



## Essex County Council Regular Meeting Agenda

(also available at [www.countyofessex.on.ca](http://www.countyofessex.on.ca))

**Wednesday, August 12, 2015**  
**County Council Chambers**  
**2<sup>nd</sup> Floor, Essex County Civic Centre**

**Electronic Agenda Instructions:** Anything in **blue and underlined** denotes an attachment/link. By clicking the links on the agenda page, you can jump directly to that section of the agenda. To manoeuvre back to the agenda page, use the **Ctrl + Home** keys simultaneously **or** use the "Bookmark" icon on the navigation panel to the left of your screen.

### **7:00 PM Regular Meeting**

- 1. Moment of Reflection**
- 2. Singing of 'O Canada'**
- 3. Recording of Attendance**
- 4. Disclosure of Pecuniary Interest**
- 5. Adoption of Regular Meeting Minutes**  
  
Moved by  
Seconded by  
**That** the minutes of the [July 15, 2015 Regular Meeting](#) of Essex County Council be adopted as presented.
- 6. County Warden's Welcome and Remarks**

**7. Delegations and Presentations**

A) Great Canadian Flag Project

Randy Voakes, Councillor Ward 1, Town of Essex, Mike Beale, Co-Chair, Great Canadian Flag Project and Peter Hrastovec, Chair, Great Canadian Flag Project to speak to County Council regarding the Great Canadian Flag Project.

Moved by

Seconded by

THAT Messres. Voakes, Beale and Hrastovec be permitted to address County Council.

**8. Communications**

A) Correspondence

1) Association of Municipalities of Ontario (AMO)

View the online versions of the [AMO Watch File](#), dated July 16, 2015, July 23, 2015, July 30, 2015 and August 6, 2015.

2) E-mail, dated July 13, 2015 from AMO Communications regarding the [Practical Solutions for Municipal Risk Management-2015 Risk Management Symposium](#).

3) E-mail, dated July 14, 2015 from AMO Communications regarding [Investment Basics and Beyond](#) – Get More from your Municipal Investments.

4) E-mail, dated July 16, 2015 from AMO Communications regarding the [Municipal Energy Finance Workshop](#).

5) E-mail, dated July 14, 2015 from AMO Communications regarding [AMO Policy Update – AMO’s Submission to the Provincial Consultations on the Update of the Long-Term Affordable Housing Strategy](#).

- 6) E-mail, dated July 22, 2015 regarding the 2015 AMO Conference – [New Tuesday Learning Lunches](#).
- 7) E-mail, dated July 28, 2015 regarding AMO Policy Update – [Infrastructure Funding](#).
- 8) Yasir Naqvi, Minister of Community Safety and Correctional Services

[Correspondence, dated June 29, 2015](#) regarding the development of a Strategy for Safer Ontario, along with two booklets, "[Crime Prevention in Ontario: A Framework for Action](#)" and "[Community Safety and Well-Being in Ontario: A Snapshot of Local Voices](#)".

- 9) Windsor-Essex Regional Chamber of Commerce  
  
E-mail regarding News from Windsor-Essex Regional Chamber of Commerce, dated [August 4, 2015](#).

10) [Town of Tecumseh](#)

Correspondence, dated July 3, 2015 from Laura Moy, Director Staff Services/Clerk referring to their Council's resolution supporting County Council's resolution regarding Privatization of Hydro One.

11) [Township of Clearview](#)

Correspondence, dated July 6, 2015 from Christopher Vanderkruys, Mayor/County Councillor referring to their Council's resolution regarding Provincial Planning Initiatives.

12) [Randy Pettapiece, MPP Perth-Wellington](#)

Correspondence, dated July 21, 2015 regarding his upcoming Private Member's Resolution for Fairness in Provincial Infrastructure Funds.

- 13) Windsor/Essex Hospital Foundation  
E-mailed copy of [Windsor/Essex Hospitals Foundation E-Contributions Newsletter, dated July 29, 2015.](#)
- 14) Municipal Property Assessment Corporation (MPAC)  
E-mailed copy of [MPAC News, dated July 29, 2015.](#)
- 15) Haldimand County  
Correspondence, dated July 10, 2015 from Evelyn Eichenbaum, Clerk regarding [Haldimand County Council's resolution requesting amendments to the Vacancy Rebate Program.](#)
- 16) Great Lakes and St. Lawrence Cities Initiative  
E-mailed newsletter, [Making Waves, dated July 22, 2015 and August 4, 2015.](#)
- 17) Ministry of Natural Resources and Forestry  
E-mail, dated July 20, 2015 from Jennifer Keyes, Manager, Water Resources Section Natural Resources Conservation Branch, Policy Division, Ministry of Natural Resources and Forestry regarding [Notification of Environmental Registry Posting of the Conservation Authorities Act Review Discussion Paper.](#)
- 18) Pathway to Potential (P2P)  
E-mailed copy of [August P2P's Newsletter.](#)

Moved by

Seconded by

**That** the correspondence listed on the regular agenda for August 12, 2015, be received and the noted action be approved.

B) Resolutions

There were no resolutions for consideration at the August 12, 2015 meeting.

**9. Consent Agenda**

- A) Approval of Invoices – Legal/Consulting Services

Report Number [2015-R014-ADM-0812-BG](#), dated August 12, 2015 from Brian Gregg, Chief Administrative Officer.

- B) Windsor/Essex Provincial Offences Program – 2013 and 2014 Annual Reports

Report Number [2015-R006-CS-0812-MB](#) dated August 12, 2015 from Mary Brennan, Director of Council Services/Clerk.

Moved by

Seconded by

**That** the recommendation contained in the Administrative Report listed on the Consent Agenda for August 12, 2015 as item 9. A) be adopted and further that the information item listed as item 9.B) on the said Agenda be received.

**10. Reports and Questions**

- A) Essex-Windsor Solid Waste Authority

Minutes of the Essex-Windsor Solid Waste Authority, dated [May 5, 2015](#), Mr. Ron McDermott, Chair.

Moved by

Seconded by

**That** the minutes of the Essex-Windsor Solid Waste Authority, dated May 5, 2015 be received.

- B) Tender Summary – 2015 Structure Rehabilitations (4)

Report Number [2015-R018-ENG-0812-TRB](#), dated August 12, 2015 from Tom Bateman, County Engineer.

- C) Tender Summary – 2015 Road Rehabilitation (2)

Report Number [2015-R019-ENG-0812-TRB](#), dated August 12, 2015 from Tom Bateman, County Engineer.

- D) Tender Summary – County Wide Active Transportation System (CWATS) Program  
  
Report Number [2015-R020-ENG-0812-TRB](#), dated August 12, 2015 from Tom Bateman, County Engineer.
  
- E) Restructuring the Nursing Leadership Team  
  
Report Number [2015-R003-SPH-0812-LM](#), dated August 12, 2015 from Lynda Monik, Administrator, Sun Parlor Home
  
- F) Music and Memory Program  
  
Report Number [2015-R004-SPH-0812-LM](#), dated August 12, 2015 from Lynda Monik, Administrator, Sun Parlor Home.
  
- G) Community Engagement  
  
Report Number [2015-R005-SPH-0812-LM](#), dated August 12, 2015 from Lynda Monik, Administrator, Sun Parlor Home.
  
- H) SPH – Energy Efficiency Facility Renewal Upgrades  
  
Report Number [2015-R17-FIN-0812-RM](#), dated August 12, 2015 from Rob Maisonville, Director of Corporate Services/Treasurer.
  
- I) Projected Results of Operations for 2015  
  
Report Number [2015-R18-FIN-0812-RM](#), dated August 12, 2015 from Rob Maisonville, Director of Corporate Services/Treasurer.

**11. Unfinished Business**

**12. New Business**

**13. Adoption of By-Laws**

A) [By-Law Number 44-2015](#)

Being a By-law to confirm the proceedings of the Council of the Corporation of the County of Essex. (August 12, 2015).

Moved by

Seconded by

**That** By-law #44-2015, having been read a first, second and third time, be finally passed and enacted.

**14. Notice of Motion**

**15. Adjournment**

**This document is available in alternative formats upon request.**



## Essex County Council Regular Meeting Minutes

(also available at [County of Essex website](#))

**Wednesday, July 15, 2015**  
**County Council Chambers**  
**2<sup>nd</sup> Floor, Essex County Civic Centre**

### **6:00 PM Regular Meeting**

**1. Moment of Reflection**

**2. Singing of 'O Canada'**

**3. Recording of Attendance**

All members of Council were present.

**4. Disclosure of Pecuniary Interest**

There was no disclosure of pecuniary interest.

**5. Adoption of Regular Meeting Minutes**

**149-15** Moved by Mrs. MacDonald  
Seconded by Mr. Fazio

**That** the minutes of the June 17, 2015 Regular Meeting of Essex County Council be adopted as presented. **Carried**

**6. County Warden's Welcome and Remarks**

Warden Bain welcomed the members of Council and noted that he had attended the following events:

- Funfest in Essex
- Native Plant Garden at Devonshire Mall



**6. County Warden's Welcome and Remarks (Continued...)**

- Meeting with Greenhouse Growers to discuss temporary solutions to bringing more electricity to Leamington-Kingsville
- Community Living Fundraiser
- COPPS for Kids fundraiser
- Building Bridges Tour
- Agricultural Lot Size Open House
- United Way Food Forum
- Opening of Leamington Fair
- Essex Flowers in Bloom
- Canada Day Festivities

**7. Delegations and Presentations**

- A) The Honourable Ted McKeekin, Minister of Municipal Affairs and Housing

The Honourable Ted McKeekin, Minister of Municipal Affairs and Housing, spoke to County Council regarding his "Building Bridges Tour".

**150-15** Moved by Mr. Queen  
Seconded by Mr. DiCarlo

**That** the Honourable Minister McKeekin be permitted to address County Council. **Carried**

Minister McKeekin advised that he had been visiting municipalities throughout Ontario to get their feedback and hear their comments on what improvements they feel need to be made in terms of job provisions, funding, etc. He stated that while in Essex County he had visited the Town of Amherstburg, the Town of Tecumseh and had toured

## 7. Delegations and Presentations (Continued...)

Amherstburg Navy Yard National Historic Site of Canada and Thomas Utopia Brand. Minister McKeekin then opened up the floor to questions from Council.

- a) Mr. McDermott stated that the Provincial Government needed a more predictable sustainable distribution method for providing funding that is available from the Province. He noted that it seemed that the municipalities who were fiscally responsible were penalized when it came to funding. Minister McKeekin agreed that work was required in this area. He noted that AMO and ROMA can provide expertise for those municipalities experiencing difficulties.
- b) Mr. Queen asked if there was a way to cut through the bureaucracy in order to get the hydro line required to expand the greenhouse industry in the Kingsville-Leamington area. Minister McKeekin advised that he would broker a meeting between County Council and the Minister of Energy and other ministers that may be required. Mr. Queen noted that this matter has been on the books for approximately 10 years. Mr. Paterson also mentioned that he had met with Ontario Minister of Energy, Bob Chiarelli regarding this matter and that they were waiting for an announcement from the Ontario Energy Board, which has the final decision. Mr. Paterson noted that it was crucial that the hydro line be brought to this area before the greenhouse industry starts relocating to the United States. Mr. McKeekin advised that he would carry this message back to the Province.
- c) Mr. Paterson stated that municipalities would like more authority at the local level to enforce property standards.

Marc Bondy arrived at 6:40 pm.

## 7. Delegations and Presentations (Continued...)

- d) Mr. Bachetti asked what reforms would be coming from the Municipal Election Reform Act. Minister McKeekin advised that numerous municipalities have stated that the January 1st registration date was too early. Other matters being discussed dealt with the issue of ranked ballots, gifts provided after an election, financing, legislation regarding audit committees, and campaign donations. Minister McKeekin invited the municipalities to provide their input on what they would like to see in the revised Act.
- e) Mr. McNamara requested consideration of the following:
- Changes need to be made to joint and several liability so that municipalities are protected
  - Interest arbitrations awards and the ability of municipalities to pay
  - Frivolous appeals to OMB hearings on planning issues
  - Exempt social housing developments from OMB hearings
  - Social housing is very expensive for municipalities and they are having difficulty with improvements to current stock and building new stock. They should have the ability to leverage municipal properties to raise the capital.

**8. Communications**

A) Correspondence

- 151-15** Moved by Mr. Bachetti  
Seconded by Mr. Paterson  
**That** the correspondence listed on the regular agenda for July 15, 2015, be received and any noted action be approved.  
**Carried**

B) Resolutions

There were no resolutions for consideration at the July 15, 2015 meeting.

**9. Consent Agenda**

A) Approval of Invoices – Legal/Consulting Services

Council considered Report Number 2015-R013-ADM-0715-BG dated July 15, 2015 from Brian Gregg, Chief Administrative Officer.

- 152-15** Moved by Mr. Santos  
Seconded by Mr. Bondy  
**That** the recommendation contained in the Administrative Report listed on the Consent Agenda for July 15, 2015 as item 9. A) be adopted. **Carried**

**10. Reports and Questions**

A) Report of the Essex County Library Board, dated May 27, 2015, Mr. Richard Meloche, Chair.

- 153-15** Moved by Mr. Meloche  
Seconded by Mr. McDermott  
**That** the minutes of the Essex County Library Board, dated May 27, 2015 be received. **Carried**

B) Report of the Essex County Accessibility Advisory Committee Minutes

**10. Reports and Questions (Continued...)**

**154-15** Moved by Mr. Queen  
Seconded by Mr. Antaya  
**That** the minutes of the Essex County Accessibility Advisory Committee, dated June 11, 2015 be adopted. **Carried**

C) Housing with Supports Program – Request for Additional Position (Revised)

Council considered Report Number 2015-R010-ADM-0715-BG, dated July 15, 2015 from Brian Gregg, Chief Administrative Officer regarding a revised request for an additional position for the Housing with Supports Program.

**155-15** Moved by Mr. Antaya  
Seconded by Mr. Meloche  
**That** the creation of an additional position in the Housing with Supports / Community Services program be approved, and

**That** the development of a recruitment strategy to fill the new position be authorized. **Carried**

D) Information Technology – Request for Additional Position

Council considered Report Number 2015-R011-ADM-0715-BG, dated July 15, 2015, from Brian Gregg, Chief Administrative Officer regarding a request for an additional position in the Information Technology Department.

**156-15** Moved by Mr. McNamara  
Seconded by Mr. DiCarlo  
**That** the creation of an additional position in the Information Technology section be approved, and

**That** the development of a recruitment strategy to fill the new position be authorized. **Carried**

E) Food and Nutrition Services – Request for Additional Position

**10. Reports and Questions (Continued...)**

Council considered Report Number 2015-R012-ADM-0715-BG, dated July 15, 2015, from Brian Gregg, Chief Administrative Officer regarding a request for an additional position for the Food and Nutrition Services department at Sun Parlor Home.

**157-15** Moved by Mr. DiPasquale  
Seconded by Mr. McDermott  
**That** the creation of a part-time Supervisor position in the Food and Nutrition Services section at SPH be approved, and

**That** the development of a recruitment strategy to fill the new position be authorized. **Carried**

F) 2015 County of Essex Consolidated Financial Report

Council considered Report Number 2015-R15-FIN-0701-RM, dated July 15, 2015, from Rob Maisonville, Director of Corporate Services/Treasurer regarding the 2015 County of Essex Consolidated Financial Report.

**158-15** Moved by Mr. McNamara  
Seconded by Mrs. MacDonald  
**That** Report Number 2015-R15-FIN-0701-RM, dated July 15, 2015, presenting the 2014 County of Essex Consolidated Financial Report be received, and

**That** the 2014 County of Essex Consolidated Financial Statements be approved. **Carried**

G) Audit Services Report

Council considered Report Number 2015-R16-FIN-0715-RM, dated July 15, 2015, from Rob Maisonville, Director of Corporate Services/Treasurer regarding the Audit Services Report.

**10. Reports and Questions (Continued...)**

- 159-15** Moved by Mr. Antaya  
Seconded by Mr. Paterson  
**That** KPMG LLP Chartered Accountants be reappointed as County Auditors for a five year period commencing with the fiscal year ended December 31, 2015, subject to annual renewal and confirmation by bylaw, in accordance with the fees presented in Appendix B of KPMG's proposal in Report Number 2015-R16-FIN-0715-RM. **Carried**

**11. Unfinished Business**

A) Highway 3 Widening

Council considered the following correspondence regarding the Highway 3 widening project:

- a) Correspondence, dated April 21, 2015 from Warden Tom Bain to the Honourable Steven Del Duca, Minister of Transportation.
- b) Correspondence, dated June 18, 2015 from the Honourable Steven Del Duca, Minister of Transportation to Warden Tom Bain.
- c) Copy of correspondence, dated May 4, 2015 from Taras Natyshak, MPP, Essex to the Honourable Steven Del Duca, Minister of Transportation.
- d) Copy of correspondence, dated June 18, 2015 from the Honourable Steven Del Duca, Minister of Transportation to Taras Natyshak, MPP, Essex.

Warden Bain suggested that a meeting be arranged with the Minister of Transportation in Toronto so that the Minister could be advised on how widening Highway No. 3 from Essex from 2 to 4 lanes was of major importance to industry in the area.

**12. New Business**

A) AMO Conference

Mr. McNamara reminded Council members that the AMO Conference would be held from August 16 – 19, 2015 in Niagara Falls.

B) What's Next Ontario Submissions

Mr. McNamara invited members of Council to make submissions on AMO's What's Next Ontario website. This portal is for municipal elected officials and senior staff to learn more about fiscal challenges and opportunities, and to share ideas about common priorities and preferred solutions.

