources (technology, PPE, sanitization) to assist in hybrid service delivery

# 2022 Organization Overview

## 2022 COVID-19 Impacts (continued):

### Revenue Implications

- The extension of time limitations and the pause on enforcement as a result of Provincial and Judicial Orders has resulted in **more than 5,700 Part 1 charges** sitting on “Fail To Respond” (FTR) dockets awaiting conviction.
- This pause was lifted on **February 26, 2021**
- The current value **exceeds \$1.43 million**
- Judicial resourcing challenges have delayed processing and conviction of FTR docket matters
- Legislative changes (Bill 177) as of November 1, 2021 will enable Clerk of the Court to convict FTR matters – will assist in addressing backlog

# 2022 Organization Overview

## 2022 COVID-19 Impacts (continued):

### Revenue Implications

- In-person matters adjourned since March 16, 2020, no resumption date set
- Niagara was first POA courthouse to implement virtual trials as of April 12, 2021
  - More complex, requires more time per matter
- Judicial resourcing challenges – limits number of matters that can be addressed due to court closures or adjournments
  - Time to trial - increased from 200 days to 421 days
  - Longer timeline between charges being addressed and payment upon conviction
- More than 1,200 pandemic-related charges
  - Majority are set for trial, require more time and resources
  - Many are dedicated fines – payable to Provincial or Federal government
- Charging volumes – trending towards lower rates experienced in 2018 and prior years

