



MINUTES

P.O.A. SUB-COMMITTEE TO THE LEEDS AND GRENVILLE JOINT SERVICES COMMITTEE

Tuesday, May 6, 2008

Members Present:

Mel Campbell, Ron Holman, Jim Garrah, Jim Pickard, Bill Gooch, Dave Henderson, Carson Massey (on behalf of Roger Haley)

Other Councillors Present:

Doug Struthers, Larry Dishaw

Staff Present:

Nigel White, Steven Silver, Lesley Todd, Diane Gilligan, Jennifer Stenhouse (recorder)

Regrets: Roger Haley

1.0 Opening Remarks

The meeting was called to order at 9:00 a.m.

1.0.1 Election of Chair and Vice Chair

Mr. Silver called for nominations a first time for the election of the committee Chair. Mr. Gooch and Mr. Holman nominated Mr. Garrah. Mr. Garrah declined.

Mr. Silver called for nominations a second time. Mr. Gooch nominated Mr. Campbell and Mr. Holman seconded the motion. Mr. Silver called for nominations a third time. As there were no other nominations received, nominations for the committee Chair were closed. Mr. Campbell accepted the nomination.

POA-2008-05 **Moved by: Mr. Gooch**
Seconded by: Mr. Holman

**THAT Mr. Campbell be appointed as the Chair of the Provincial Offences Sub-Committee of Leeds and Grenville for the year 2008.
Carried.**

6.0 Information Items Available Upon Request

6.0.1 Copy of letter to Mr. Ron Emond, Warden, County of Hastings, providing an update on the streamlining review of the Provincial Offences Act and other recent initiatives to assist municipalities in the administration of local provincial offences courts.

7.0 Staff Reports

7.0.1 Summary of 2008 Revenue to March 31, 2008

Mrs. Todd reported that this is a summary of revenues collected from January to March 2008. Revenue collection is on track as this time last year, \$548,000 was collected.

7.0.2 POA Fine Distribution

Mrs. Todd advised that this documentation is in follow-up from the previous meeting. She briefly reviewed the chart which outlines how fines are received and where this revenue is distributed.

7.0.3 POA Write Off Listing

Mrs. Todd reported that the write off listing will now be presented more often (perhaps twice per year). This listing only represents the smaller amounts owing and being recommended for write off. She noted that when a fine is written off, is not forgiven, it will be owing until it is paid. However, from a collections standpoint, the write off listing helps staff manage the caseload more effectively. She advised that another listing will be presented in the Fall.

Mr. Campbell asked if there is any repercussion to writing off a fine with regard to licence suspension. Mrs. Gilligan responded that when a fine is written off and the licence is suspended, it is only the administration costs that are written off, not the whole fine. The POA staff do not have the authority to write off a fine which has a licence suspension associated with it.

Mr. Pickard commented that in the past, the POA staff were not able to access information from the Province and asked if this is still the case? Mrs. Todd responded that an agreement is now in place with MTO which allows staff access to the information needed.

Mr. Holman asked if there was any follow-up with fines related to building infractions. Mrs. Gilligan advised that the municipality would have to contact the POA office and staff could advise whether a fine has been paid or not, but currently staff do not track when fines are paid. Mr. Holman asked if this is a process that could be developed as this would be potential revenue.

Mr. Campbell noted that there is also no communication with the County whether an aggregate related fine has been paid and asked how that could be dealt with. Mrs. Todd responded that the collection officer goes through the process of collecting the fines, concentrating on the more current fines. After fines are two years old, there is another process that is in place for collection. She noted that the new POA computer software has just been put in place and staff may be able to create reports and track different types of fines, by-laws, etc. Mr. Holman agreed that this would be helpful to develop going forward.

Mr. Massey asked why 2007 fines are being written off now that POA staff have the access to MTO information. Mrs. Todd responded that these 2007 amounts are mostly under \$100 and said that it becomes an issue of where staff time is best spent.

POA-2008-08 **Moved by:** **Mr. Pickard**
Seconded by: **Mr. Holman**

**THAT the Joint Services Committee recommend to the United Counties of Leeds and Grenville that POA fines in the amount of \$42,461.62 be written off as per the attached listing.
Carried.**

7.0.4 POA Court Prosecutor Process

Mrs. Todd reported that she has discussed with the committee in the past two meetings the changes in the process for prosecutions. She reported that staff have had discussions with the Crown Attorney and has been advised that POA can no longer have a joint prosecutor agreement with them. POA will now need to have its own prosecutor. Mrs. Todd met with officials and they have decided to split court days. Part I's and Part II's will now be separate from Part III's. Part I and II cases will be scheduled every Wednesday and the 1st and 3rd Tuesday of each month. Part III cases will be scheduled every 2nd and 4th Tuesday. Mrs. Todd stated that input from various parties has been obtained through this process. This arrangement will also allow for space at 32 Wall Street for prosecutors to talk with officers before a case in order to prepare, rather than this consultation occurring at the last minute before a trial or not at all.

Mrs. Todd advised that there have also been recent concerns regarding the Fire Code and trials related to it. A lawyer has been retained to look after these cases as the Fire Code is very complex. If Fire Code charges are laid from other municipalities, there will be a prosecutor well versed in that area.

This arrangement will provide much better service and a more efficient use of time. Mr. Campbell asked Mrs. Todd to bring an update on this subject at the next meeting.