**13. Adoption of By-Laws**

A) By-law Number 43-2015

Being a By-law to confirm the proceedings of the Council of the Corporation of the County of Essex. (July 15, 2015)

**160-15** Moved by Mr. DiCarlo  
Seconded by Mr. McNamara  
**That** By-law #43-2015, having been read a first, second and third time, be finally passed and enacted. **Carried**

**14. Notice of Motion**



**15. Adjournment**

Upon motion of Mr. Paterson and Mr. Bondy, the meeting adjourned at 7:23 PM.

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Tom Bain  
Warden – County of Essex

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Mary Brennan  
Director of Council Services/Clerk

**This document is available in alternative formats upon request.**



Office of the Minister

Bureau du ministre

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<b>RECEIVED</b>	
JUL 30 2015	
Ack/Filed	Refer To
Approved for Agenda <i>Aug 11/15</i> <i>Communications</i>	B/F on
Hold for Reports	File
<b>COUNTY WARDEN</b>	

June 29, 2015

Warden Tom Bain  
County of Essex  
360 Fairview Avenue W.  
Essex N8M 1Y6

Dear Warden Bain,

Building safe municipalities is an important objective that we all share as representatives of our communities. In the face of changing demographics, rapid technological innovation, limited budgets and varied demands for policing services, our government is committed to helping lead a discussion about transforming policing and developing safer and healthier communities.

I am pleased to share with you that the Ministry of Community Safety and Correctional Services is developing a Strategy for a Safer Ontario. This is an ambitious project to expand and unify our approach to community safety and well-being, and to make it a truly collaborative effort on the part of all sectors – public and community-based – that help keep our neighbourhoods safe. In an effort to develop a broader approach to community safety and well-being, local involvement and input serves as the foundation of the Strategy's development.

Local involvement, leadership and input from Ontario municipalities are crucial to establish successful community safety and well-being strategies. Different sectors that play a role in community safety and well-being service delivery are increasingly advocating for greater collaboration across education, health and social services, among others. We must empower our neighbours and local organizations to address the root causes of crime and social disorder, and further develop strong partnerships between communities, service providers and law enforcement to increase safety and well-being in our municipalities.

Warden Bain  
Page Two

Enclosed are two booklets, “Crime Prevention in Ontario: A Framework for Action” and “Community Safety and Well-Being in Ontario: A Snapshot of Local Voices”, that have laid the foundation for this work. The Ministry is currently developing a third booklet, which builds on these documents and outlines the Community Safety and Well-Being Planning Framework. This Framework will assist communities in developing and implementing local community safety and well-being plans to address crime and complex social issues on a sustainable basis. For further information on these initiatives, please contact Mr. Stephen Beckett, Assistant Deputy Minister, Public Safety Division, at 25 Grosvenor Street, 12<sup>th</sup> Floor, Toronto, ON M7A 1Y6 or at [stephen.beckett@ontario.ca](mailto:stephen.beckett@ontario.ca).

I look forward to continuing to engage communities with this initiative and to working with you to develop our Strategy for a Safer Ontario.

Sincerely,

A handwritten signature in black ink, appearing to read "Yasir Naqvi". The signature is fluid and cursive, with a large, sweeping flourish at the end.

Yasir Naqvi  
Minister

# The Corporation of the



917 Lesperance Road  
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## Town of Tecumseh Staff Services/Clerk

July 3, 2015

The Honourable Kathleen Wynne  
Premier of Ontario  
Queen's Park, Rm. 281  
Main Legislative Building  
Toronto, ON M7A 1A1

Dear Premier Wynne:

### Re: Privatization of Hydro One

The Council of the Town of Tecumseh, at its regular meeting held Tuesday, June 23, 2015, gave consideration to a resolution passed by the County of Essex on May 20, 2015, respecting the proposed privatization of Hydro One.

At their meeting, Tecumseh Council passed the following resolution (RCM-193/15):

***"THAT the Town of Tecumseh request the Province of Ontario to ensure that there is an opportunity for local electricity distribution companies (LDCs) to participate in a transparent procurement process to acquire Hydro One's distribution assets at fair market value.***

*Carried"*

Please consider this letter as confirmation of the Town of Tecumseh's support of the above matter. I remain,

Yours very truly,  
**TOWN OF TECUMSEH**

  
Laura Moy,  
Dipl.M.M, CMMIII HR Professional  
Director Staff Services/Clerk

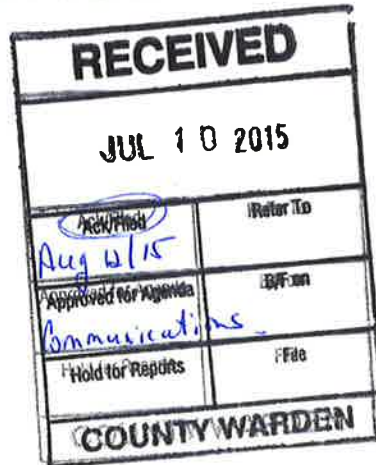
LM/sk  
Enc.- County of Essex Correspondence, June 3, 2015

Cc: Hon. Bob Chiarelli, Minister of Energy  
Association of Municipalities of Ontario (AMO)  
Mr. Taras Natyshak, MPP Essex  
Mr. Percy Hatfield, MPP Windsor-Tecumseh  
County of Essex  
Town of Amherstburg  
Town of Essex  
Town of Kingsville  
Town of Lakeshore  
Town of LaSalle  
Municipality of Leamington

RECEIVED	
Director of Council Services/Clerk	
JUL 16 2015	
Act	Refer To
Approved for Agenda	B/F on
Held for Reports	File



CLEARVIEW



File: C00.001

July 6, 2015

Ministry of Municipal Affairs  
Attn: Ted McMeekin, Minister  
777 Bay Street, 7<sup>th</sup> Floor  
Toronto, On  
M5G 2E5

Dear Minister McMeekin,

**Re: Provincial Planning Initiatives**

Please be advised that Council of the Township of Clearview, at its meeting held on June 22, 2015, passed the following resolution in support of the Township of Severn's letter to the Ministry of Municipal Affairs regarding provincial planning initiatives:

"That Planning Report No P15-022 with respect to Provincial Planning & Development Initiatives be received and;

Whereas the Province is proposing that if a new Zoning By-Law or Official Plan is adopted, amendments cannot be considered for two years; AND WHEREAS this Council has concerns that this policy is not in keeping with the Provincial Policies that are to be working documents for the future development of municipalities;

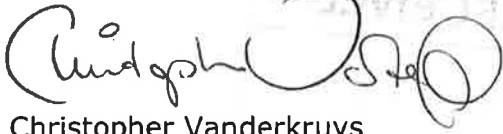
NOW THEREFORE BE IT RESOLVED THAT the Province Of Ontario be respectfully requested to remove this proposed policy in order to ensure that future development within municipalities is not delayed for a two year period;

AND FURTHER THAT this resolution be forwarded to all municipalities with in the County of Simcoe, all Counties & regions within the Province, and the Association of Municipalities of Ontario for their Consideration and Support. Motion Carried."

Your consideration and support for this request would be greatly appreciated.

Regards,

**TOWNSHIP OF CLEARVIEW**



Christopher Vanderkruys  
Mayor/County Councillor

c.c. Provincial Counties/Regions  
County of Simcoe Municipalities  
Association of Municipalities of Ontario

<b>REPORT</b>		<b>P15-022</b>	<b>RECEIVED</b>	
<b>TO:</b>	Chair & Members Planning & Development Committee		JUL 10 2015	
<b>FROM:</b>	Andrew Fyfe Director of Planning and Development		Ack/Filed	Rec'd To
<b>DATE:</b>	April 15, 2015		Approved for Agenda	By/On
<b>RE:</b>	Provincial Planning and Development Initiatives		Hold for Reports	File
			<b>COUNTY WARREN</b>	

**Recommendation**

THAT Planning Report No. P15-022 dated April 15, 2015 with respect to Provincial Planning and Development Initiatives be received;

AND FURTHER THAT, the minister be advised of the concerns of the Township of Severn regarding some of the proposed amendments to the *Planning Act* contained in Bill 73.

**Background**

The Province has been conducting consultations on potential amendments to a number of documents which affect planning and development in Ontario. This report is intended to provide an overview of those processes and potential amendments.

**Co-ordinated Land Use Planning Review**

This review is looking at four policy documents: *The Growth Plan for the Greater Golden Horseshoe*, *The Niagara Escarpment Plan*, *The Oak Ridges Moraine Conservation Plan* and *The Greenbelt Plan*. Only the first document applies to Severn Township.

The Province is at the initial stages of their review and are conducting "Town Hall" meetings. Staff attended the one held in Barrie on April 1<sup>st</sup>. At this stage there are no concrete proposals, the Province is just seeking input into what they should be looking at. The discussion at the Barrie meeting was fairly wide-ranging and general, with the exception of the status of the Midhurst Secondary Plan which drew a lot of comments. A number of concerns were also raised about the role of the Ontario Municipal Board. Ministry staff indicated that the functioning of the OMB was not part of the review, but would be the subject of a review process in the near future.

The next stage of the process will be the release of proposed amendments to the Plan which is anticipated in the later half of the year. Once concrete proposals are on the

PLANNING & DEVELOPMENT COMMITTEE  APR 22 2015  MOTION No. <u>3</u>
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table, staff will be in a better position to advise the Committee of the potential implications.

#### Bill 73 – proposed Smart Growth for Our Communities Act

The government has announced proposed legislative amendments to the Development Charges Act, 1997 and the Planning Act. If enacted, the Bill would:

- Increase the potential amounts which could be collected to support the expansion of a transit system. This would have no impact on the Township at this time
- Municipalities would be able to recover capital costs associated with waste diversion. This could result in the addition to the Charges at the County level.
- The consideration of area-specific Charges will be mandatory. The Township already does this.
- Minor adjustments to how service levels are to be calculated. This may provide more “room” for collection, but the potential impact on Severn doesn’t appear to be large.
- Increased detail in reporting requirements and requirements for incorporation of new infrastructure into the existing asset management plan.
- More control over “other” charges such as Section 37 collections under the Planning Act for the granting of zoning bonuses. Some municipalities seek extra payments (sometimes categorized as “voluntary” payments) to expedite the construction of infrastructure or to fund items that are not eligible for Development Charges funding.
- Require the preparation of a “Parks Plan” in advance of completing an Official Plan update. Consultation with local school boards is required and the plan is to examine the need for additional parkland in the community.
- Timelines for notices and decisions will be refined
- “Global” appeals of an entire new Official Plan will not be permitted.
- Annual reports by the Treasurer on transactions through the Parkland Reserve will be required.
- Enable the use of alternate dispute resolution to resolve certain types of objections to planning approvals.
- Modifications to the “development permit system”. This system is used in limited circumstances in a small number of Ontario municipalities. Severn does not have the required Official Plan policies to implement such a system.
- If the approval authority concludes that a policy in a lower tier official Plan does not conform to an upper tier OP policy, it may refuse to approve the policy and that decision is non-appealable.
- New Official Plans cannot be amended for two years after their approval. Even applications for amendment are embargoed.
- Similarly, if a new zoning by-law is adopted, amendments cannot be considered for two years.



- For site-specific zoning by-law amendments, no applications for a minor variance may be made for two years after the adoption of the zoning by-law amendment without authorization by Council.

While most of the proposed changes to the *Planning Act* seem to represent minor "tweaking" of the planning process, the removal of the ability to appeal an upper-tier decision on Official Plan on conformity with upper-tier policies, does raise the spectre of a veto power being given to the upper-tier which if exercised leaves the lower-tier with no recourse.

The larger concern is the proposed prohibitions on the ability of Councils to consider amendments to new Official Plans and zoning by-laws and the additional limitations on minor variances. When a new OP or zoning by-law is adopted, it is not unusual as you work with the document to find errors and omissions which are addressed through a "house-keeping" amendment. The inability to correct these issues in a timely fashion could potentially cause a significant harm to an affected property owner. The inability to appropriately address this harm would appear to increase the potential liability of the municipality when it undertakes major planning exercises. Furthermore, no matter how well-considered and well-prepared a document may be, it is not always possible to anticipate events. Should an opportunity come forward which was not anticipated or there is a significant change in circumstances, municipalities will be unable to respond to otherwise appropriate proposals simply because a planning document is "too new".

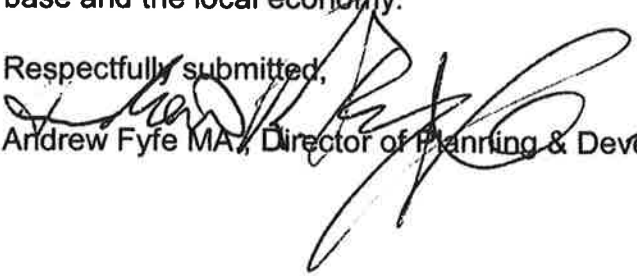
When an Official Plan or zoning by-law is appealed, the exact provision must be identified. Sometimes the solution is to amend a section of the document which was not appealed. As the OMB can only address what is specifically under appeal, the potential to resolve matters outside of a full Hearing will be diminished.

Finally, the addition of a requirement for Council approval of a proposed minor variance to a minor variance application prior to the submission of an application would significantly delay the consideration of a proposal by the body appointed to do so.

### **Financial Impact**

Many of the above will have little or no impact on the Municipality. The additional requirements for increased reporting will have some operational impacts. The requirement for a Parks Plan will add to the amount of background work required in support of an Official Plan update. The potential impact of restrictions on the ability to amend planning documents appears to increase the potential exposure of the Municipality to liability in its exercise of the planning function and it by diminishing the ability of the Municipality to respond to desirable proposals potentially weaken the tax base and the local economy.

Respectfully submitted,

  
Andrew Fye MA, Director of Planning & Development





**Randy Pettapiece, MPP**  
Perth-Wellington

Perth-Wellington Constituency Office  
Stratford, Ontario



July 21, 2015

Mary Brennan  
Director of Council Services/Clerk  
County of Essex  
360 Fairview Ave W  
Essex, ON N8M 1Y6

Dear Ms. Brennan:

**Re: Resolution for Fairness in Provincial Infrastructure Funds**

I am writing to inform you of my upcoming private member's resolution in the Ontario legislature and to formally request your support. It reads as follows:

*That, in the opinion of this House, the government should guarantee that government-held ridings and opposition-held ridings be given equal and transparent consideration on infrastructure funding, and that when funding decisions are made, should guarantee that all MPPs, whether in government or opposition, be given fair and equal advance notice of the official announcement.*

The basis for my resolution is simple: When municipalities apply for provincial infrastructure funding, you should expect that your application would be evaluated based on merit. You should expect that it would be evaluated promptly, based on well-defined and transparent criteria. Finally, you should expect that the decision to approve your application would never depend on your MPP's political stripe.

There is, after all, no such thing as Liberal, PC or NDP infrastructure money; there is only *public* money. That money comes from taxes that we all pay; everyone in the province should expect a similar quality of infrastructure and services, regardless of where they live.

Because municipalities rely on provincial partnerships to fund critical infrastructure projects, the consequences of provincial funding decisions can be far-reaching. The provincial government must respect this partnership and ensure that government and opposition-held ridings are given equal consideration when it comes to infrastructure investment decisions. Too often, however, there is at least a persistent perception that public infrastructure dollars have, in at least some cases, been directed according to politics and not according to need.

.../2



Having served as a municipal councillor, I know that the process to apply for infrastructure funding is a major—and sometimes frustrating—undertaking. It often entails significant red tape and investments of staff time and resources. Before making those investments, municipalities need some assurance that, based on clear criteria, your application has a reasonable chance of success. You also need to know that your MPP will advocate on your behalf and, most importantly, decision-makers will be receptive to that advocacy no matter if the MPP serves in government or opposition.

The final section of my resolution deals with infrastructure announcements themselves. These announcements must, I believe, be depoliticized in order to address the perception that opposition-held ridings are disadvantaged—or worse yet, being punished—for voting against the government.

**If your municipality supports the intent of my resolution, I would encourage you to consider passing a formal resolution to support it.** If your Council decides to proceed in this way, I would appreciate receiving a copy of your resolution as soon as possible. Debate on this resolution is scheduled for October 8, 2015.

I would appreciate your views on this matter, and your own experience in your municipality concerning access to provincial infrastructure funds. If you have any feedback on this issue, or if you require any additional information, please don't hesitate to contact me at 519-272-0660 or by email: [randy.pettapiececo@pc.ola.org](mailto:randy.pettapiececo@pc.ola.org).

Thank you very much for your consideration.

Sincerely,

A handwritten signature in blue ink that reads "Randy Pettapiece". The signature is fluid and cursive, with the first name "Randy" being more prominent than the last name "Pettapiece".