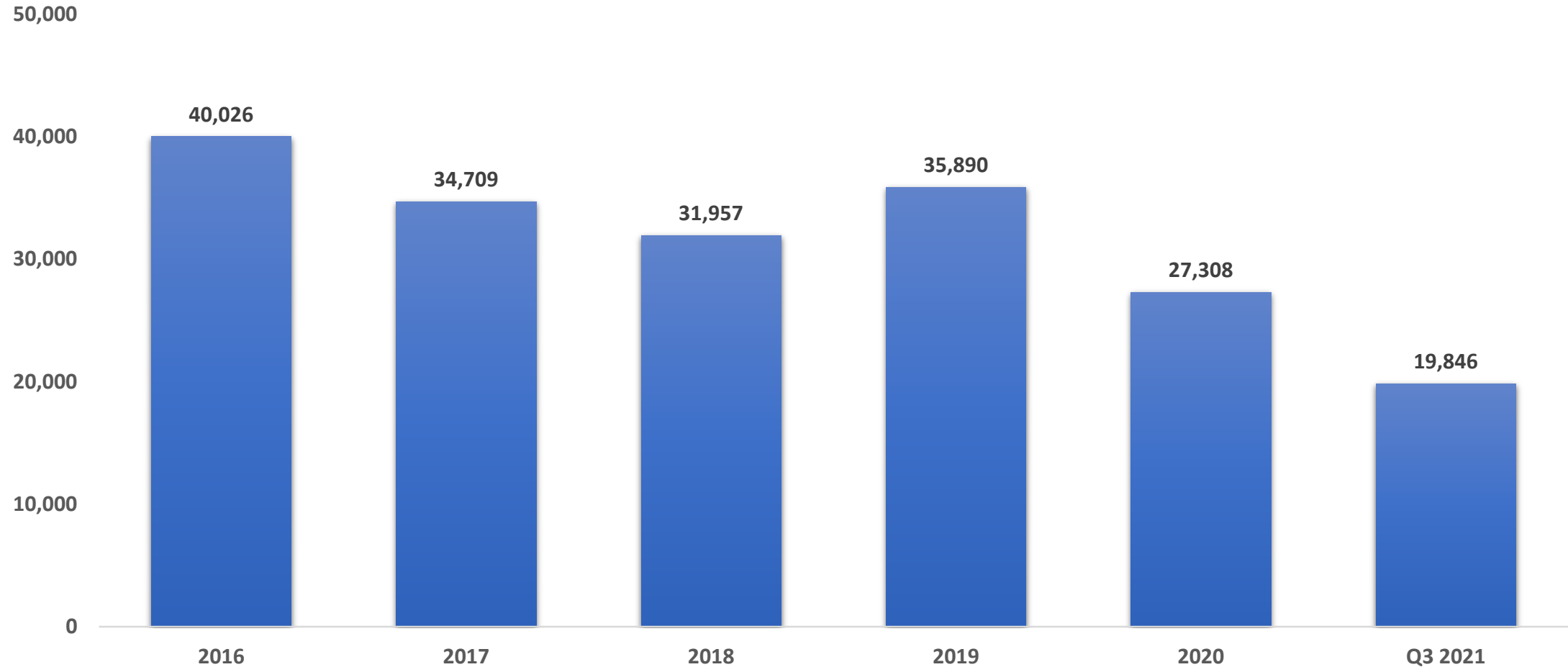


# 2022 Organization Overview

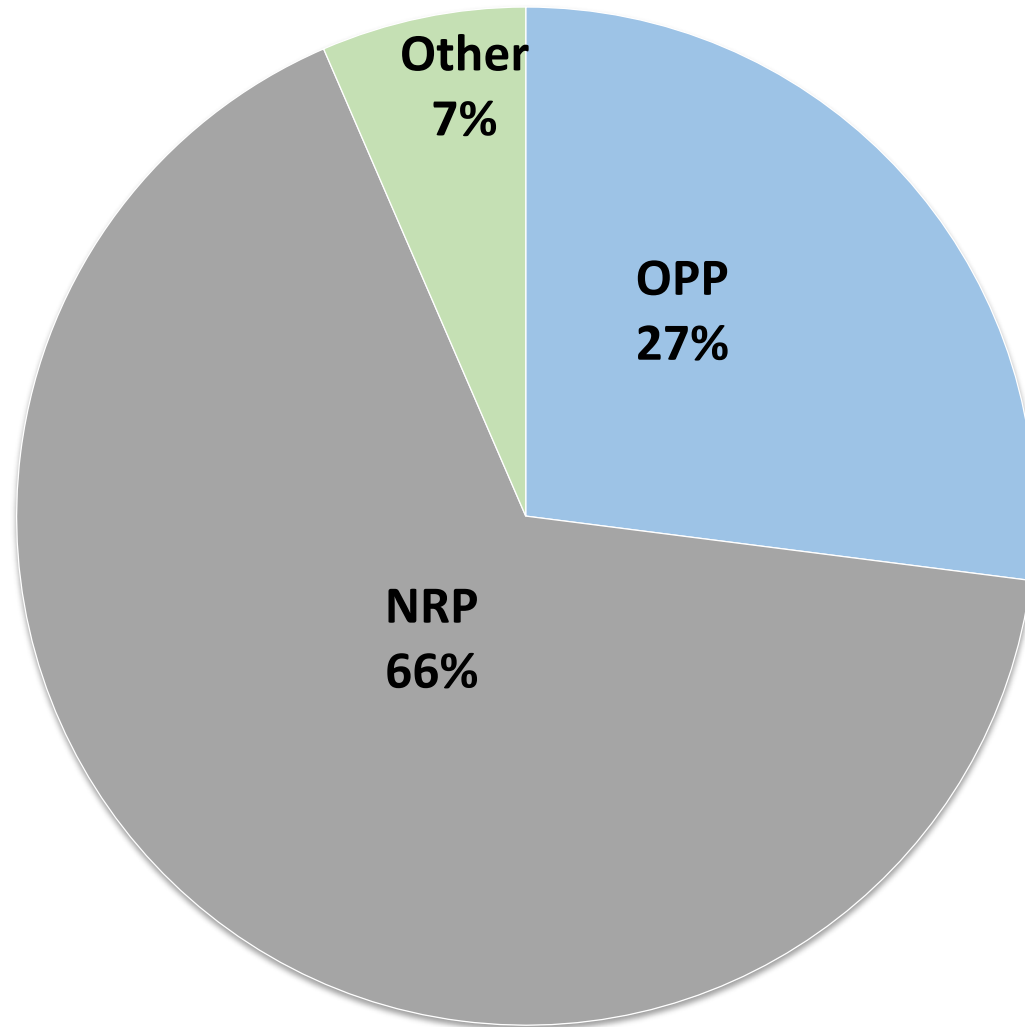
Vision Zero Road Safety Program - \$0 net revenue

- Program approved in 2020 contingent on amendments to the Inter-Municipal Agreement
- Engagement with LAMs on-going – delays due to COVID-19
- 2022 budget assumption adjusted from 2021 based on revised anticipated implementation date of May 1<sup>st</sup> (compared to April 1<sup>st</sup> date in 2021)
- 2023 budget will be updated based on 2022 actual results

