



The Corporation of the Town of Tecumseh

Financial Services

To: Mayor and Members of Council

From: Tom Kitsos, Director Financial Services & Chief Financial Officer

Date to Council: December 14, 2021

Report Number: FS-2021-16

Subject: Windsor-Essex Area Inter-Municipal Courts Service Agreement (ISA) Renewal

Recommendations

It is recommended:

That FS-2021-16 entitled Windsor Essex Inter-Municipal Courts Service Agreement, **be received;**

And that By-law 2021-102, being a by-law authorizing the execution of a 3rd Renewal for the Windsor-Essex Area Inter-Municipal Courts Service Agreement for a five (5) year period from January 1, 2022 to December 31, 2026, **be approved.**

Background

The Windsor-Essex Provincial Offences Program was created as a special purpose vehicle to accept the transfer of the Provincial Offences Act (POA) responsibilities from the Province as per By-law 2000-106. It generates a net surplus from operations that is shared between the participating Municipalities; namely, the Towns of Amherstburg, Essex, Kingsville, LaSalle, Tecumseh; Municipalities of Leamington and Lakeshore; Township of Pelee, County of Essex and the City of Windsor.

The Inter-Municipal Service Agreement (ISA) governs the operation of the POA program. The Windsor-Essex Court Service Area Liaison Committee (Committee) is an advisory panel and is composed of one representative from each of the participating Municipalities. The Committee serves as the liaison between the City of Windsor and the serviced Municipalities on matters relating to the operation of the POA Program.

The ISA provides, among other things:

- that the program is delivered by the City of Windsor;
- net revenues are shared based on proportionate weighted assessment,
- dispute resolution provisions; and
- governance provisions.

The initial ISA expired at the end of the 6th program fiscal year, but contained a clause allowing for automatic renewal for a further 5-fiscal year period, unless the agreement was terminated per the terms of agreement. The ISA was automatically renewed for the additional 5-year period, with an expiration date of December 31, 2011.

All municipalities in the ISA agreed to enter into a 1st Renewal Agreement, By-law No. 2011-35, for a 5-year period from January 1, 2012 to December 31, 2016. All terms, conditions and schedules of the original ISA continued, save and except for the right of automatic renewal.

All municipalities in the ISA agreed to enter into a 2nd Renewal Agreement, By-law No. 2016-86, for a 5-year period from January 1, 2017 to December 31, 2021. All terms, conditions and schedules of the original ISA continued, save and except for the right of automatic renewal, which was removed in the 1st Renewal Agreement, and changes to the frequency of the Committee meetings and the quarterly payment updates, which were adopted in the 2nd Renewal Agreement.

Comments

The Committee members were requested to review the ISA and provide requests for changes to the ISA. The City of Windsor POA Administration and members of their legal staff also reviewed the ISA to determine if they wished to make any changes to the original agreement.

Recommended changes for the 3rd Renewal include:

- The ability for the City to conduct Part III prosecutions on behalf of the municipal partners, should the City choose to take them on;
- The ability to conduct remote hearings and take advantage of other modernization tools, and
- The ability to address changes arising from the relocation of the POA courts.

If any municipality in the Windsor-Essex POA Court Service area determined that they did not wish to continue to have the City of Windsor provide POA Court Services on their behalf, the alternative options would be to enter into a Municipal Partner Agreement with the Province to administer the POA Court function on their own, or contract with the next closest POA Court Service area, being Chatham-Kent.

Consultations

Legislative Services & Clerk

Financial Implications

The Town's share of the net surplus/deficit of the POA courts system is based on our percentage of weighted assessment of the total of all member municipalities. Historically, the court system has generated a net surplus, although at a declining rate, which has been included in the Town's budget. Renewing the ISA will allow the Town to continue to receive a share of the POA revenue generated.

POA revenues generated during the last 10 years are presented below.

Year	Amount
2011	\$191,505
2012	\$154,579
2013	\$138,236
2014	\$112,372
2015	\$136,378
2016	\$145,746
2017	\$97,584
2018	\$93,939
2019	\$143,992
2020	\$18,150

With the exception of 2019, POA revenues have been decreasing more significantly since 2017. 2020 proceeds reflect the impact of the pandemic through reduced fines and collections activity.

Link to Strategic Priorities

Applicable	2019-22 Strategic Priorities
<input type="checkbox"/>	Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers.
<input checked="" type="checkbox"/>	Ensure that Tecumseh's current and future growth is built upon the principles of sustainability and strategic decision-making.
<input type="checkbox"/>	Integrate the principles of health and wellness into all of Tecumseh's plans and priorities.
<input type="checkbox"/>	Steward the Town's "continuous improvement" approach to municipal service delivery to residents and businesses.
<input checked="" type="checkbox"/>	Demonstrate the Town's leadership role in the community by promoting good governance and community engagement, by bringing together organizations serving the Town and the region to pursue common goals.

Communications

Not applicable ☒

Website ☐

Social Media ☐

News Release ☐

Local Newspaper ☐

This report has been reviewed by Senior Administration as indicated below and recommended for submission by the Chief Administrative Officer.

Prepared by:

Marilu Zanet, CPA, CMA
Financial Analyst

Reviewed by:

Tom Kitsos, CPA, CMA, BComm
Director Financial Services & Chief Financial Officer

Recommended by:

Margaret Misek-Evans, MCIP, RPP
Chief Administrative Officer

Attachment Number	Attachment Name
1	3 rd Renewal Agreement