Randy Pettapiece, MPP  
Perth-Wellington



July 10, 2015

The Honourable Charles Sousa  
Minister of Finance  
7 Queen's Park Crescent, 7<sup>th</sup> Floor  
Toronto, ON M7A 1Y7

And

The Honourable Ted McMeekin  
Minister of Municipal Affairs  
777 Bay Street, 17<sup>th</sup> Floor  
Toronto, ON M5G 2E5

Dear Sirs:

RE: Vacancy Rebate Program

Please be advised that on June 22, 2015, Haldimand County Council adopted the following resolution:

*WHEREAS a Vacancy Rebate Program, as defined under Section 364 of The Municipal Act and Ontario Regulation 325/01, allows for property tax relief to be granted to eligible business properties when vacant for a minimum of 90 consecutive days;*

*AND WHEREAS Haldimand County does not believe that the Provincial legislation intended that local taxpayers bear the cost of a business/collective bargaining strategy when such "vacancy" is caused by a labour disruption, such as an employee lockout/strike;*

*AND WHEREAS a recent interim decision by the Assessment Review Board to allow for a vacancy tax rebate under these circumstances is precedent setting, unless overturned on appeal;*

*NOW THEREFORE BE IT RESOLVED THAT the Minister of Finance and Minister of Municipal Affairs be requested to review this legislation from a public policy perspective, to ensure that businesses are not eligible for a reduced property tax burden if the claimed "vacancy" is a result of a labour disruption;*

AND THAT a copy of this resolution be forwarded to the following for their support:

- M.P.P. Toby Barrett
- Association of Municipalities of Ontario (and for circulation to all member municipalities)
- City of Toronto
- Municipal Finance Officers Association
- Ontario Municipal Tax and Revenue Association
- Association of Municipal Managers, Clerks and Treasurers
- Municipal Property Assessment Corporation
- Ontario Federation of Labour
- Canadian Labour Congress

Should you require further information, please contact Karen General, General Manager, Corporate Services at 905-318-5932 x 6321.

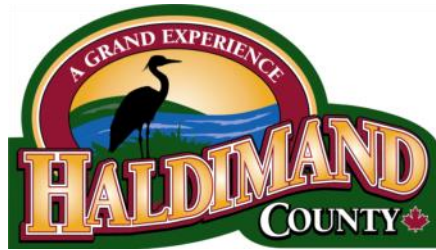
Yours truly,



Evelyn Eichenbaum  
Clerk

EE/tc

cc M.P.P. Toby Barrett  
Association of Municipalities of Ontario  
City of Toronto  
Municipal Finance Officers Association  
Ontario Municipal Tax and Revenue Association  
Association of Municipal Managers, Clerks and Treasurers  
Municipal Property Assessment Corporation  
Ontario Federation of Labour  
Canadian Labour Congress  
Mark Merritt, Treasurer, Haldimand County  
Karen General



## **NEWS RELEASE**

For Immediate Release

**Dated: May 28, 2015**

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### **Haldimand County to Appeal Decision on US Steel Tax Rebate**

In a decision released on April 30, 2015 by the Ontario Assessment Review Board (ARB), Haldimand County is required to rebate some property taxes to U.S. Steel (Lake Erie) related to the time period when their employees were locked out by the company. U.S. Steel Canada locked out Lake Erie's unionized workforce several months in 2009-2010 and again in 2013.

A Provincially mandated Vacancy Rebate Program offers businesses the opportunity to apply for a rebate of 35% of property taxes. The Treasurer of the municipality reviews a company's rebate claim to determine eligibility, based on the timing of the application, evidence and length of the vacancy. Haldimand County staff had previously denied U.S. Steel's vacancy rebate applications for these lockout periods. This decision was appealed by U.S. Steel to the ARB in 2014. Following a hearing and legal arguments in early 2015, the ARB concluded that Haldimand owes U.S. Steel property tax rebates for both the 2010 and 2013 taxation years, agreeing with the company that portions of the Lake Erie plant were "vacant" during these lockout periods.

Haldimand County maintains its position that the U.S. Steel (Lake Erie) facility was still in use during these lockout periods and that any reduction in business, as a result of a labour dispute, should not qualify under the Vacancy Rebate program. Mayor Hewitt commented that "Council does not believe a company should lockout its employees and then fund that loss of business on the backs of local taxpayers."

The County is seeking leave to appeal the Ontario Assessment Review Board decision with the Ontario Divisional Court.

FOR FURTHER INFORMATION, please contact Karen General, CPA, CGA, General Manager Corporate Services, Haldimand County, 905-318-5932, ext. 6321, or by email at [kgeneral@haldimandcounty.on.ca](mailto:kgeneral@haldimandcounty.on.ca).

**TO: All Ontario Municipalities**

**RE: Notification of Environmental Registry Posting of the Conservation Authorities Act Review Discussion Paper**

As part of the Ministry of Natural Resources and Forestry's (MNRF) commitment to initiate a review of the *Conservation Authorities Act* including addressing roles, responsibilities and governance of conservation authorities in resource management and environmental protection, a discussion paper has been posted to the Environmental Registry to solicit feedback from other ministries, municipalities and stakeholders on the programs and services delivered by conservation authorities on behalf of the province and member municipalities.

The Discussion Paper can be viewed by going to the following link and searching for registry number 012-4509 <http://www.ebr.gov.on.ca/ERS-WEB-External/>. The discussion paper will be posted for a 90 day period. **The deadline for submitting comments is October 19<sup>th</sup>, 2015.**

The purpose of this discussion paper is to identify opportunities to improve the existing legislative, regulatory and policy framework that currently governs conservation authorities and the programs and services they deliver on behalf of the province, municipalities, and others.

While feedback on opportunities to enhance any aspect of the existing legislative and regulatory framework is welcome, the focus of the discussion paper is on the three overarching areas of:

1. *Governance* – the processes, structures, and accountability frameworks within the Act which direct conservation authority decision-making and operations;
2. *Funding mechanisms* – the mechanisms put in place by the Act to fund conservation authorities; and
3. *Roles and responsibilities* – the roles and associated responsibilities that the Act enables conservation authorities to undertake.

Municipal input in the review process is critical. A number of municipal listening sessions are currently being planned to provide municipal sector representatives with an opportunity to review and provide responses to the questions outlined within the discussion paper. These listening sessions are tentatively being planned for the following dates and locations:

- New Market (week of August 31st)
- London (week of September 7th)
- Ottawa (week of September 21st)

- Thunder Bay (week of September 28th)
- Sudbury (week of September 28th)

If you are interested in participating in any of these sessions, or require any additional information regarding this Environmental Posting please contact Mike Passey, Policy Advisor at 705-755-5877 or at [mnrwaterpolicy@ontario.ca](mailto:mnrwaterpolicy@ontario.ca) to identify which session(s) you are interested in attending. Interest in attending these sessions will help us determine specific dates and locations.

Yours truly,

Jennifer Keyes  
Manager  
Water Resources Section  
Natural Resources Conservation Branch, Policy Division  
Ministry of Natural Resources and Forestry





## Administrative Report

### Office of the Chief Administrative Officer

**To:** Warden Tom Bain and Members of County Council  
**From:** Brian Gregg  
Chief Administrative Officer  
**Date:** August 12, 2015  
**Subject:** Approval of Invoices - Legal/Consulting Services  
**Report #:** 2015-R014-ADM-0812-BG

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#### Purpose

To present legal and consulting invoices for Council approval.

#### Background

Section 15(a)(ii) of By-Law #54-2014, being a By-Law to Provide Rules Governing the Order and Proceeding of the Council of the Corporation of the County of Essex requires that **“auditor’s fees, consultation fees over and above contractual amounts, legal expenses, and items of a capital nature not already approved in budget estimates are to be referred to County Council for approval”**.

#### Discussion

Please find attached for Council’s review and consideration fourteen accounts, totaling \$34,574.51, covering a variety of legal and consulting services engagements.

The nature of these accounts is summarized as:

**Administrative Report**

Page 2

August 12, 2015

Approval of Invoices – Legal/Consulting Services

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<b>Name of Legal/Consulting Service</b>	<b>Account Description</b>	<b>Amount</b>
Bondy Riley Koski	one account relating to general corporate matters	\$1,878.91
Kavanaugh Milloy	thirteen accounts relating to general labour matters in various departments	\$32,695.60

These accounts have been reviewed by Director of Human Resources, Chief, EMS, Director of Council Services/Clerk, Director of Corporate Service/Treasurer and myself and are considered an accurate representation of the services rendered.

### **Recommendation**

It is the recommendation of Administration that the above accounts, totaling \$34,574.51 be approved for payment.

Respectfully Submitted,

*Brian Gregg*

Originally Signed by Brian Gregg  
Chief Administrative Officer

<b>Appendix No.</b>	<b>Title of Appendix</b>
N/A	Due to confidential information of a personal nature being included on the above referenced invoices, Appendix I will be provided to members of County Council under separate cover



## Administrative Report

### Office of the Director, Council Services/Clerk

**To:** Warden Tom Bain and Members of County Council

**From:** Mary Brennan  
Director of Council Services/Clerk

**Date:** August 12, 2015

**Subject:** Windsor / Essex Provincial Offences Program - 2013 and 2014 Annual Reports

**Report #:** 2015-R006-CS-0812-MB

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#### Purpose

To provide County Council with a copy of the 2013 and 2014 Annual Reports and audited 2014 Financial Statements for the Windsor-Essex Provincial Offences Program.

#### Background

Section 2.5 of the Inter-municipal Service Agreement for the Windsor-Essex Provincial Offences Program provides that: "The Committee (Windsor/Essex Court Service Area Liaison Committee) shall submit a report outlining the Committee's activities to the parties' Councils a minimum of once per year". Due to the retirement of the POA Director and Court Manager, both in early 2014, and the subsequent reorganization of the POA administrative team, the 2013 POA Annual report was not prepared during 2014. As such, both the 2013 and 2014 POA Annual reports were provided to the POA Liaison Committee in 2015.

#### Discussion

The Windsor/Essex Court Service Area Liaison Committee met on April 16, 2015 and approved and adopted the 2013 and 2014 Annual Reports and audited 2014 Financial Statements pertaining to the POA Program for the

**Administrative Report**

Page 2

August 12, 2015

Windsor / Essex Provincial Offences Program - 2013 and 2014 Annual Reports

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Windsor/Essex Court Service Area. Members of the Liaison Committee were requested to provide the 2013 and 2014 Annual Reports and audited 2014 Financial Statements to their respective Councils, thus, they are appended to this report.

**Recommendation**

That Essex County Council receive the 2013 and 2014 Annual Report and audited 2014 Financial Statements pertaining to the Windsor/Essex Provincial Offences Program.

Respectfully Submitted

Concurred With,

*Mary Brennan*

*Brian Gregg*

Originally Signed by Mary Brennan  
Director of Council Services/Clerk

Originally Signed by Brian Gregg  
Chief Administrative Officer

<b>Appendix No.</b>	<b>Title of Appendix</b>
<a href="#">Appendix A</a>	Windsor / Essex Provincial Offences Program - 2013 Annual Report
<a href="#">Appendix B</a>	Windsor / Essex Provincial Offences Program - 2014 Annual Report and Audited Financial Statements

# WINDSOR/ESSEX PROVINCIAL OFFENCES PROGRAM

## APPENDIX #1

### 2013 ANNUAL REPORT

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C. Composition of the Liaison Committee.....	C-1
D. Liaison Committee's Activities .....	D-1
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F. Defaulted POA Fines Enforcement .....	F-1
G. Financial Results.....	G-1
H. Revenue Distribution Details.....	H-1
GLOSSARY .....	end pages

## SECTION A OPERATIONAL ACTIVITIES

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 but a few. The transfer of POA responsibilities included court support and administration functions for most POA matters, the prosecution of ticketable offences under Part I of the POA (with the more serious charges under Part III continuing to be prosecuted provincially), as well as the collection and enforcement of most fines. Part II or parking ticket matters and collections thereof had been largely transferred during earlier streamlining initiatives. Also, the POA Transfer did not include criminal matters, which continue to be processed and prosecuted in a court system managed by the province, although federal regulatory offences governed by the *Contraventions Act* of Canada, were included in the transfer.

The Windsor/Essex Provincial Offences Program (“POA Program”) was created as a special-purpose vehicle to accept the transfer of POA responsibilities from the province. It functions as a self-funding, net revenue positive operating unit of the City of Windsor (“City”), having been established for the express purpose of locally implementing the POA Transfer at the regional level. The vast 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, with additional revenues received from various service users of the POA Court system.

Although rooted in legislation, the POA Program is fundamentally a creature of contract, its constating documents consisting of:

- The Transfer Agreement entered into pursuant to Bill 108 between the City and the province of Ontario as represented by the Ministry of the Attorney General (“MAG”), consisting of 2 contracts, namely a generic Memorandum of Understanding (“MOU”) and a Local Side Agreement (“LSA”). By virtue of these documents, the City became the province’s “Municipal Partner” for the purpose of accepting, implementing and administering the local POA Transfer, in its own behalf and on behalf of the other affected local municipalities. The Transfer Agreement often in some detail, sets forth the City’s responsibilities and duties, inclusive of various guidelines and standards;
- The Intermunicipal Service Agreement (“ISA”) entered into amongst the City and those other affected municipalities together constituting the Windsor/Essex Court Service Area (“Area”), which encompasses the geographic territory consisting of the City of Windsor, the County of Essex and Pelee Island. Under the ISA, the City provides services to the other municipal signatories (the “Serviced Municipalities”) pertaining to the POA functions transferred to the City by the province under the Transfer Agreement. The ISA furthermore sets out the responsibility, cost and revenue sharing, dispute resolution, structural and governance provisions pertaining

to the POA Program, which 10-party agreement was ultimately executed by Leamington, LaSalle, Tecumseh, Essex Town, Kingsville, Pelee, Amherstburg, Lakeshore and Essex County, together with the City as the statutory and contractual service provider thereunder. This agreement provides for the appointment by the City of a Director of Provincial Offences (“Director”), to manage and lead the City division having carriage of the operations, and stipulates that the Director must be an Ontario lawyer in good standing.

The ISA 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. Among other things, the 10-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 Director and makes recommendations to the Director upon the operations of the POA Program
- Reviews and recommends for approval the annual budget presented by the Director
- Generates an annual report for review by the respective councils of the participants

The ISA provided for an initial term of six fiscal years, commencing on the date of the POA Transfer. The first fiscal year constituted the period March 5, 2001 (the live transfer date) through December 31, 2001, with the following five fiscal years coinciding with the successive full calendar years, thus the initial term commenced March 5, 2001 and expired on December 31, 2006. The ISA was renewed for a further 5-year term, expiring December 31, 2011 in as much as the automatic renewal provision therein was allowed to take its course; in 2011 by mutual agreement it was extended for a further 5-year term expiring December 31, 2016.

The POA Program occupies leased premises in Suite 300 of the Westcourt Place, bearing civic address 251 Goyeau Street, in the City of Windsor. Initially two daily courtrooms were operated there from, which number has since increased to three. The POA Program also has responsibility for various POA Court operations at the Leamington courthouse, where at the POA Court presides 2 or 3 times a month.

The POA Program provides services and facilities to various stakeholders within the administration of justice system pertaining to regulatory as distinct from criminal matters. These stakeholders include law enforcement personnel whose mandates entail initiation of

proceedings against defendants alleged to have violated regulatory or “public protection” legislation, the defendants themselves as well as their legal representatives, victims of such violations, various provincial authorities, as well as an independent and impartial judiciary. Operations of the POA Program fall more or less into four functional categories. These four sections together constitute the operational aspects of the POA Program:

**Court Administration Section:** under the Court Manager of Court Administration who reports to the Director, this section has general “nuts & bolts” carriage of the POA Court office. These responsibilities include the intake, processing, filing and preservation of charging documents and associated certificate control lists received from law enforcement agencies; the intake of mail and allocation thereof including processing payments and legal documentation; tracking of on-line remittances via *www.Paytickets.ca*; staffing of cashier stations to handle live payments and queries; generation of all POA Court dockets including fail-to-respond, trial, first appearance, and Early Resolution (formerly “First Attendance”) plus dealing with ensuing scheduling issues; setting of trial and associated dates; procuring interpreter services; liaising with police court services personnel; intake and processing of motions, re-openings, appeals and applications for extensions of time to pay fines; maintaining updated data in the provincial mainframe application known as the Integrated Courts Offences Network (“ICON”); enforcement of delinquent POA Court-imposed fines via driver’s licence suspensions; processing of daily financial matters; procurement of equipment and supplies; general care and maintenance of the facility

**Court Support Section:** also under the auspices of the Manager of Court Administration, this section is composed of POA Court monitors, being combination court clerks/reporters whose responsibilities include ensuring that the POA Court dockets and associated charging documents are properly presented in court; paging defendants; assisting the Justices in arraignments and endorsements; issuing statutory warnings to defendants; generating payment slips to defendants wishing to immediately satisfy imposed fines; maintaining updated ICON data; ensuring that the proceedings are properly recorded; typing transcripts for use in appeals and other proceedings; logging and preserving exhibits including disposal of same in accordance with judicial directions or retention requirements

**Prosecution Section:** the municipal prosecutors appear in POA Court to call the trial list and to conduct trials, to deal with motions, to set trial dates; they meet with defendants and their representatives in conjunction with the Early Resolution process with a view to resolving matters; they review law enforcement files to ensure that matters should be proceeded with and assist with disclosure to defendants and their representatives; they appear in the higher courts on both prosecution and defence appeals; they actively assist in the civil enforcement of defaulted POA fines including ensuring that defendants seeking favourable resolutions of their matters have no outstanding fines, and work with the Fines Enforcement Section to generate dunning letters, prepare writs of seizure and sale and garnishment papers, and attend on judgment debtor examinations especially at the Superior Court level. It is a condition of employment in this Area that the prosecutors, who report directly to the Director, be duly qualified Ontario lawyers. All Area municipalities continue to prosecute their own by-laws and “local” statutes such as the *Building Code Act*; Part III matters under the POA remain the prosecutorial responsibility of the Crown Attorney’s office &/or specialist prosecutors provided by various ministries (the latter also continue to handle certain specialized Part I matters)