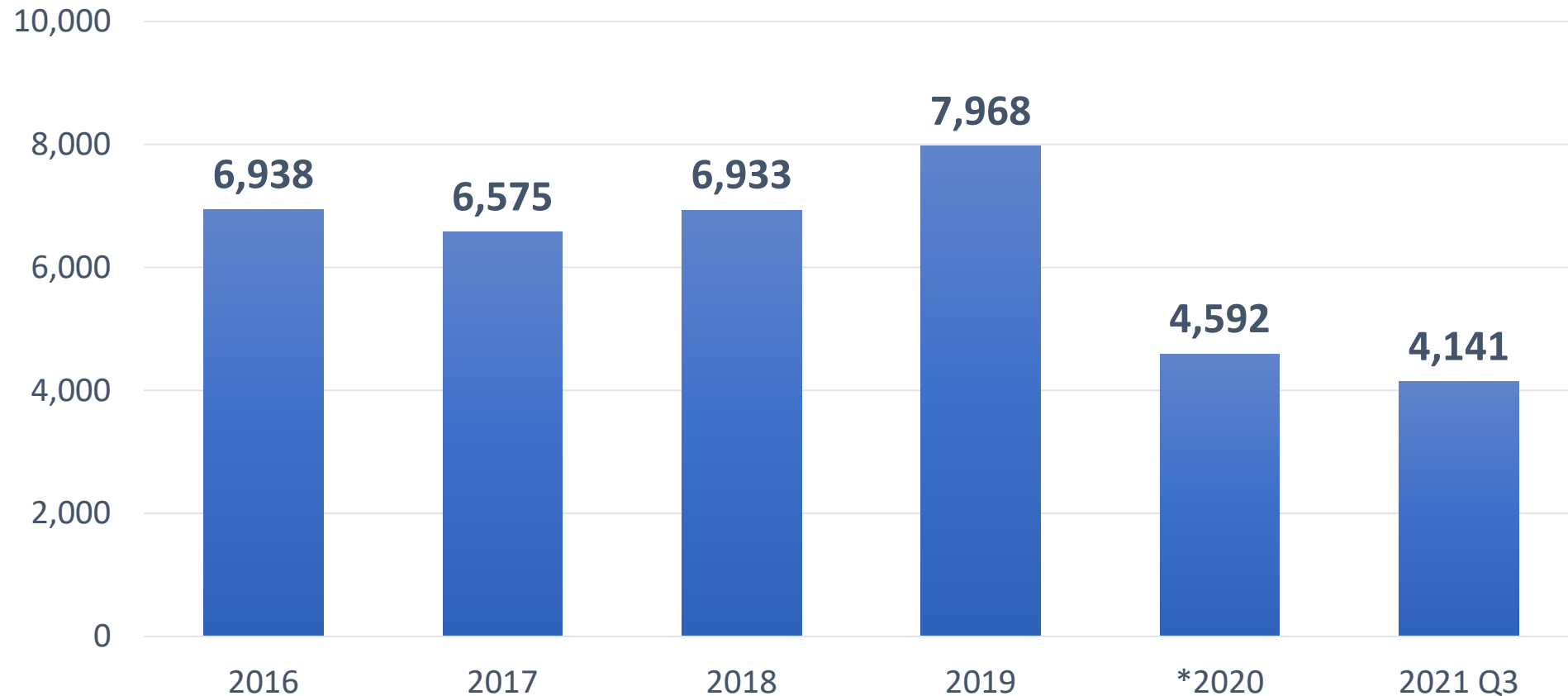
# Annual Charging Volumes (2021 Q3)



# 2021 Charges by Enforcement Agency



# New Delinquent Fines Volumes (2021 Q3)



\*Although noted as newly delinquent in 2020, as a result of the Chief Justice order, time to pay was extended and enforcement paused. The extension of time and pause on enforcement activities expired on February 26, 2021, at which time all cases were considered delinquent and enforcement resumed.

# 2022 Operating Budget

## Year-Over-Year Base Budget

Budget Request Type	Gross Expense \$	Gross Revenue \$	Net Revenue to be Allocated	50% Allocation	\$ Change	% Change
2021 Budget, excluding COVID-19	\$5,690,537	\$(7,129,997)	\$(1,439,460)	\$(719,730)		
2021 COVID-19	79,112	0	79,112	39,556		
<b>Total 2021 Budget</b>	<b>5,769,649</b>	<b>(7,129,997)</b>	<b>(1,360,348)</b>	<b>(680,174)</b>		
2022 Base Budget	6,986,371	(8,706,527)	(1,720,156)	(860,078)	(140,348)	-20.6%
2022 COVID-19	442,076	0	442,076	221,038	181,482	26.7%
<b>Total 2022 Budget</b>	<b>\$7,428,447</b>	<b>\$(8,706,527)</b>	<b>\$(1,278,080)</b>	<b>\$(639,040)</b>	<b>\$41,134</b>	<b>6.1%</b>