7.0.5 POA Court Facility

Mrs. Todd explained that the POA Court Facility report was written for both the POA and Governance and Finance Committees. Mrs. Todd advised that she received a call a few weeks ago from the Court Manager with regard to the POA court days at the main court facility. With the number of court cases increasing in the Provincial court, there is a real concern that POA court dates will be “bumped” in order to accommodate the increased Provincial court schedule. Staff have investigated using space at 32 Wall Street that could be used to build a court room for POA in the past but it has not been feasible. However, with the current situation, staff believe that this is now a feasible solution. Plans were reviewed and revised for current needs. Mrs. Todd advised that staff met with Justice John Doran with regard to the space issue and he was pleased with the idea of constructing a POA court at 32 Wall Street. Preliminary costs would be \$70,000. A separate office is required for the justice, prosecutor, defence and a waiting area would be needed. In addition, a staff area could also be allowed for. These costs could be covered by POA reserves, or a POA contingency fund could be accessed.

Mr. Gooch asked if a surcharge could be added to fines to cover renovation costs. Mrs. Todd responded that she didn't think a surcharge could be applied for this, but a portion of the administrative cost added could certainly be directed toward renovations. Mr. Gooch said that he would like to see POA staff aggressively follow-up on the possibility of adding an administrative fee to fines and would like staff to report at the next meeting as to how the Counties can do this.

Mr. Henderson cautioned that staff could possibly make a decision to renovate too hastily and that perhaps there are other solutions. Mrs. Todd responded that the Court Manager did confirm with her that they can not accommodate our additional court days, so a court space is definitely needed. Currently additional space is rented from the Salvation Army but this space cannot be counted on regularly and there is also concern about court security at this location. Mr. Henderson asked if there was any other location that could be looked at. Mr. White noted that the fact that court administration is on location at 32 Wall Street is very beneficial in collecting fines immediately after the trial. He added, most POA fines are related to speeding tickets so there is no issue with court security.

Mr. Holman asked what percentage of total floor space would be used by a POA court facility. Mr. White responded that it would be about 50% of 1st floor and approximately 15% of the building. Mr. Holman asked if the construction of a court at 32 Wall Street locks the Counties into long-term ownership of the building as there have been discussions of selling. Mr. White said that this would not tie the Counties into long-term ownership and, in fact, would allow the Counties to renovate while we are owners thus adding value to the building as well. The building could be sold with the benefit to the buyer of having long-term rental tenants.

Mr. Holman asked whether any thought had been given to using the Counties Council Chambers as a court location. Mrs. Todd responded that there are certain requirements for a court location. There must be separate offices for the Justice, prosecutor, defence, a waiting area, separate washrooms, etc. In addition, with up to 160 cases on the docket in a day, the Counties building would likely not be able to accommodate the traffic (people and parking) that would be generated by having the court at 25 Central Avenue.

Mr. Campbell asked whether the Counties would have to pay for the entire renovation project. Mrs. Todd responded that as outlined in the report, it would be POA money that would be used to pay for the renovations. She added that the recommendation is simply to investigate the option at this time. It was asked whether the cost of renovations could be factored in to the rent and paid in monthly instalments. Mrs. Todd responded that if the building was sold, the Counties would need to recover its capital costs and from a Counties perspective it would be best to fund the project with POA dollars.

Mr. Campbell asked if it is the Counties' responsibility to provide the court facility. Mrs. Todd said it is not Counties' responsibility and another building could be rented.

Mr. Garrah asked whether court times were fixed or if they could be extended to maximize the use of the court facility. Mrs. Todd replied that the Justice does bail hearings in the afternoon and still requires time for lunch in between. Mr. Silver added that it is up to the Ministry to determine if there is a need for extended hours. In large cities, there are "night courts", but Brockville is not large enough for this type of extended hours.

Mr. Gooch asked why the court in Kemptville can't be used on a full-time basis for the Counties POA courts. Mrs. Todd advised that most of the charges being laid in the Kemptville area do go to the Kemptville court. However, the majority of court time in the Brockville court is related to fines laid to people commuting on 401. Also, staff time, officer's time, Justice's time, etc. has to be taken into consideration. She added that she is not sure if this is a decision the Counties can make; it may be up to the Ministry, but she will look into it.

Mr. Pickard noted that there has been reports of more Justices of the Peace being hired and would like to see the issue of getting the best utilization of space into the report going forward. Mr. Gooch also asked for other options to be investigated as part of this report, as per today's discussion.

POA-2008-09 **Moved by:** **Mr. Holman**
Seconded by: **Mr. Pickard**

**THAT the staff be instructed to investigate the construction of a POA Court facility.
Carried.**

8.0 Sub-Committee, Special and AdHoc Committee Reports – Nil

9.0 New Business

There was no new business.

10.0 Unfinished Business - Nil

11.0 Other Business

There was no other business

12.0 By-Laws (notice of)

13.0 Chair's Announcements

14.0 Media Question Period - Nil

15.0 In Camera - Nil

16.0 Adjournment

POA 2008-10 **Moved by:** **Mr. Gooch**
Seconded by: **Mr. Garrah**

**THAT the POA Sub-Committee meeting adjourn its proceedings until the next scheduled meeting.
Carried.**

The meeting was adjourned at 9:53 a.m.

Mel Campbell, Chair

ACTION ITEMS – POA SUBCOMMITTEE

(List to be updated immediately after each meeting)

Date	Item	Descriptive	Assigned To:	Expected Completion
May 6, 2008	7.0.4	Update on the court prosecutor process at the next meeting.	Mrs. Todd	Next Meeting
May 6, 2008	7.0.5	Investigation of construction of a new POA court facility and other building options.	Mrs. Todd	Next Meeting
May 6, 2008	7.0.5	Follow up on possibility of adding an administration fee to fines.	Mrs. Todd	Next Meeting