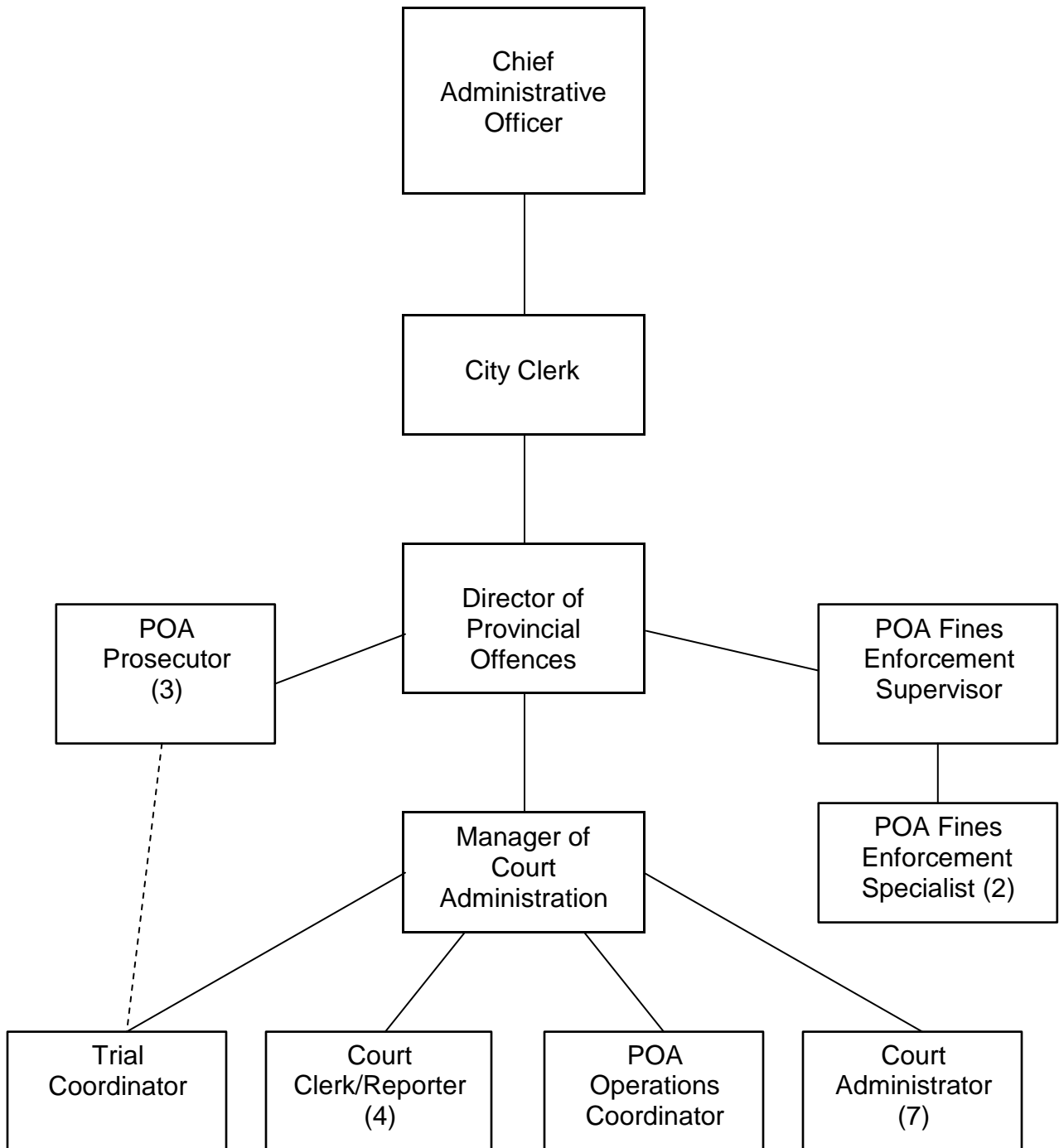
**Fines Enforcement Section:** consisting of the POA Fines Enforcement Supervisor, who reports directly to the Director as well, such individual together with two assisting POA Fines Enforcement Specialists is responsible for ensuring that POA Court judgments, being orders imposing monetary penalties, are honoured by defendants including seeing to it that certificates of default are prepared and filed in a timely fashion at the civil court having monetary jurisdiction; for sending out dunning letters; for locating and meeting with defendants having defaulted fines and making arrangements for collecting same including entering into payment plans and assisting in procuring extensions of time to pay from the POA Court and/or in restoration of driving privileges; for ensuring that writs of seizure and sale and garnishments are proceeded with in appropriate cases; for attending on judgment debtor examinations primarily at the Small Claims Court level; for filing proofs of claim with trustees in bankruptcy and estate trustees; for liaising with collection agencies and credit bureaus with which the POA Program has relationships

The Windsor Westcourt POA facility also houses a satellite office of the police court services branch, an outgrowth of the joint forces agreement which had been subscribed to by all of the major police agencies in the Area. Among other things, that office works closely with the prosecutors to ensure that law enforcement files are available for use at trials, at Early Resolution meetings and on appeals, advises police officers of trial dates, summonses lay witnesses, arranges for personal service of court documents, provides disclosure to defendants and their legal representatives, and procures necessary official documentation for use in court as evidence. By special arrangement with the Windsor Police Service as well as the OPP, the POA Program seconds staff to the Police Court Services Office in order to assist in providing back-office prosecutorial support.

An organizational diagram of the POA Program is included at the end of this section identified as CHART A, which was in effect for the subject reporting period.

The negotiated financial arrangement underpinning the POA Program is in essence a partnership, under which the participating municipalities annually rateably share approximately \$2 Million of net revenue or “profit”. The City as the managing partner, front-ends the operation and collects and enforces the monetary sentences i.e. “fines” imposed by the POA Court. From the total revenue thusly derived, all valid costs pertaining to the POA Program operation 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 thence shared amongst the signatories to the ISA in proportion to their respective weighted assessments.

**CHART A  
ORGANIZATION OF THE WINDSOR/ESSEX POA OFFICE**



## SECTION B MANAGERS MESSAGE

For the past few years, we have been impacted by low POA law enforcement activity for this Area.

Area charging activity began declining in 2010. The total for 2013 was just 37,137 charges filed with the POA Court. TABLE E-1 within this Annual Report, is a drill-down of absolute POA charging activities of the various law enforcement agencies within our Area. TABLE E-2 translates the absolute POA charging activities of said respective law enforcement agencies, into relative terms.

## SECTION C

### COMPOSITION OF THE LIAISON COMMITTEE

By virtue of the ISA, each party municipality provides a member of its administration as its Liaison Committee representative, with the Windsor representative being the incumbent Director. The latter is also the *ex officio* Chair. Each year the membership must elect a Vice-Chair who, of course, will be the representative from one of the Serviced Municipalities.

For the subject year, the final composition of the POA Liaison Committee was as follows:

MUNICIPALITY	MEMBER	POSITION
Amherstburg	Paul Beneteau	Treasurer
Essex (County)	Mary Brennan (elected Vice-Chair)	Director of Council Services/Clerk
Essex (Town)	Cheryl Bondy	Clerk/Deputy Treasurer
Kingsville	Sandra Ingratta	Director of Financial Services
Lakeshore	Steve Salmons	Director of Community and Development Services
LaSalle	Kevin Miller	Chief Administrative Officer
Leamington	Cheryl Horrobin	Director of Finance & Business Services
Pelee	Ann Mitchell	CAO/Clerk/Treasurer
Tecumseh	Luc Gagnon	Director of Financial Services & Treasurer
Windsor	Victor L. Lipnicki ( <i>ex officio</i> Chair)	Director of Provincial Offences

Special thanks are due to various of the City's staff who greatly assisted the Liaison Committee during the course of the subject reporting year, in particular:

Robert Heuton                   ~        Manager of Court Administration ("Court Manager")  
 Don Iatzko                         ~        POA Fines Enforcement Supervisor

## LIAISON COMMITTEE'S ACTIVITIES

The Liaison Committee is mandated by the ISA to convene at least twice annually. What follows are the highlights of the Liaison Committee's regular meetings, as well as those of any special meetings which may have been called, taken from the minutes thereof

### Minutes of Meeting Windsor/Essex Court Service Area Liaison Committee

May 3, 2013

Present:	Mary Brennan	County of Essex [Vice Chair]
	Cheryl Bondy	Town of Essex
	Stephen Salmons	Town of Lakeshore
	Kevin Miller	Town of LaSalle
	Luc Gagnon	Town of Tecumseh
	Victor Lipnicki	City of Windsor [Director of Provincial Offences & Chair]
	Robert Heuton	City of Windsor [Manager of Court Administration]
	Absent: TBA	Township of Pelee
	Sandra Ingratta	Town of Kingsville
	Cheryl Horrobin	Municipality of Leamington
	Brenda Percy	Town of Amherstburg

Meeting convenes at 2:09 p.m.

#### 1. Introductory

The Director welcomed the members of the Liaison Committee. He confirmed that a quorum had been attained and called the meeting to order.

#### 2. Confirmation of Previous Minutes

The Director presented the minutes from the meeting of November 2, 2012 for comments and questions from the membership.

Motion (13-1)

Moved by: Luc Gagnon

Seconded by: Mary Brennan

**THAT** the minutes of the Windsor/Essex Court Service Area Liaison Committee meeting of November 2, 2012 be adopted as presented.

### **3. Election of Vice-Chair for 2013**

The Director asked for nominations to the position of Vice-Chair of the Liaison Committee for the current year.

(Motion 13-2)

Moved by: Kevin Miller

Seconded by: Stephen Salmons

**THAT** Mary Brennan (the representative for the County of Essex) be nominated as Vice-Chair of the Windsor/Essex Court Service Area Liaison Committee. Carried by acclamation.

### **4. Determination of Weighted Assessment Figures for 2013**

The Manager presented the report respecting the 2013 weighted assessment figures to be applied in the distribution of net revenues amongst the municipal partners.

Motion (13-3)

Moved by: Kevin Miller

Seconded by: Cheryl Bondy

**THAT** the Windsor/Essex Court Service Area Liaison Committee approve the Weighted Assessment figures for 2013 as presented, subject to amendment as may be required by the Clerk for the County of Essex.

### **5. Operating Budget Final Status for 2012**

The Manager presented the report respecting the year-end 2012 audited financial statements as well as the final detailed operating results, to the Liaison Committee.

Motion (13-4)

Moved by: Stephen Salmons

Seconded by: Kevin Miller

**THAT** the Windsor/Essex Court Service Area Liaison Committee approve of and adopt the 2012 financial statements presented as at December 31, 2012 and reflected within the draft 2012 "INDEPENDENT AUDITORS' REPORT" (DRAFT 04/16/2012) prepared by KPMG, as well as the spreadsheet of final operational results for the year 2012.

### **6. Operating Budgets Status for 2013**

The Manager presented a financial status of the POA operation as at March 31, 2013. Revenues are down \$150,000 when compared to 2012. Charging volumes have also decreased by 45%

over the same period. As at March 31, 2013, 9,081 charges have been filed with the POA Office.

The Manager further noted that due to the decrease in charging volumes across the Area, we need to be cautious when projecting anticipated revenue for year-end.

The Liaison Committee was made aware that City Council had approved the 2013 net operating budget of \$2,774,297 for the POA Program.

Motion (13-5)

Moved by: Kevin Miller

Seconded by: Cheryl Bondy

**THAT** the Windsor/Essex Court Service Area Liaison Committee note and file the Statement of Revenue and Expenditures for the first quarter of 2013.

## **7. POA Fines Enforcement Update**

The Director presented the report providing an update to the membership respecting:

- ❑ The state of the Windsor/Essex POA Program's defaulted fines database;
- ❑ The results of efforts to enforce the collection of unpaid defaulted fines levied by the POA Court pursuant to the *Provincial Offences Act*;
- ❑ The results achieved through collection agency referrals.

The recent decrease in charging volumes of the Windsor Police was discussed in some detail, it being noted that their charges filed with the POA Court in 2012 had fallen to 1997-1998 levels and that any further decrease would take their enforcement activities "off the chart".

Motion (13-6)

Moved by: Kevin Miller

Seconded by: Stephen Salmons

**THAT** the Windsor/Essex Court Service Area Liaison Committee note and file the report as submitted, updating the state of the POA Program's database of defaulted fines as well as the results achieved by the combined efforts of the POA Fines Enforcement Section, the POA Prosecution Section, and the NCO collection agency, covering the 2012 reporting year.

## **8. Update on Previous Matters**

The membership inquired as to the potentiality of the POA Office moving to the proposed new City Hall. The Director noted that he was not privy to any updated information beyond that previously reported.

The membership also inquired about the Office of Continuous Improvement review of operations. The Director indicated that the report was forthcoming.

The Director reviewed the 2012 statistics respecting the quantum of by-law fines revenue taken in on behalf of the Area municipalities for distribution amongst the respective charging source municipalities.

The Director informed the membership that the City administration was moving forward with implementing an Administrative Monetary Penalty program for parking enforcement. The anticipated target date for implementation was July 1, 2013. The Director advised that approximately \$14,000 in revenue will be lost by the POA Program as the Clerk of the Court will no longer certify and receive \$3.00 for each outstanding parking charge convicted. Moving to an AMP program for parking enforcement will free up court time to be used for other matters which may have benefits for the POA Program however, tickets issued for handicapped parking infractions as well as parking offences prosecuted via Information/Summons, are excluded from the AMP regime I.e they will remain within the Court system.

## **9. New Business**

The Director indicated that the Ontario Government had introduced legislation, the *Highway Traffic Statute Law Amendment Act, 2013*. The proposed legislation will enable plate denial to defendants having unpaid fines for offences thereunder and is anticipated to be particularly beneficial in situations where vehicle registration is in a corporate name.

## **10. Adjournment**

The meeting adjourned at 3:20 p.m., with the next regular meeting at the call of the Chair for the Autumn.

**Minutes of Meeting**  
**Windsor/Essex Court Service Area Liaison Committee**

**Friday, November 22, 2013**

Present:	Mary Brennan	County of Essex [Vice Chair]
	Sandra Ingratta	Town of Kingsville
	Dale Langlois	Town of LaSalle
	Luc Gagnon	Town of Tecumseh
	Greg Bedard	Town of Amherstburg
	Cheryl Horrobin	Municipality of Leamington
	Victor Lipnicki	City of Windsor [Director of Provincial Offences]
	Helga Reidel	City of Windsor [CAO]
	Valerie Critchley	City of Windsor [City Clerk]
	Don Iatzko	City of Windsor [POA Enforcement Supervisor]
	Sheri Arsenault	City of Windsor [Manager of Administration]
	Trevor Bennett	City of Windsor [Risk and Project Management]
Absent:	Ann Mitchell	Township of Pelee
	Cheryl Bondy	Town of Essex
	Stephen Salmons	Town of Lakeshore

Meeting convenes at 2:04 p.m.

**Call to Order**

The Director welcomed the members of the Windsor/Essex Court Service Area Liaison Committee. He confirmed that a quorum had been attained and called the meeting to order.



### **Confirmation of Previous Minutes**

The Director presented the minutes from the meeting of Friday, May 3, 2013 for comments and questions from the Liaison Committee.

Motion (13-7)

Moved by: Luc Gagnon

Seconded by: Mary Brennan

**THAT** the minutes of the Windsor/Essex Court Service Area Liaison Committee meeting of Friday, May 3, 2013 be adopted as presented.

### **Update on Previous Matters**

Nothing new reported

### **2014 Budget**

The City Clerk advised that the City of Windsor wants to restructure the POA operations due to the upcoming retirement of both the Director and Manager. Sherri Arsenault, Manager of Administration for Corporate Services, has been assigned to the POA Office to become familiar with court operations in order to pass knowledge along to the new Director.

The City Clerk presented the departmental budget which included the extraordinary items affecting the POA Program:

Court Security Increase of \$20,263

Elimination of Part II Fine Collection \$20,000

Elimination of Manager of Court Administration position \$91,064 plus benefit costs

Add a Court Running Service for POA Fines Enforcement \$8,300

Add an Automated Phone Soliciting Service for POA Fines Enforcement \$1,200

Add Annual Maintenance for CAMS Software \$2,500

Motion (13-8)

Moved by: Mary Brennan

Seconded by: Cheryl Horrobin

**THAT** the Windsor/Essex Court Service Area Liaison Committee approves the 2014 Budget, including the extraordinary items presented by the City Clerk for the City of Windsor, subject to final approval of Windsor City Council.

## **2012 Annual Report**

The Director presented the Annual Report for 2012 to the Liaison Committee, same having been previously circulated amongst the membership.

Motion (13-9)

Moved by: Sandra Ingratta

Seconded by: Dale Langlois

**THAT** the Windsor/Essex Court Service Area Liaison Committee **APPROVES** of and **ADOPTS** the 2012 Annual Report pertaining to the POA Program for the Windsor/Essex Court Service Area, in the form or substantially the form herewith presented to it, **AND THAT** the membership accordingly present same to their respective Councils in the final format as shall be subsequently circulated by the Director of Provincial Offences, together with the 2012 Independent Auditors' Report.

## **2013 Operating Budget Status**

The Statement of Revenue and Expenditures for the Provincial Offences operations was presented to the Committee as at September 30, 2013.

Discussion ensued among the Committee concerning the decline in charging volumes. It is anticipated that 2013 charging volumes will be approximately 38,000 which will be a 4% drop in activity when compared to 2012.

The final 2013 Weighted Assessment Schedule was also provided for the Committee to review.

Motion (13-10)

Moved by: Mary Brennan

Seconded by: Sandra Ingratta

**THAT** the Windsor/Essex Court Service Area Liaison Committee note and file the Statement of Revenue and Expenditures through Q3 for 2013 as well as the Final 2013 Weighted Assessment Schedule.

## **POA Fines Enforcement Status**

The Director presented an update to the Committee respecting the state of the Windsor/Essex POA Program's defaulted fines database and the results of the efforts to enforce the collection of unpaid defaulted fines levied by the POA Court pursuant to the *Provincial Offences Act*.

