

Municipality of Lakeshore - Report to Council

Finance Services



To: Mayor & Members of Council
From: Rosanna Pellerito, Director of Finance
Date: May 31, 2021
Subject: Windsor-Essex Provincial Offences Annual Report- 2020

Recommendation

This report is for information only.

Background

In 1998, the province enacted Bill 108 which amended the *Provincial Offences Act* ("POA") thereby enabling it to transfer various responsibilities of the POA Court system to municipalities across Ontario. Offences governed by the POA are regulatory in nature created pursuant to provincial statutes such as the *Highway Traffic Act*, the *Compulsory Automobile Insurance Act*, the *Liquor Licence Act*, and the *Trespass to Property Act*, to name a few.

Comments

The bulk of the POA Program's revenues are generated from fines received from persons having violated public protection legislation in effect within the program's territorial jurisdiction (Windsor, Essex County, Pelee Island), with additional revenues received from various service users of the POA Court system.

The Inter-municipal Service Agreement calls for the setting up of an administrative advisory panel, being the Windsor/Essex Court Service Area Liaison Committee ("Liaison Committee"), composed of one representative from each participating municipality (the Director of Community and Development Services represents Lakeshore). Among other things, the 11-person Liaison Committee:

- Serves as the liaison between the City and the 9 Serviced Municipalities on all matters relating to the operation of the POA Program
- Reviews all reports submitted by the City Solicitor in conjunction with the Manager of Provincial Offences and makes recommendations to the operations of the POA Program
- Reviews and recommends for approval the annual budgets

- Generates an annual report for review by the respective councils of the participants

With the onset of COVID in 2020, the collection of fines revenue did not materialize as projected at the onset of the budget. As such, all participating municipalities have incurred a loss in revenue in 2020. The collectability of fines does not expire. As such, it is expected that the reduction in revenue experienced in 2020 is merely a timing issue and will correct itself once the outstanding fines are collected.

In 2021 the POA office will be focusing on the transition to a new space within the Windsor City Hall Campus, as well as using ZOOM technology to conduct remote court proceedings.

Others Consulted

City of Windsor, POA Division

Financial Impacts

The negotiated financial arrangement underpinning the POA Program is in essence a partnership, under which the participating municipalities annually share in the overall net revenue that is realized. The City, as the managing partner, front-ends the operation and collects and enforces the monetary fines imposed by the POA Court. From the total revenue derived, all operating costs pertaining to the POA Program are deducted. These costs include such things as staff salaries, Windsor Police court security, facility rent and maintenance, office equipment and supplies, Victim Fine Surcharge remittances, and the adjudication expenses associated with running courtroom proceedings. The net revenue is then shared amongst the signatories to the ISA in proportion to their respective weighted assessments.

In 2020 Lakeshore had a weighted assessment of 24.32% of Essex County municipalities and was budgeted to received \$162,172. Given the impacts of the COVID pandemic, the collection of fines revenue did not materialize as projected in 2020. As a result the net revenue received by Lakeshore for 2020 was \$29,671. The shortfall of \$132,501 will be funded through the COVID Resiliency application-based grant funding received in 2020.

The Windsor-Essex Provincial Offences 2021 budget for Lakeshore is set at \$162,310.

Attachment: Appendix A: POA 2020 Annual Report

Report Approval Details

Document Title:	Windsor-Essex Provincial Offences Annual Report-2020.docx
Attachments:	- Appendix A-POA 2020 Annual Report-FINAL.pdf
Final Approval Date:	Jun 3, 2021

This report and all of its attachments were approved and signed as outlined below:

Kristen Newman

Truper McBride