**Recommended Budget - overall net revenue decrease of \$41,134 or 6.1% for Region and \$41,134 or 6.1% for LAMs**

- Base Operating Budget and Program Support Allocations – net revenue increase of \$140,348 or 20.6%
- COVID-19 Operating Costs for 2022 – net revenue decrease of \$181,482 or 26.7%

# 2022 Operating Budget

## Base Budget Changes – *excluding Vision Zero date change impacts*

- Decrease in gross revenue - \$49,597
  - Based on current trends, estimated decrease in delinquent revenue; increase in municipal prosecution revenue
- Decrease in Personnel costs - \$51,257
  - No net change in FTEs – reallocation of FTE to Corporate Services, offset by new FTE ask for Court Admin Clerk in response to legislative changes (Bill 177); savings from change in Court Administration structure
- Decrease in Administrative costs – \$25,956
  - Decrease in adjudication costs, offset by increase in ICON processing charges and membership fees & dues
- Decrease in Operational & Supply Costs - \$39,201
  - Decreased payments to other POA for charges collected on their behalf, armoured car and call-in prosecutor costs, offset by increased distribution to LAMs resulting from increased base net revenue

# 2022 Operating Budget

Base Budget Changes – *excluding Vision Zero date change impacts*

- Increase in Equipment and Technology costs - \$8,100
  - Costs costs associated with software licensing and support
- Decrease in Collection Charges - \$25,000
  - Aligns with projected delinquent revenue decrease – paid to collection agencies
- Increase in Indirect Allocations - \$52,349
  - Increases in facility maintenance costs and capital levy related to program support
- Decrease in Transfer to Capital Reserve - \$108,050
  - Maintaining base budget transfer of \$200,000
  - 2021 budget included one-time increased in transfer to capital (\$150,000) for Courts Scheduling Modernization project and one-time decrease of \$41,950, which was a one-time mitigation to get to 2% overall increase

# 2022 Operating Budget

## COVID-19 Budget – Program Change

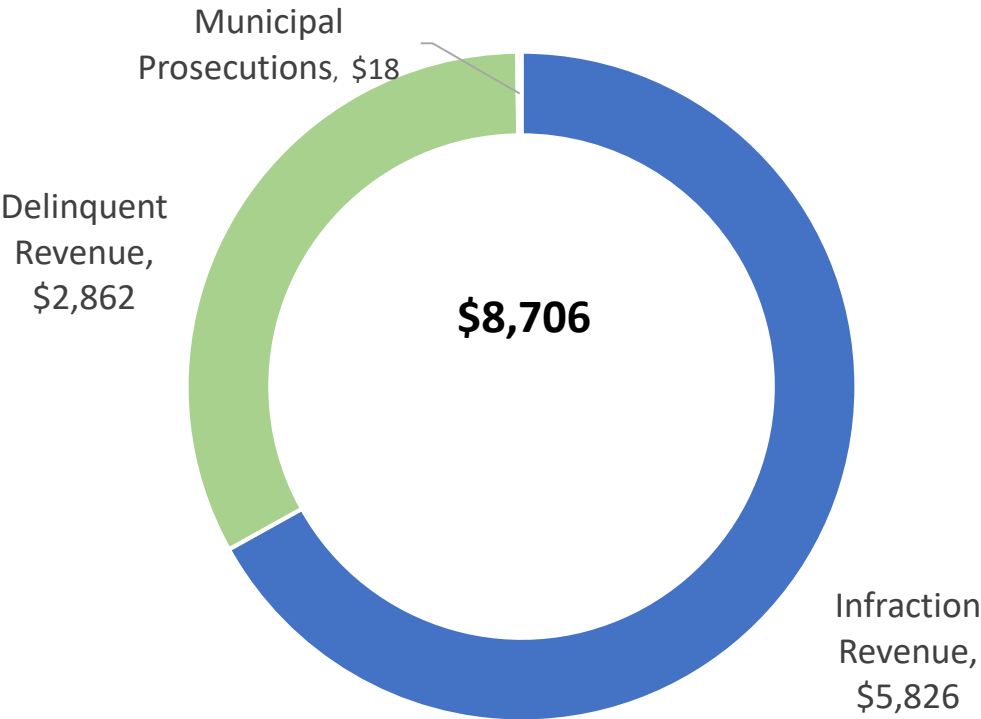
### **Total COVID-19 Cost of \$442,076**