Motion (13-11)

Moved by: Cheryl Horrobin

Seconded by: Sandra Ingratta

**THAT** the Windsor/Essex Court Service Area Liaison Committee note and file the report as submitted, updating the state of the POA Program's database of defaulted fines as well as the results achieved in enforcing the collection thereof, covering the first half of 2013.

## **Business Process Review**

Trevor Bennett, Consultant of Enterprise Risk Management and Project Management, Office of the Chief Administrative Officer for the City of Windsor presented findings from the process review of the POA operations conducted in 2013. He particularly noted that much of the POA Operations is fixed costs and that revenue flows are beyond the control of the POA Program.

Discussion ensued among the committee with regard implementation of CAMS and other measures to enhance fine enforcement procedures.

Motion (13-12)

Moved by: Luc Gagnon

Seconded by: Mary Brennan

**THAT** the Windsor/Essex Court Service Area Liaison Committee note and file the Business Process Review Report as received.

## **New Business**

The Director presented a Profitability Spreadsheet. He noted that while charging volumes have declined in the Windsor-Essex County Court Service Area, the POA Program remains one of the more profitable in Ontario.

The Director also advised the Committee that effective November 1, 2013, the City of Windsor has implemented the Administrative Monetary Penalty process for enforcing parking tickets in the City of Windsor. Although the POA Program will lose \$20,000 annually for registering convictions, court time will be available to be utilized for by-law and other POA matters which is a higher and more productive use of court time

## **Adjournment**

The meeting adjourned at 3:57 p.m., with the next regular meeting being at the call of the Chair in the Spring of 2014.

## SECTION E CASELOAD

The POA Program's caseload is dependent upon charges laid by professional law enforcement personnel, privately laid charges being an insignificant rarity. The workflow of the POA Program commences with the initiation by police and other officers of legal proceedings against alleged violators of public protection legislation, which regulatory laws such personnel are mandated to enforce. Legal proceedings are instituted by personal service upon the defendant of either a Provincial Offence Notice ("ticket") or a more formal Summons to Defendant requiring attendance at court. These charges are ultimately disposed of by an independent and impartial judiciary presiding in the form of the POA Court. Pursuant to Part X of the POA and the Transfer Agreement, the POA Program receives fine revenue from Part I and Part III charges laid for contraventions of non-local *provincial* statutes, and provided that the fine revenue is not "dedicated" to some special purpose. In particular, the POA Program receives no revenue or other compensation relative to federal contraventions for our services rendered and/or facilities made available, other than relatively insignificant court costs/fees. Further detailed distinctions are possible, as indicated below:

- Charges laid by traditional police forces being local police services including the OPP: all fine revenues belong to the POA Program virtually without exception unless the charges are laid under federal legislation (such as contraventions of pleasure boat regulations) or under sundry municipal bylaws
- Charges laid by specialized police forces, such as the OPP contingent securing Casino Windsor: for the most part all fine revenues belong to the POA Program, unless charges are laid under federal legislation (for example by the CNR or CPR police under the *Railway Safety Act* of Canada)
- Charges laid by specialized agencies and most provincial ministries, for example the Ministry of Labour under the *Occupational Health and Safety Act*: for the most part all fine revenues belong to the POA Program, unless there is statutory dedication
- Charges laid by municipal inspectors and police officers under bylaws (e.g. licensing, zoning, noise, prohibited turns, parking, etc.) and local statutes (e.g. *Building Code Act*): the fine revenues belong to the charging municipality, with the POA Program receiving no compensation for services rendered and facilities made available, other than relatively insignificant court costs/fees
- Charges laid under federal enactments or by certain provincial ministries or bodies in situations where the fines are statutorily "dedicated" to special purposes: the POA Program receives no fine revenue or other compensation for services rendered and facilities made available, other than relatively insignificant court costs/fees. So-called "dedicated" fines are most commonly encountered under the *Fish and Wildlife Conservation Act* and the *Workplace Safety and Insurance Act* ("workers comp").

All Victim Fine Surcharge amounts taken in totally belong to the province and processes are in place designed to route those amounts to the province.

It should be noted that for the subject reporting period covered by this report, the POA Program took in a total of **37,137** charging documents, for a monthly average intake of some

**3,095** tickets/informations. TABLE E-1 and TABLE E-2 which follow, respectively depict the absolute and relative charging activities compared year over year, on an agency basis.

***NOTE:** The numbers and/or percentages of charges do not necessarily translate into more or less fine revenue generation. The quality of the charges is important. Further, the strongest case will be dismissed if no one appears at trial to testify. Some charges by virtue of the statute, generate fine revenue out of all proportion to the number of charges laid, e.g. it is not unusual for a single Ministry of Labour or MOE conviction to result in a very large fine.*

The overall trends of charging volumes, as well as the annual norm, are discernable from the depiction set forth in GRAPH E hereto.

In addition to having accepted and dealt with the filings of the various freshly laid charges over the course of the subject reporting period, the POA Program processed some:

- ✓ **11,400** Early Resolution meetings (Part I) [superseded “First Attendance”]
- ✓ **217** appeals from convictions/acquittals/sentences (Parts I, II & III)
- ✓ **776** re-opening applications of convictions in absentia (Parts I & II)
- ✓ **1,819** applications to extend the time to pay fines (Parts I, II & III)

In excess of 50,000 persons, constituting a cross-section from every walk of life and from diverse geographic areas, had occasion to visit our premises over the course of the year.

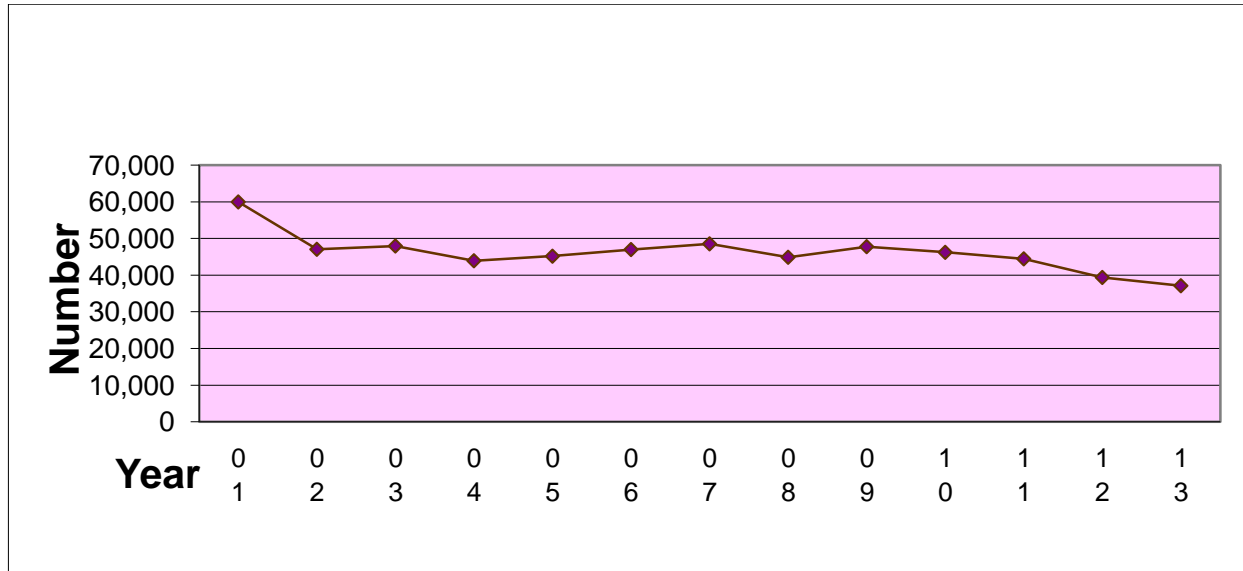
TABLE E-1: ABSOLUTE CHARGING VOLUMES (Number of Charges Filed)

Agency	'2013'	'2012'	'2011'	'2010'	'2009'	'2008'	'2007'
Windsor Police	13,909	14,587	17,086	20,248	22,678	21,140	21,329
Ministry of Transportation	3,731	3,867	4,336	3,687	2,548	2,156	2,037
Tecumseh OPP	2,570	2,860	3,100	2,837	3,549	3,249	3,919
Essex OPP	2,676	2,533	2,715	2,840	2,232	1,968	2,070
Lakeshore OPP	2,860	2,494	2,289	2,282	2,836	2,510	3,523
Leamington OPP	2,125	2,459	2,712	2,735	3,046	3,293	2,815
Kingsville OPP	1,531	2,386	1,896	2,042	2,638	2,591	2,951
Amherstburg Police	2,153	2,339	3,466	2,124	1,460	1,834	2,108
Essex Town OPP	2,060	1,943	2,583	2,609	2,336	1,053	1,143
LaSalle Police	1,159	1,698	2,010	2,649	2,718	3,706	4,477
Canadian Pacific Rail Police	830	968	934	804	221	122	134
HEAT Unit	456	268	299	337	491	90	508
Windsor By-law	122	203	196	253	178	263	207
Ministry of Natural Resources	293	202	300	406	295	336	341
Windsor Fire	67	156	10	49	44	108	299
Ministry of Labour	68	117	89	61	76	72	130
Casino OPP	199	111	74	49	45	83	105
Health Unit	37	47	82	86	45	64	99
Ministry of Finance	67	47	36	14	84	113	11
Ont. Motor Vehicle	21	21	75	0	44	21	69
Ministry of Environment	86	15	61	42	26	41	176
Amherstburg Bylaw	11	13	23	30	3	3	0
Electrical Safety	20	12	23	7	7	0	1
Ont. Colleges of Trades	3	0					
Lakeshore Fire	2	11	2	2	5	9	0
Humane Society	17	7	0	13	23	26	11
Private Complaints	7	5	15	7	12	1	3
Ministry of Municipal Affairs & Housing	1	5	8	4	5	0	7
Lakeshore By-law	2	4	8	0	4	1	1
Workplace Safety & Insurance Board	3	4	3	2	19	5	0
Leamington By-law	0	4	1	2	4	5	2
Parks Canada	5	3	1	0	0	0	12
Kingsville Fire	0	2	12	0	24	3	1
Miscellaneous	27	2	8	10	2	0	8
LaSalle Fire	1	1	15	5	12	21	6
Essex Region Conservation	0	1	0	2	8	4	2
Canadian National Rail Police	0	0	3	0	44	5	22
Ontario New Home Warranty	2	0	2	12	0	8	28
Pelee Island OPP	0	0	1	0	0	0	1
Leamington Fire	2	0	0				
Major Crime Squad	12	0	0	2	0	0	1
Kingsville By-law	0	0	0	0	29	0	0
Essex Bylaw	1	0	0	0	4	3	5
Boards of Education	0	0	0	0	4	2	2
Probation Office	0	0	0	0	1	0	0
Wildlife Canada	0	0	0	0	0	0	2
Min. of Agriculture	0	0	0	0	0	0	0
Childrens Aid Society	0	0					
Royal Canadian Mounted Police	1	0	0	0	0	0	0
TOTALS	37,137	39,395	44,474	46,252	47,800	44,909	48,566

**TABLE E-2: RELATIVE CHARGING VOLUMES (Percent of Charges Filed ~ forced to ½%)**

<b>Agency</b>	<b>`2013`</b>	<b>`2012`</b>	<b>`2011`</b>	<b>`2010`</b>	<b>`2009`</b>	<b>`2008`</b>	<b>`2007`</b>
Windsor Police	37.5	37.0	38.5	44.0	47.5	47.0	44.0
MTO	10.0	10.0	10.0	8.0	5.5	5.0	4.5
Lakeshore OPP	8.0	6.5	5.0	5.0	6.0	7.5	8.0
Essex OPP	7.5	6.5	6.0	6.5	5.0	4.0	5.0
Tecumseh OPP	7.0	7.0	7.0	6.0	7.5	8.5	9.0
Amherstburg Police	6.5	6.0	8.0	4.5	3.0	2.5	3.0
Leamington OPP	6.0	6.5	6.0	6.0	6.5	7.5	6.5
Essex Town OPP	5.5	5.0	6.0	5.5	5.0	4.5	4.5
Kingsville OPP	4.0	6.0	4.5	4.0	6.0	6.0	7.5
LaSalle Police	3.0	4.5	5.0	6.0	6.0	6.0	6.0
CPR Police	2.5	2.5	2.5	2.0	0.5	0.0	0.0
HEAT	1.5	1.0	0.5	1.0	1.0	1.0	0.5
MNR	0.5	0.5	0.5	1.5	0.5	0.5	0.0
Casino OPP	0.5	0.0	0.0	0.0	0.0	0.0	0.0
Windsor By-law	0.0	0.5	0.5	0.0	0.0	0.0	1.0
Windsor Fire	0.0	0.5	0.0	0.0	0.0	0.0	0.0
Ministry of Finance	0.0	0.0	0.0	0.0	0.0	0.0	0.5
Ministry of Labour	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Health Unit	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Ont. Motor Vehicle	0.0	0.0	0.0	0.0	0.0	0.0	0.0
CNR Police	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Kingsville By-law	0.0	0.0	0.0	0.0	0.0	0.0	0.0
MOE	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Kingsville Fire	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Humane Society	0.0	0.0	0.0	0.0	0.0	0.0	0.0
WSIB	0.0	0.0	0.0	0.0	0.0	0.0	0.0
LaSalle Fire	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Private Complaints	0.0	0.0	0.0	0.0	0.0	0.0	0.0
ERCA	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Electrical Safety	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Lakeshore Fire	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Mun. Affairs/Housing	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Leamington By-law	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Essex Bylaw	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Boards of Education	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Lakeshore By-law	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Amherstburg Bylaw	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Probation Office	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Home Warranty	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Parks Canada	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Wildlife Canada	0.0	0.0	0.0	0.0	0.0	0.0	0.0
MCBS	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Pelee Island OPP	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Min. of Agriculture	0.0	0.0	0.0	0.0	0.0	0.0	0.0
RCMP	0.0	0.0	0.0	0.0	0.0	0.0	0.0
<b>TOTALS</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>

**GRAPH E**  
**ANNUAL POA CHARGES FILED FOR WINDSOR/ESSEX**





## **SECTION F**

### **DEFAULTED POA FINES ENFORCEMENT**

Under the Transfer Agreement with MAG, the responsibilities in behalf of the City as “Municipal Partner” include the collection and enforcement of POA fines for and on behalf of the Area. Concurrently with the POA Transfer, a concerted effort was implemented to civilly enforce payment of inherited defaulted fines together with those freshly arising. These efforts initially were subsumed within the court administration and prosecution sections however, it rapidly became patently obvious that the magnitude of the task warranted the creation of a specialized and dedicated team of legally-trained individuals. Over the course of the ensuing years, the POA Fines Enforcement Section has evolved to its present complement of 3 full-time employees.

After more than a decade of continuous fines enforcement activities relentlessly pursued by the POA Program, we have observed that many of our clientele no longer allow their fines to go into default. Based upon their own personal experience and/or word-of-mouth reminiscences of others, individuals are finding it preferable to pay their fines in a timely manner in lieu of being subjected to some of the less-than-pleasant consequences flowing from the *certain* application by us of various enforcement endeavours.

Efforts to enforce these defaulted fines continue to be aggressive and ever wide-ranging. Enforcement constitutes a highly labour-intensive activity which readily devours any and all resources assigned thereto. Ways and means routinely utilized to encourage payment (“collection”) and/or to legally mandate payment (“enforcement”) of defaulted fines include the following:

- ⇒ Registering Certificates of Default with the civil court having monetary jurisdiction, thereby constituting deemed orders or judgments for enforcement purposes.
- ⇒ Examinations-in-Aid of Execution, whereby judgment debtors may be examined in depth as to their abilities and means to make good their monetary obligations including being compelled to fully disclose their assets, liabilities, sources of income, bank accounts, RRSP’s etc.
- ⇒ Contempt Hearings where debtors have refused or neglected to attend on examinations-in-aid.
- ⇒ Filing, and maintaining the currency of, Writs of Seizure and Sale with sheriff’s offices, thereby erecting judicial liens against present and future proprietary interests.
- ⇒ Garnishment proceedings whereby wages, bank accounts, rentals from tenants, RRSP’s etc. are attached as information becomes available to that end.
- ⇒ Tracking recidivists through the various court systems with a view to encouraging payment.
- ⇒ Exercise of prosecutorial discretion to encourage defendants presenting themselves with fresh charges, to finally honour monetary sentences previously imposed by the POA Court.
- ⇒ Driver’s Licence suspensions under various statutes and regulations, as well as Plate Denial for lingering parking ticket matters remaining with the POA Program.

- ⇒ Collection Agencies. For nearly a decade, commencing in 2002 we had been referring dishonoured fines owing by American residents to J.J. Marshall & Associates, Inc. (“JJM”). Between October 11, 2006 and November 11, 2008 our database of defaulted fines with Canadian addresses was being worked by Canadian Bonded Credits Limited (“CBCL”) and NCO Financial Services, Inc. (“NCO”). In addition to skip tracing and making the usual contacts with debtors, these collection agencies had reported numerous defaulters to the major credit bureaus, thereby impairing the creditworthiness of those who refused or neglected to make good on their outstanding POA fines. In 2011 authorization was obtained for refreshing NCO’s retainer, with a cross-border mandate, the implementation commenced in early 2012 and continues to-date.
- ⇒ Payment Plans, whether informally entered into or arising pursuant to applications for extensions of time to pay made to the POA Court. These arrangements can often result in a person’s driver’s licence either not going into suspension and/or being reinstated, which makes affected individuals that much more employable and thus their ability to pay their delinquent fines in due course is enhanced.
- ⇒ Monitoring of death notices and concomitant filings of claims against the estates of deceased POA fines defaulters, and/or against beneficiaries to whom estate assets have devolved without provision having been made for payment of such estate debts.
- ⇒ Monitoring of bankruptcy proceedings including filing claims where deemed beneficial. It should be noted however that notwithstanding bankruptcy, Court-imposed fines survive discharge therefrom by virtue of Section 178 of the *Bankruptcy and Insolvency Act* of Canada.
- ⇒ Invoking set-off procedures against suppliers of goods and/or services to the City where such invoicing vendors have defaulted POA fines.
- ⇒ Invoking set-off procedures against indemnities deposited with permit-issuing City departments, where the indemnitors have defaulted POA fines.
- ⇒ Encouraging revocation of CVOR certificates in liaison with the Ministry of Transportation, respecting businesses making use of commercial motor vehicles which operations perennially default on fines.
- ⇒ Selectively adding defaulted fines to the tax roll for collection pursuant to section 441.1 of the *Municipal Act*.

TABLE F-1 hereto displays in some detail the results achieved directly by or under the auspices of the POA Fines Enforcement Section covering the within reporting period. TABLE F-2 sets out the relevant statistics pertaining to the state of the POA Program’s database of defaulted fines.

For the subject reporting year the monthly average of **\$130,193** was taken in by the 3-person POA Fines Enforcement Section, totaling **\$1,562,314** on an annualized basis. In addition to the efforts of the POA Fines Enforcement Section, two lawyer members of the POA Prosecution Section also assist with bringing in delinquent fines by way of pursuing hardcore civil enforcement remedies of a more legalistic nature, primarily garnishments, writs of execution and judgment debtor examinations.

The prosecutors' efforts are above and beyond those of the POA Fines Enforcement Section. Through the end of the subject reporting year a monthly average of **\$25,283** had been recovered by such legal enforcement endeavours, for a yearly total of **\$303,394**.

The third stream of delinquent fine revenue emanates from NCO. The collection agency enjoys more leverage beyond the Ontario boundaries than do our own forces. NCO "presses different buttons" in terms of alternate ways and means including locating debtors and making contact with them. In particular, the collection agency is possessed of credit bureau reporting privileges which can adversely impact the creditworthiness of individuals with unpaid fines. The efforts of NCO resulted in an average monthly intake for the subject reporting year of **\$13,450** for a total of **\$161,404**.

In the result, the total monthly average taken in for the subject reporting year, representing the combined efforts of the POA Fines Enforcement Section, the POA Prosecution Section, together with the NCO collection agency, came to **\$168,926** totaling **\$2,027,112** for the entire year.

Approximately one-third of the POA Program's annual revenues represent defaulted fines taken in, on an as-received basis. Maintaining at least the current state of diligence in insisting upon payment of fines in arrears is thus mission-critical to the financial well-being of the operation. No less important is the realization that if respect for law enforcement as well as for the administration of justice is to be upheld, violators of public protection legislation must absolutely be prevailed upon to honour the monetary penalties imposed against them in consequence of their transgressions of regulatory laws of the land.

One cannot over-emphasize the importance of "the word on the street" in the successful collection and enforcement of fines, rooted in a rigorous approach, provided that such endeavours are adequately supported. It is the universal experience of fine-collecting court operations, that many defendants are governed by the community perception as to whether the court not only expects, but aggressively enforces, the payment of the monetary sentences levied by the judiciary.

**TABLE F-1**

**FINES ENFORCEMENT SECTION RESULTS FOR ALL OF 2013**

**DEFAULTED FINES RECEIPTS FOR 2013**

<b>MONTH</b>	<b>FINES ENF.</b>	<b>CIVIL ENF.</b>	<b>NCO</b>	<b>COMBINED</b>
January	\$126,407.50	\$22,043.32	\$5,565.58	\$154,016.40
February	\$133,050.00	\$11,398.41	\$9,782.46	\$154,230.87
March	\$135,079.75	\$14,277.16	\$15,306.25	\$164,663.16
April	\$145,747.59	\$38,430.79	\$18,057.65	\$202,236.03
May	\$138,273.43	\$33,174.28	\$11,076.34	\$182,524.05
June	\$131,573.50	\$26,930.57	\$18,163.21	\$176,667.28
July	\$129,408.09	\$36,339.89	\$7,226.87	\$172,974.85
August	\$125,693.04	\$18,580.98	\$7,500.69	\$151,774.71
September	\$126,111.70	\$15,327.90	\$8,245.43	\$149,685.03
October	\$124,336.56	\$22,818.71	\$18,498.40	\$165,653.67
November	\$123,956.17	\$19,342.15	\$33,119.42	\$176,417.74
December	\$122,677.00	\$44,729.87	\$8,862.09	\$176,268.96
<i>TOTAL:</i>	\$1,562,314.33	\$303,394.03	\$161,404.39	\$2,027,112.75
<i>MONTHLY AVG:</i>	\$130,192.86	\$25,282.84	\$13,450.37	\$168,926.06

**TABLE F-2**

**DEFAULTED FINES DATABASE STATISTICS FOR ALL OF 2013**

MONTH	RECORDS			VALUES			DIFFERENCE	
	Pre-Transfer	Post-Transfer	Combined	Pre-Transfer	Post-Transfer	Combined	Dollars	Percent
Bring Forwd	41,657	32,759	74,416	\$7,924,002.74	\$27,430,094.08	\$35,354,096.82		
January	41,594	32,875	74,469	\$7,904,338.16	\$27,424,716.60	\$35,329,054.76	(\$25,042.06)	-0.07%
February	41,565	32,786	74,351	\$7,893,147.77	\$27,375,008.79	\$35,268,156.56	(\$60,898.20)	-0.17%
March	41,514	32,757	74,271	\$7,867,955.42	\$27,428,144.01	\$35,296,099.43	\$27,942.87	0.08%
April	41,465	32,806	74,271	\$7,878,655.11	\$27,566,869.29	\$35,445,524.40	\$149,424.97	0.42%
May	41,393	32,978	74,371	\$7,844,314.47	\$27,655,659.48	\$35,499,973.95	\$54,449.55	0.15%
June	41,343	32,879	74,222	\$7,835,615.65	\$27,505,197.90	\$35,340,813.55	(\$159,160.40)	-0.45%
July	41,262	32,853	74,115	\$7,808,022.03	\$27,404,166.29	\$35,212,188.32	(\$128,625.23)	-0.36%
August	41,228	32,997	74,225	\$7,793,996.54	\$27,533,081.59	\$35,327,078.13	\$114,889.81	0.33%
September	41,195	33,084	74,279	\$7,794,584.40	\$27,696,451.05	\$35,491,035.45	\$163,957.32	0.46%
October	41,134	33,200	74,334	\$7,780,104.38	\$27,771,609.68	\$35,551,714.06	\$60,678.61	0.17%
November	41,131	33,354	74,485	\$7,789,957.79	\$27,999,055.36	\$35,789,013.15	\$237,299.09	0.67%
December	41,117	33,558	74,675	\$7,779,070.52	\$28,169,955.23	\$35,949,025.75	\$160,012.60	0.45%

**NOTE:** Data depicted is net of written-off cases. Write-offs are effected only to rationalize database management and associated collection and enforcement endeavours. The *Limitations Act, 2002* specifically preserves defaulted POA fines from prescription thus, even if written-off such obligations are neither statute-barred, nor “forgiven” unless in consequence of judicial proceedings.

## SECTION G

### FINANCIAL RESULTS

Table G-1 depicts the POA Program's operating result for the subject reporting year, inclusive of the corresponding line item comparables for previous periods. The net operating result for the POA Program was **\$1,885,936**.

The due diligence done in late 1999/early 2000, had forecast approximately \$1,950,000 in yearly total net revenue i.e. "profit", for what was then the proposed POA Program, upon which basis all concerned were content to proceed with the POA Transfer. In an extremely challenging economic environment and recognizing that fine imposition amounts have not been indexed for inflation, the POA Program endures as a successful self-funding, net revenue positive undertaking which funnels considerable amounts of non-earmarked moneys to the various municipal participants for the mutual benefit of all local taxpayers. Each benefiting municipality is free to allocate its respective portion to such municipal purposes as deemed appropriate by the elected council thereof.

From the local POA Transfer date of March 5, 2001 through to the end of the subject reporting year, this Area's POA Program has flowed through total net revenue to the partnering municipalities in the amount of **\$37,064,722**. The tabulation set forth in TABLE G-2 depicts details thereof in a cumulative fashion. The following factors must always be borne in mind in reviewing the results for the subject reporting year, as well as when projecting potential results for subsequent reporting periods:

- a) decreased law enforcement activities translate into current fine revenue declines, while enhanced law enforcement activities generate increased current fine revenues. Although the POA Program has other sources of revenue, notably aggressive enforcement efforts targeting old or defaulted fines, the bulk of receipts is highly dependent upon the number, type and quality of fresh charges laid by motivated, arm's-length law enforcement personnel, as well as the attendance of trained officers at trials in disputed cases;
- b) another significant and uncontrolled external revenue factor is the quantum of fines imposed by an independent and impartial judiciary in the exercise of their discretionary sentencing functions, in the event of the entering of conviction;
- c) the POA Program is highly vulnerable to certain uncontrolled external expenses, notably the provincial charges for adjudication and those for Part III prosecutions, both of which payments are mandated by the Transfer Agreement. These in turn become a function of charging volumes and associated courtroom utilization.

**TABLE G-1**

**WINDSOR/ESSEX POA PROGRAM ANNUAL FINANCIAL RESULTS**

	2013 Actuals (\$)	2012 Actuals (\$)	2011 Actuals (\$)	2010 Actuals (\$)	2009 Actuals (\$)	2008 Actuals (\$)
<b>Revenue:</b>						
Court Fines	6,248,765	6,781,112	6,885,895	6,781,619	6,071,901	6,229,608
User Fees	14,193	14,103	14,799	11,832	11,073	17,205
General Revenue				1,700	2,264	63,584
<b>TOTAL REVENUE</b>	<b>6,262,958</b>	<b>6,795,215</b>	<b>6,900,694</b>	<b>6,795,151</b>	<b>6,085,238</b>	<b>6,310,397</b>
<b>Expenditures:</b>						
Salaries & Wages	1,825,963	2,010,637	1,638,283	1,643,913	1,579,080	1,649,118
Administrative						
Overhead	359,561	401,816	365,776	410,818	408,965	541,982
Materials & Services	327,320	322,725	320,229	305,909	298,834	287,234
Provincial Charges	1,554,165	1,669,429	1,725,651	1,764,356	1,588,307	1,585,731
Facility Rental	310,013	310,073	310,013	304,018	301,226	290,712
<b>TOTAL EXPENDITURES</b>	<b>4,377,022</b>	<b>4,714,680</b>	<b>4,359,952</b>	<b>4,429,014</b>	<b>4,176,412</b>	<b>4,354,777</b>
<b>NET SURPLUS</b>	<b>1,885,936</b>	<b>2,080,535</b>	<b>2,540,742</b>	<b>2,366,137</b>	<b>1,908,826</b>	<b>1,955,620</b>

**TABLE G-2**  
**WINDSOR/ESSEX POA PROGRAM NET REVENUE**  
**DISTRIBUTIONS**

(cell values depict dollar amounts)

**CUMULATIVE NET POA REVENUE DISTRIBUTIONS**

<b>Year</b>	<b>Amherstburg</b>	<b>Essex</b>	<b>Kingsville</b>	<b>Lakeshore</b>	<b>LaSalle</b>	<b>Leamington</b>	<b>Tecumseh</b>	<b>Pelee</b>	<b>Windsor</b>
<b>1999</b>	164,733	135,875	141,831	263,351	195,202	184,755	267,516	7,407	2,115,582
<b>2000</b>	182,834	150,805	157,416	292,289	216,651	205,056	296,911	8,221	2,348,045
<b>2001</b>	155,349	128,930	134,261	241,562	182,517	172,120	242,312	7,476	1,898,778
<b>2002</b>	124,819	103,540	108,870	198,959	152,433	138,286	193,991	5,986	1,523,822
<b>2003</b>	120,646	100,310	107,351	199,210	147,270	135,053	180,469	6,308	1,447,433
<b>2004</b>	96,010	79,819	85,969	168,110	123,892	106,825	148,295	5,321	1,134,266
<b>2005</b>	124,277	102,957	112,654	226,400	161,976	139,357	190,022	7,017	1,467,541
<b>2006</b>	114,001	94,492	105,231	214,757	151,511	127,371	172,085	7,102	1,342,041
<b>2007</b>	99,310	82,884	92,777	189,781	133,605	111,843	149,405	6,238	1,159,242
<b>2008</b>	95,915	80,283	90,521	187,777	130,243	109,233	143,647	6,023	1,111,978
<b>2009</b>	98,820	81,738	94,418	192,997	129,312	113,208	144,601	6,022	1,047,710
<b>2010</b>	124,675	102,340	119,327	243,688	161,153	141,762	178,683	7,643	1,286,866
<b>2011</b>	135,395	110,377	130,865	267,279	174,507	152,738	191,475	8,255	1,369,851
<b>2012</b>	111,810	90,160	108,583	221,525	143,427	126,389	154,579	6,862	1,117,200
<b>2013</b>	104,222	84,303	101,934	203,306	134,446	115,890	138,236	5,740	997,860
<b>Total</b>	<b>1,852,816</b>	<b>1,528,813</b>	<b>1,692,008</b>	<b>3,242,131</b>	<b>2,407,005</b>	<b>2,079,886</b>	<b>2,792,227</b>	<b>101,621</b>	<b>21,368,215</b>

**GRAND TOTAL**  
**\$37,064,722**

**NOTE:** funds referable to periods prior to the Transfer date of March 5, 2001 represented fine revenues held in trust by the province pending the POA Transfer. Such funds were used by the province as an inducement for the local take-over of POA administration of justice functions. Underlying provincial costs were not fully expensed against those heldback fine revenues, which was beneficial to the municipalities.



**SECTION H**  
**REVENUE DISTRIBUTION DETAILS**

Post-POA Transfer, the net revenue generated by the POA Program enures to the benefit of the participating municipalities for disbursement amongst themselves as per the ISA. In accordance with the negotiated weighted assessment formula, distributions of net operating results over the course of the subject reporting year were effected as indicated in the detailed tabulation set forth below:

<b>Area Municipality</b>		<b>Weighted Assessment (%)</b>	<b>Net Revenue Distribution (\$)</b>
<b>County</b>	Amherstburg	5.526	104,222
	Essex	4.470	84,303
	Kingsville	5.405	101,934
	Lakeshore	10.780	203,306
	LaSalle	7.129	134,446
	Leamington	6.145	115,890
	Tecumseh	7.330	138,236
		<b>46.785</b>	<b>882,338</b>
<b>Pelee</b>		<b>0.304</b>	<b>5,740</b>
		<b>47.089</b>	<b>888,078</b>
<b>Windsor</b>		<b>52.911</b>	<b>997,858</b>
<b>TOTAL</b>		<b>100.000</b>	<b>1,885,936</b>

## **GLOSSARY OF POA TERMS**

**Area** ~ Windsor/Essex Court Service Area, which encompasses the geographic territory of the City of Windsor, Essex County and Pelee Island

**Bill 108** ~ amending legislation to the *Provincial Offences Act* which in 1998 added Part X thereto, enabling the transfer of administration of justice functions to the municipal sector

**CBCL** ~ Canadian Bonded Credits Limited, one of the registered Canadian collection agencies retained in 2006 to assist the POA Program in the collection of defaulted fines owed by Canadian residents (now known as “iQOR”)

**City** ~ The Corporation of the City of Windsor, a separated municipality continued as such under the *Municipal Act, 2001*

**Council** ~ The elected municipal council in behalf of the City

**Court Manager** ~ Manager of Court Administration, a City employee dedicated to the POA Program reporting to the Director, having carriage of the Court Administration and Court Support sections of the POA Office in addition to general responsibilities

**Director** ~ Director of Provincial Offences, a City employee dedicated to the POA Program, and being the manager in charge of the POA Office

**Early Resolution** ~ successor procedure to First Attendance, slated for implementation in 2012. While taking a more formalistic approach, provision is made for convictions of those defendants who fail to appear for their meetings with the prosecutor

**First Attendance** ~ once so prescribed by provincial regulation, ticket recipients cannot submit trial requests by mail rather, these must be personally delivered to the POA Office by the defendant or by the defendant’s legal agent. This facilitates the scheduling of resolution meetings with the Part I prosecutors, with a view to avoiding trials in appropriate cases. Defendants are thus required to firstly attend at the POA Office under this procedure

**ICON** ~ Integrated Courts Offences Network, being the provincial mainframe application used and relied upon by administration of justice staff in relation to all aspects of POA matters

**ISA** ~ the Intermunicipal Service Agreement underpinning the local POA Court operations for Windsor/Essex, entered into amongst the City and the other 9 municipalities together constituting the Area

**JJM** ~ J.J. Marshall & Associates, Inc., being a Michigan-based collection agency retained by The POA Program in 2002 for the purpose of collecting defaulted fines owing by American residents

**Liaison Committee** ~ the Windsor/Essex Court Service Area Liaison Committee erected pursuant to the ISA, being an advisory administrative body

**LSA** ~ Local Side Agreement, being one of the 2 contracts together constituting the Transfer Agreement.

**MAG** ~ the Ministry of the Attorney General for the Province of Ontario

**MOU** ~ Memorandum of Understanding, being one of the 2 contracts comprising the Transfer Agreement

**NCO** ~ NCO Financial Services, Inc., one of the two registered Canadian collection agencies retained in 2006 to assist the POA Program in the collection of defaulted fines owed by Canadian residents, and whose retainer was subsequently recommended to be refreshed

**Part I** ~ that portion of the POA dealing with ticketing procedures for non-parking matters

**Part II** ~ that portion of the POA dealing with ticketing procedures for parking matters

**Part III** ~ that portion of the POA dealing with the issuance of summonses for persons to attend POA Court in order to be arraigned on Informations and thereafter to be dealt with by a Justice of the Peace. There are no provisions for out-of-court payments nor for failure-to-respond convictions

**POA** ~ *Provincial Offences Act of Ontario*

**POA Court** ~ jargon referring to that judicial complement of the Ontario Court of Justice, composed primarily of Justices of the Peace, whose duties include dealing with POA matters

**POA Office** ~ the premises whereat the City executes the POA administration of justice functions transferred thereto by the province

**POA Program** ~ the City's operational structure for the delivery of POA administration of justice functions

**POA Transfer** ~ the transfer by the province to the City of POA administration of justice functions

**Serviced Municipalities** ~ those 9 signatories to the ISA for which the City is the service provider pursuant to the POA Transfer, consisting of Leamington, LaSalle, Tecumseh, Essex Town, Kingsville, Pelee, Amherstburg, Lakeshore and Essex County

**Transfer Agreement** ~ contractual arrangement between the City and MAG whereunder the City became the local service provider for transferred administration of justice functions, composed of the MOU and the LSA

**Victim Fine Surcharge** ~ all fines levied under Part I and Part III of the POA are statutorily bumped-up by this surcharge. Where the base fine does not exceed \$1,000, the surcharge amount is applied in stepped amounts ranging from \$10 to \$125; fines over \$1,000 have a flat 25% surcharge added. All surcharge amounts are remitted without deduction to the province for appropriate application as determined by senior government

# WINDSOR/ESSEX PROVINCIAL OFFENCES PROGRAM

## APPENDIX #2

### 2014 ANNUAL REPORT

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## SECTION A OPERATIONAL ACTIVITIES

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 but a few. The transfer of POA responsibilities included court support and administration functions for most POA matters, the prosecution of ticketable offences under Part I of the POA (with the more serious charges under Part III continuing to be prosecuted provincially), as well as the collection and enforcement of most fines. Part II or parking ticket matters and collections thereof had been largely transferred during earlier streamlining initiatives. Also, the POA Transfer did not include criminal matters, which continue to be processed and prosecuted in a court system managed by the province, although federal regulatory offences governed by the *Contraventions Act* of Canada, were included in the transfer.