- 6.0 Temporary FTEs (\$378,176)
  - 1 screener – required by MAG for courthouse to be open to the public
  - 1 Prosecutor – to prosecute the >1,200 pandemic-related charges pending
  - 1 Courtroom Clerk – to facilitate virtual Zoom trials
  - 1 Court Administration Clerk – to process backlog of charges and trials and to support increased customer service requirements
  - 2 customer service representatives – to support increased customer service requirements and facilitate virtual Zoom trials
- Additional Part III Prosecution time due to virtual court services - \$14,300
- Janitorial supplies and PPE - \$6,000
- Headphones for Court Clerks to facilitate work during virtual trials - \$5,600
- Welland Courthouse cleaning (additional, pandemic-related) - \$38,000

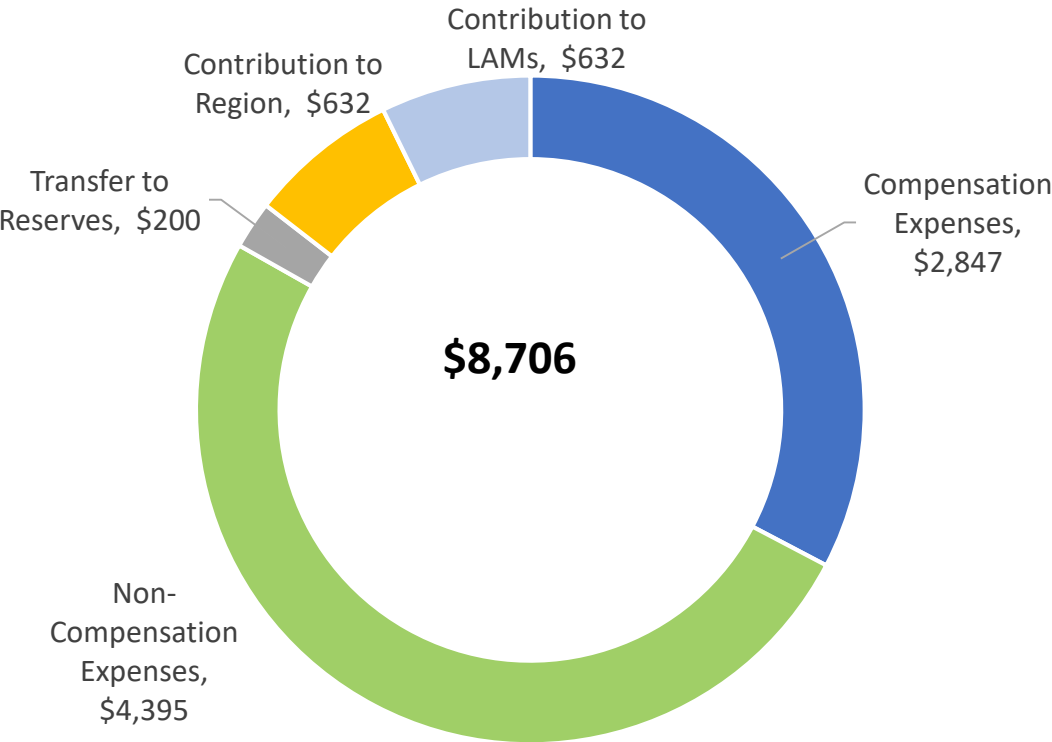


# 2022 Budget Summary

Where the Money Comes From (in 000's)



Where the Money Goes (in 000's)



# Risks and Opportunities

- While charging volumes decreased after March 16, 2020 and 2019 saw a very large increase in charges, current charging trends are similar to rates from 2018, which was more reflective of a “typical” year. However, the volume of delinquent fines continues to increase.
- Impacts of COVID-19 pandemic on ability to conduct high volume of court matters
- Impact of pandemic-related courthouse building closure and adjournment of court matters, resulting in significant backlog
- Impacts of COVID-19 pandemic and local economy on ability to pay fines
- Unknown impacts of Vision Zero (VZ) implementation
- Manage operating costs/efficiency gains

# Risks and Opportunities

- Utilize all methods to enforce the orders of the Court
- Leverage technology wherever possible to achieve hybrid in-person/remote service delivery
- Potential changes to Administrative Monetary Penalty System (AMPS) – MTO looking at developing an AMPS regime potentially by mid-2022 for ASE, RLC and ASBC.
- Part III Prosecution Transfer - launch dates remain unknown
- Bill 177 – Modernization related to Courts Administration – will allow the courts to process Failure to Respond (FTR) convictions and payment extension requests, effective November 1, 2021. Launch dates and business implications of remaining modernization changes remain undetermined

Questions?  
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