The Windsor/Essex Provincial Offences Program (“POA Program”) was created as a special-purpose vehicle to accept the transfer of POA responsibilities from the province. It functions as a self-funding, net revenue positive operating unit of the City of Windsor (“City”), having been established for the express purpose of locally implementing the POA Transfer at the regional level. The vast 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, with additional revenues received from various service users of the POA Court system.

Although rooted in legislation, the POA Program is fundamentally a creature of contract, its constating documents consisting of:

- The Transfer Agreement entered into pursuant to Bill 108 between the City and the province of Ontario as represented by the Ministry of the Attorney General (“MAG”), consisting of 2 contracts, namely a generic Memorandum of Understanding (“MOU”) and a Local Side Agreement (“LSA”). By virtue of these documents, the City became the province’s “Municipal Partner” for the purpose of accepting, implementing and administering the local POA Transfer, in its own behalf and on behalf of the other affected local municipalities. The Transfer Agreement often in some detail, sets forth the City’s responsibilities and duties, inclusive of various guidelines and standards;
- The Intermunicipal Service Agreement (“ISA”) entered into amongst the City and those other affected municipalities together constituting the Windsor/Essex Court Service Area (“Area”), which encompasses the geographic territory consisting of the City of Windsor, the County of Essex and Pelee Island. Under the ISA, the City provides services to the other municipal signatories (the “Serviced Municipalities”) pertaining to the POA functions transferred to the City by the province under the Transfer Agreement. The ISA furthermore sets out the responsibility, cost and revenue sharing, dispute resolution, structural and governance provisions pertaining

to the POA Program, which 10-party agreement was ultimately executed by Leamington, LaSalle, Tecumseh, Essex Town, Kingsville, Pelee, Amherstburg, Lakeshore and Essex County, together with the City as the statutory and contractual service provider thereunder. This agreement provides for the appointment by the City of a Director of Provincial Offences (“Director”), to manage and lead the City division having carriage of the operations, and stipulates that the Director must be an Ontario lawyer in good standing.

The ISA 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. Among other things, the 10-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 Director and makes recommendations to the Director upon the operations of the POA Program
- Reviews and recommends for approval the annual budget presented by the Director
- Generates an annual report for review by the respective councils of the participants

The ISA provided for an initial term of six fiscal years, commencing on the date of the POA Transfer. The first fiscal year constituted the period March 5, 2001 (the live transfer date) through December 31, 2001, with the following five fiscal years coinciding with the successive full calendar years, thus the initial term commenced March 5, 2001 and expired on December 31, 2006. The ISA was renewed for a further 5-year term, expiring December 31, 2011 in as much as the automatic renewal provision therein was allowed to take its course; in 2011 by mutual agreement it was extended for a further 5-year term expiring December 31, 2016.

The POA Program occupies leased premises in Suite 300 of the Westcourt Place, bearing civic address 251 Goyeau Street, in the City of Windsor. Initially two daily courtrooms were operated that number has since increased to three. The POA Program also has responsibility for various POA Court operations at the Leamington courthouse, where at the POA Court presides 2 or 3 times a month.

The POA Program provides services and facilities to various stakeholders within the administration of justice system pertaining to regulatory as distinct from criminal matters. These stakeholders include law enforcement personnel whose mandates entail initiation of

proceedings against defendants alleged to have violated regulatory or “public protection” legislation, the defendants themselves as well as their legal representatives, victims of such violations, various provincial authorities, as well as an independent and impartial judiciary. Operations of the POA Program fall more or less into four functional categories. These four sections together constitute the operational aspects of the POA Program:

**Court Administration Section:** under the Manager of Provincial Offences who reports to the City Solicitor (Director), this section has general “nuts & bolts” carriage of the POA Court office. These responsibilities include the intake, processing, filing and preservation of charging documents and associated certificate control lists received from law enforcement agencies; the intake of mail and allocation thereof including processing payments and legal documentation; tracking of on-line remittances via *www.Paytickets.ca*; staffing of cashier stations to handle live payments and queries; generation of all POA Court dockets including fail-to-respond, trial, first appearance, and Early Resolution (formerly “First Attendance”) plus dealing with ensuing scheduling issues; setting of trial and associated dates; procuring interpreter services; liaising with police court services personnel; intake and processing of motions, re-openings, appeals and applications for extensions of time to pay fines; maintaining updated data in the provincial mainframe application known as the Integrated Courts Offences Network (“ICON”); enforcement of delinquent POA Court-imposed fines via driver’s licence suspensions; processing of daily financial matters; procurement of equipment and supplies; general care and maintenance of the facility

**Court Support Section:** also under the auspices of the Manager of Provincial Offences, this section is composed of POA Court monitors, being combination court clerks/reporters whose responsibilities include ensuring that the POA Court dockets and associated charging documents are properly presented in court; paging defendants; assisting the Justices in arraignments and endorsements; issuing statutory warnings to defendants; generating payment slips to defendants wishing to immediately satisfy imposed fines; maintaining updated ICON data; ensuring that the proceedings are properly recorded; typing transcripts for use in appeals and other proceedings; logging and preserving exhibits including disposal of same in accordance with judicial directions or retention requirements

**Prosecution Section:** the municipal prosecutors appear in POA Court to call the trial list and to conduct trials, to deal with motions, to set trial dates; they meet with defendants and their representatives in conjunction with the Early Resolution process with a view to resolving matters; they review law enforcement files to ensure that matters should be proceeded with and assist with disclosure to defendants and their representatives; they appear in the higher courts on both prosecution and defence appeals; they actively assist in the civil enforcement of defaulted POA fines including ensuring that defendants seeking favourable resolutions of their matters have no outstanding fines, and work with the Fines Enforcement Section to generate dunning letters, prepare writs of seizure and sale and garnishment papers, and attend on judgment debtor examinations especially at the Superior Court level. It is a condition of employment in this Area that the prosecutors, who report directly to the Director, be duly qualified Ontario lawyers. All Area municipalities continue to prosecute their own by-laws and “local” statutes such as the *Building Code Act*; Part III matters under the POA remain the prosecutorial responsibility of the Crown Attorney’s office &/or specialist prosecutors provided by various ministries (the latter also continue to handle certain specialized Part I matters)

**Fines Enforcement Section:** consisting of the POA Fines Enforcement Supervisor, who reports to the Manager of Provincial Offences, such individual together with two assisting POA Fines Enforcement Specialists is responsible for ensuring that POA Court judgments, being orders imposing monetary penalties, are honoured by defendants including seeing to it that certificates of default are prepared and filed in a timely fashion at the civil court having monetary jurisdiction; for sending out dunning letters; for locating and meeting with defendants having defaulted fines and making arrangements for collecting same including entering into payment plans and assisting in procuring extensions of time to pay from the POA Court and/or in restoration of driving privileges; for ensuring that writs of seizure and sale and garnishments are proceeded with in appropriate cases; for attending on judgment debtor examinations primarily at the Small Claims Court level; for filing proofs of claim with trustees in bankruptcy and estate trustees; for liaising with collection agencies and credit bureaus with which the POA Program has relationships

The Windsor Westcourt POA facility also houses a satellite office of the police court services branch, an outgrowth of the joint forces agreement which had been subscribed to by all of the major police agencies in the Area. Among other things, that office works closely with the prosecutors to ensure that law enforcement files are available for use at trials, at Early Resolution meetings and on appeals, advises police officers of trial dates, summonses lay witnesses, arranges for personal service of court documents, provides disclosure to defendants and their legal representatives, and procures necessary official documentation for use in court as evidence. By special arrangement with the Windsor Police Service as well as the OPP, the POA Program seconds staff to the Police Court Services Office in order to assist in providing back-office prosecutorial support.

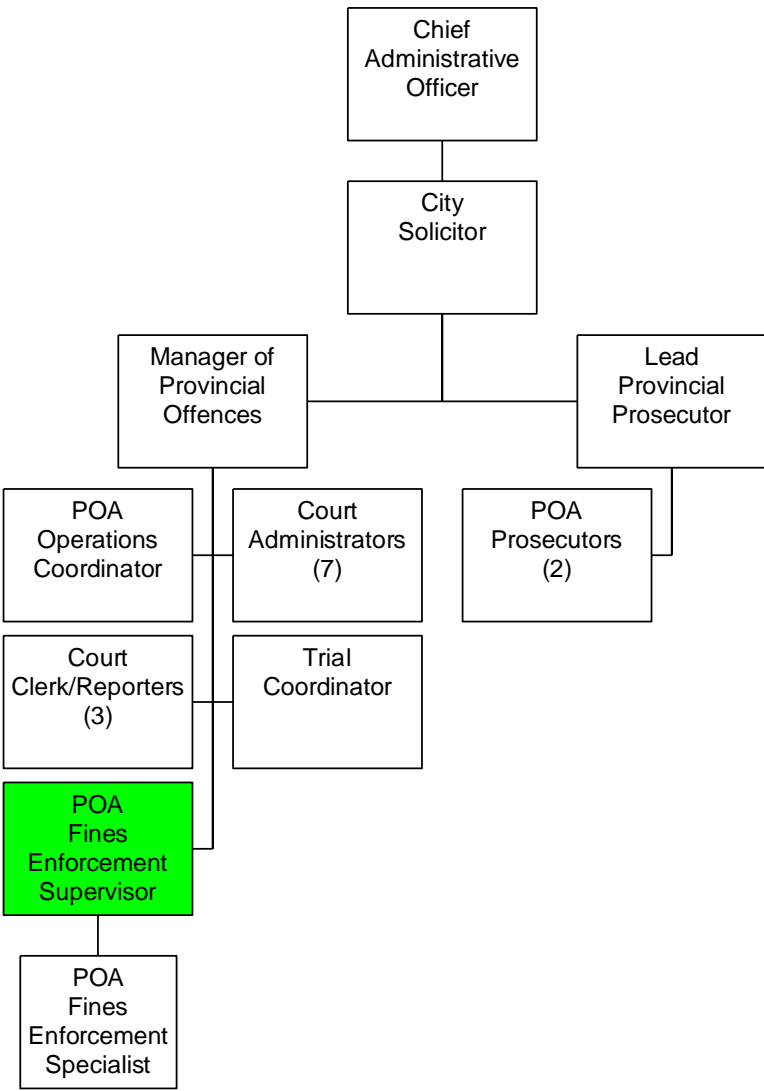
An organizational diagram of the POA Program is included at the end of this section identified as CHART A, which was in effect for the subject reporting period.

The negotiated financial arrangement underpinning the POA Program is in essence a partnership, under which the participating municipalities annually rateably share approximately \$2 Million of net revenue or “profit”. The City as the managing partner, front-ends the operation and collects and enforces the monetary sentences i.e. “fines” imposed by the POA Court. From the total revenue thusly derived, all valid costs pertaining to the POA Program operation 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 thence shared amongst the signatories to the ISA in proportion to their respective weighted assessments.



**CHART A**

**ORGANIZATION OF THE WINDSOR/ESSEX POA OFFICE**



**SECTION B  
MANAGERS  
MESSAGE**

For the past few years, we have been impacted by low POA law enforcement activity for this Area.

Area charging activity began declining in 2010. The total for 2014 was just 30,546 charges filed with the POA Court. TABLE E-1 within this Annual Report, is a drill-down of absolute POA charging activities of the various law enforcement agencies within our Area. TABLE E-2 translates the absolute POA charging activities of said respective law enforcement agencies, into relative terms.

**SECTION C**

**COMPOSITION OF THE LIAISON COMMITTEE**

By virtue of the ISA, each party municipality provides a member of its administration as its Liaison Committee representative, with the Windsor representative being the incumbent Director. The latter is also the *ex officio* Chair. Each year the membership must elect a Vice-Chair who, of course, will be the representative from one of the Serviced Municipalities.

For the subject year, the final composition of the POA Liaison Committee was as follows:

<b>MUNICIPALITY</b>	<b>MEMBER</b>	<b>POSITION</b>
Amherstburg	Justin Rousseau	Treasurer
Essex (County)	Mary Brennan (elected Vice-Chair)	Director of Council Services/Clerk
Essex (Town)	Cheryl Bondy	Clerk/Deputy Treasurer
Kingsville	Sandra Ingratta	Director of Financial Services
Lakeshore	Steve Salmons	Director of Community and Development Services
LaSalle	Kevin Miller	Chief Administrative Officer
Leamington	Cheryl Horrobin	Director of Finance & Business Services
Pelee	Wayne Miller	CAO/Clerk/Treasurer
Tecumseh	Luc Gagnon	Director of Financial Services & Treasurer
Windsor	Shelby Askin Hager (Chair)	City Solicitor

## **LIAISON COMMITTEE'S ACTIVITIES**

The Liaison Committee is mandated by the ISA to convene at least twice annually. In 2014 due to the restructuring of the department and the implementation of a new computer software program only one meeting was held. What follows are the highlights of the meeting.

### **Minutes of Meeting Windsor/Essex Court Service Area Liaison Committee**

**Thursday, September 18, 2014**

Location: Essex County Civic Centre – 2<sup>nd</sup> Floor  
360 Fairview Avenue, West, Essex ON

In attendance:

Mary Brennan	County of Essex [Vice Chair]
Sandra Ingratta	Town of Kingsville
Dale Langlois	Town of LaSalle
Luc Gagnon	Town of Tecumseh
Justin Rousseau	Town of Amherstburg
Cheryl Horrobin	Municipality of Leamington
Shelby Askin-Hager	City of Windsor [Chair]
Sherri Arsenault	City of Windsor [A/Manager of Provincial Offences]
Stephen Salmons	Town of Lakeshore

Absent:

Ann Mitchell	Township of Pelee
Cheryl Bondy	Town of Essex

Secretary:

Diane Brideau	City of Windsor
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Meeting convenes at 2:37 p.m.

## **1. Call to Order**

The Chairperson, Shelby Askin-Hager, welcomed the members of the Windsor/Essex Court Service Area Liaison Committee. She confirmed that a quorum had been attained and called the meeting to order.

## **2. Confirmation of Previous Minutes**

The Chairperson presented the minutes from the meeting of Friday, November 22, 2013 for comments and questions from the Liaison Committee.

Motion (14-1)

Moved by: Cheryl Horrobin

Seconded by: Sandra Ingratta

**THAT** the minutes of the Windsor/Essex Court Service Area Liaison Committee meeting of Friday, November 22<sup>nd</sup>, 2013 be adopted as presented.

## **3. POA Department Re-Organization**

Shelby Askin-Hager summarized the recent changes within the re-organization of the city and of this department with the recent retirement of Victor Lipnicki, the former Director of the Provincial Offences Office as well as Robert Heuton, Manager of Court Administration. Sherri Arsenault was introduced as the current Acting Manager of Court Administration. Shelby also summarized the new appointment of a senior prosecutor to oversee the legal logistics of the prosecutorial department and gave a brief overview of the new vision for the department.

#### 4. 2013 Audit Statements

The Chairperson presented the 2013 Audit Statements to the Liaison Committee, same having been previously circulated amongst the membership.

Motion (14-2)

Moved by: Dale Langlois

Seconded by: Justin Rousseau

**THAT** the Windsor/Essex Court Service Area Liaison Committee **APPROVES** of and **ADOPTS** the 2013 Audit Statements pertaining to the POA Program for the Windsor/Essex Court Service Area, in the form or substantially the form herewith presented to it, **AND THAT** the membership accordingly present same to their respective Councils.

#### 5. Operating Variance

Sherri Arsenault explained the operating challenges faced by the decrease in charging volumes by 27%. She also explained that some police departments have been contacted with respect to the issue of late filed tickets and possible corrective action. The Statement of Revenue and Expenditures for the Provincial Offences operations was presented to the Committee as at August 2014.

Discussion ensued among the Committee concerning the decline in charging volumes.

A commentary was requested to follow along with the operating variance for the next meeting.

Motion (14-3)

Moved by: Cheryl Horrobin

Seconded by: Sandra Ingratta

**THAT** the Windsor/Essex Court Service Area Liaison Committee note and file the Statement of Revenue and Expenditures through August 2014.

## **6. Budget**

Shelby Askin-Hagar explained that the new 2015 Budget is currently being reviewed and that the message from City Council is to hold the line and that a more conservative revenue projection is also currently being reviewed by senior administration.

An update to the Committee respecting the state of the Windsor/Essex POA Program's defaulted fines and the results of the efforts to enforce the collection of unpaid defaulted fines levied was delivered by Sherri Arsenault.

It was explained that the duties of the Director respecting collection enforcement have now been assumed by the Collection Supervisor, and his duties respecting legal issues has now been assumed by a Lead Prosecutor within the office.

## **7. Projected Cost Sharing**

Final Weighted Average Assessment from 2014 will be utilized to project estimated potential revenue for 2015.

## **8. Fines Enforcement Status**

Sherri Arsenault explained that a Write-Off Policy is being developed and that it will have to go to council for approval.

A discussion ensued amongst committee members regarding how these write-offs would affect individual municipalities within the committee. Shelby Askin-Hagar is to obtain more information regarding this issue

## **9. New Business**

The annual report is to go to local councils for the next budget.

## **Adjournment**

Motion (14-4)

Moved by: Luc Gagnon

Seconded by: Mary Brennan

**THAT** the Windsor/Essex Court Service Area Liaison Committee meeting be adjourned at 4:01 p.m., with the next regular meeting being at the call of the Chair in the Winter of 2014.

## SECTION E

### CASELOAD

The POA Program's caseload is dependent upon charges laid by professional law enforcement personnel, privately laid charges being an insignificant rarity. The workflow of the POA Program commences with the initiation by police and other officers of legal proceedings against alleged violators of public protection legislation, which regulatory laws such personnel are mandated to enforce. Legal proceedings are instituted by personal service upon the defendant of either a Provincial Offence Notice ("ticket") or a more formal Summons to Defendant requiring attendance at court. These charges are ultimately disposed of by an independent and impartial judiciary presiding in the form of the POA Court. Pursuant to Part X of the POA and the Transfer Agreement, the POA Program receives fine revenue from Part I and Part III charges laid for contraventions of non-local *provincial* statutes, and provided that the fine revenue is not "dedicated" to some special purpose. In particular, the POA Program receives no revenue or other compensation relative to federal contraventions for our services rendered and/or facilities made available, other than relatively insignificant court costs/fees. Further detailed distinctions are possible, as indicated below:

- Charges laid by traditional police forces being local police services including the OPP: all fine revenues belong to the POA Program virtually without exception unless the charges are laid under federal legislation (such as contraventions of pleasure boat regulations) or under sundry municipal bylaws
- Charges laid by specialized police forces, such as the OPP contingent securing Casino Windsor: for the most part all fine revenues belong to the POA Program, unless charges are laid under federal legislation (for example by the CNR or CPR police under the *Railway Safety Act* of Canada)
- Charges laid by specialized agencies and most provincial ministries, for example the Ministry of Labour under the *Occupational Health and Safety Act*: for the most part all fine revenues belong to the POA Program, unless there is statutory dedication
- Charges laid by municipal inspectors and police officers under bylaws (e.g. licensing, zoning, noise, prohibited turns, parking, etc.) and local statutes (e.g. *Building Code Act*): the fine revenues belong to the charging municipality, with the POA Program receiving no compensation for services rendered and facilities made available, other than relatively insignificant court costs/fees
- Charges laid under federal enactments or by certain provincial ministries or bodies in situations where the fines are statutorily "dedicated" to special purposes: the POA Program receives no fine revenue or other compensation for services rendered and facilities made available, other than relatively insignificant court costs/fees. So-called "dedicated" fines are most commonly encountered under the *Fish and Wildlife Conservation Act* and the *Workplace Safety and Insurance Act* ("workers comp").

All Victim Fine Surcharge amounts taken in totally belong to the province and processes are in place designed to route those amounts to the province.

It should be noted that for the subject reporting period covered by this report, the POA Program took in a total of **30,546** charging documents, for a monthly average intake of some



**2,546** tickets/informations. TABLE E-1 and TABLE E-2 which follow, respectively depict the absolute and relative charging activities compared year over year, on an agency basis.

***NOTE:** The numbers and/or percentages of charges do not necessarily translate into more or less fine revenue generation. The quality of the charges is important. Further, the strongest case will be dismissed if no one appears at trial to testify. Some charges by virtue of the statute, generate fine revenue out of all proportion to the number of charges laid, e.g. it is not unusual for a single Ministry of Labour or MOE conviction to result in a very large fine.*

The overall trends of charging volumes, as well as the annual norm, are discernable from the depiction set forth in GRAPH E hereto.

In addition to having accepted and dealt with the filings of the various freshly laid charges over the course of the subject reporting period, the POA Program processed some:

- ✓ **10,420** Early Resolution meetings (Part I) [superseded “First Attendance”]
- ✓ **217** Appeals from convictions/acquittals/sentences (Parts I, II & III)
- ✓ **662** Re-opening applications of convictions in absentia (Parts I & II)
- ✓ **2,514** Applications to extend the time to pay fines (Parts I, II & III)

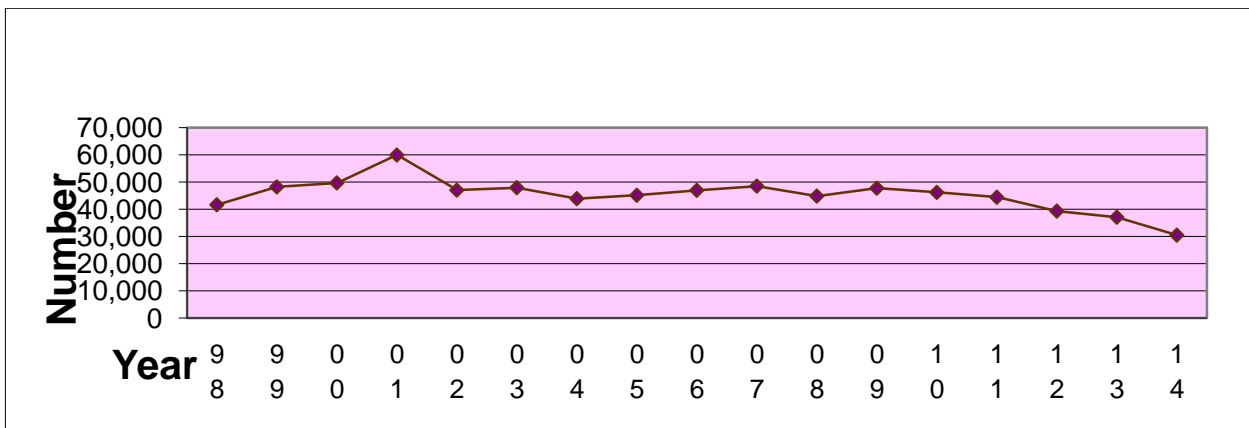
In excess of 50,000 persons, constituting a cross-section from every walk of life and from diverse geographic areas, had occasion to visit our premises over the course of the year.

**TABLE E-1: ABSOLUTE CHARGING VOLUMES (Number of Charges Filed)**

<b>Agency</b>	<b>2014</b>	<b>`2013`</b>	<b>`2012`</b>	<b>`2011`</b>	<b>`2010`</b>	<b>`2009`</b>	<b>`2008`</b>
Windsor Police	12,102	13,909	14,587	17,086	20,248	22,678	21,140
Ministry of Transportation	3,640	3,731	3,867	4,336	3,687	2,548	2,156
Lakeshore OPP	1,378	2,860	2,494	2,289	2,282	2,836	2,510
Essex OPP	2,131	2,676	2,533	2,715	2,840	2,232	1,968
Tecumseh OPP	1,741	2,570	2,860	3,100	2,837	3,549	3,249
Amherstburg Police	1,837	2,153	2,339	3,466	2,124	1,460	1,834
Leamington OPP	1,561	2,125	2,459	2,712	2,735	3,046	3,293
Essex Town OPP	1,292	2,060	1,943	2,583	2,609	2,336	1,053
Kingsville OPP	1,316	1,531	2,386	1,896	2,042	2,638	2,591
LaSalle Police	1,480	1,159	1,698	2,010	2,649	2,718	3,706
CPR Police	326	830	968	934	804	221	122
HEAT Unit	640	456	268	299	337	491	90
Ministry of Natural Resources	306	293	202	300	406	295	336
Casino OPP	130	199	111	74	49	45	83
Windsor By-law	106	122	203	196	253	178	263
Ministry of Environment	41	86	15	61	42	26	41
Ministry of Labour	60	68	117	89	61	76	72
Windsor Fire	153	67	156	10	49	44	108
Ministry of Finance	60	67	47	36	14	84	113
Health Unit	46	37	47	82	86	45	64
Miscellaneous	30	27	2	8	10	2	0
Electrical Safety	16	20	12	23	7	7	0
Ont. Motor Vehicle	19	21	21	75	0	44	21
Humane Society	31	17	7	0	13	23	26
Major Crime Squad	6	12	0	0	2	0	0
Amherstburg Bylaw	13	11	13	23	30	3	3
Private Complaints	1	7	5	15	7	12	1
Parks Canada	3	5	3	1	0	0	0
Workplace Safety & Insurance Board	0	3	4	3	2	19	5
Lakeshore Fire	8	2	11	2	2	5	9
Lakeshore By-law	4	2	4	8	0	4	1
Home Warrantly	0	2	0	2	12	0	8
Mun. Affairs/Housing	3	1	5	8	4	5	0
LaSalle Fire	9	1	1	15	5	12	21
Essex Bylaw	4	1	0	0	0	4	3
Royal Canadian Mounted Police	1	1	0	0	0	0	0
Leamington By-law	1	0	4	1	2	4	5
Kingsville Fire	0	0	2	12	0	24	3
Essex Region Conservation	0	0	1	0	2	8	4
Canadian National Rail Police	0	0	0	3	0	44	5
Peele Island OPP	0	0	0	1	0	0	0
Kingsville By-law	0	0	0	0	0	29	0
Boards of Education	0	0	0	0	0	4	2
Probation Office	0	0	0	0	0	1	0
Wildlife Canada	0	0	0	0	0	0	0
Min. of Agriculture	1	0	0	0	0	0	0
Ontario College of Trades	45	3	0	0			
Leamington Fire	4	2	0	0			
Childrens Aid Society	1	0	0	0			
<b>TOTALS</b>	<b>30,546</b>	<b>37,137</b>	<b>39,395</b>	<b>44,474</b>	<b>46,252</b>	<b>47,800</b>	<b>44,909</b>



**GRAPH E**  
**ANNUAL POA CHARGES FILED FOR WINDSOR/ESSEX**



## **SECTION F**

### **DEFAULTED POA FINES ENFORCEMENT**

Under the Transfer Agreement with MAG, the responsibilities in behalf of the City as “Municipal Partner” include the collection and enforcement of POA fines for and on behalf of the Area. Concurrently with the POA Transfer, a concerted effort was implemented to civilly enforce payment of inherited defaulted fines together with those freshly arising. These efforts initially were subsumed within the court administration and prosecution sections however, it was apparent that the magnitude of the task warranted the creation of a specialized and dedicated team of legally-trained individuals. Over the course of the ensuing years, the POA Fines Enforcement Section has evolved to its present complement of 3 full-time employees.

After more than a decade of continuous fines enforcement activities relentlessly pursued by the POA Program, we have observed that many of our clientele no longer allow their fines to go into default. Based upon their own personal experience and/or word-of-mouth reminiscences of others, individuals are finding it preferable to pay their fines in a timely manner in lieu of being subjected to some of the less-than-pleasant consequences flowing from the *certain* application by us of various enforcement endeavours.

Efforts to enforce these defaulted fines continue to be aggressive and ever wide-ranging. Ways and means routinely utilized to encourage payment (“collection”) and/or to legally mandate payment (“enforcement”) of defaulted fines include the following:

- ⇒ Registering Certificates of Default with the civil court having monetary jurisdiction, thereby constituting deemed orders or judgments for enforcement purposes.
- ⇒ Examinations-in-Aid of Execution, whereby judgment debtors may be examined in depth as to their abilities and means to make good their monetary obligations including being compelled to fully disclose their assets, liabilities, sources of income, bank accounts, RRSP’s etc.
- ⇒ Contempt Hearings where debtors have refused or neglected to attend on examinations-in-aid.
- ⇒ Filing, and maintaining the currency of, Writs of Seizure and Sale with sheriff’s offices, thereby erecting judicial liens against present and future proprietary interests.
- ⇒ Garnishment proceedings whereby wages, bank accounts, rentals from tenants, RRSP’s etc. are attached as information becomes available to that end.
- ⇒ Tracking repeat offenders through the various court systems with a view to encouraging payment.
- ⇒ Exercise of prosecutorial discretion to encourage defendants presenting themselves with fresh charges, to finally honour monetary sentences previously imposed by the POA Court.
- ⇒ Driver’s Licence suspensions under various statutes and regulations, as well as Plate Denial for lingering parking ticket matters remaining with the POA Program.

- ⇒ Collection Agencies. For nearly a decade, commencing in 2002 we had been referring dishonoured fines owing by American residents to J.J. Marshall & Associates, Inc. (“JJM”). Between October 11, 2006 and November 11, 2008 our database of defaulted fines with Canadian addresses was being worked by Canadian Bonded Credits Limited (“CBCL”) and NCO Financial Services, Inc. (“NCO”). In addition to skip tracing and making the usual contacts with debtors, these collection agencies had reported numerous defaulters to the major credit bureaus, thereby impairing the creditworthiness of those who refused or neglected to make good on their outstanding POA fines. In 2011 authorization was obtained for refreshing NCO’s retainer, with a cross-border mandate, the implementation commenced in early 2012 and continues to-date.
- ⇒ Extensions of time to pay made to the POA Court. These arrangements can often result in a person’s driver’s licence either not going into suspension and/or being reinstated, which makes affected individuals that much more employable and thus their ability to pay their delinquent fines in due course is enhanced.
- ⇒ Monitoring of death notices and concomitant filings of claims against the estates of deceased POA fines defaulters, and/or against beneficiaries to whom estate assets have devolved without provision having been made for payment of such estate debts.
- ⇒ Monitoring of bankruptcy proceedings including filing claims where deemed beneficial. It should be noted however that notwithstanding bankruptcy, Court-imposed fines survive discharge therefrom by virtue of Section 178 of the *Bankruptcy and Insolvency Act* of Canada.
- ⇒ Invoking set-off procedures against suppliers of goods and/or services to the City where such invoicing vendors have defaulted POA fines.
- ⇒ Invoking set-off procedures against indemnities deposited with permit-issuing City departments, where the indemnitors have defaulted POA fines.
- ⇒ Encouraging revocation of CVOR certificates in liaison with the Ministry of Transportation, respecting businesses making use of commercial motor vehicles which operations perennially default on fines.
- ⇒ Selectively adding defaulted fines to the tax roll for collection pursuant to section 441.1 of the *Municipal Act*.

TABLE F-1 sets out the relevant statistics pertaining to the state of the POA Program’s database of defaulted fines.

Currently the Accounts Receivable stands at 70,995 records for a total owing of \$42,744,786. Data is net of written off cases, as well as those in current write off stage.

	<b># of Records</b>	<b>\$ Value</b>
Pre Transfer	38,973	\$36,567,656
Post Transfer	32,022	\$6,207,130
<b>Total</b>	<b>70,995</b>	<b>\$42,774,786</b>

Approximately one-third of the POA Program's annual revenues represent defaulted fines taken in, on an as-received basis. Maintaining at least the current state of diligence in insisting upon payment of fines in arrears is thus mission-critical to the financial well-being of the operation. No less important is the realization that if respect for law enforcement as well as for the administration of justice is to be upheld, violators of public protection legislation must absolutely be prevailed upon to honour the monetary penalties imposed against them in consequence of their transgressions of regulatory laws of the land.

One cannot over-emphasize the importance of "the word on the street" in the successful collection and enforcement of fines, rooted in a rigorous approach, provided that such endeavours are adequately supported. It is the universal experience of fine-collecting court operations, that many defendants are governed by the community perception as to whether the court not only expects, but aggressively enforces, the payment of the monetary sentences levied by the judiciary.

**TABLE F-1**

**Provincial Offences  
Delinquent Accounts Revenue for : Jan to Dec 2014**

<b>Month:</b>	<b>Pre-Transfer Accounts:</b>		<b>Post-Transfer Accounts:</b>		<b>Total Accounts Paid:</b>		<b>Total:</b>
	<b>Paid at - Counter:</b>	<b>Other Courts:</b>	<b>Counter:</b>	<b>Other Courts:</b>	<b>Counter:</b>	<b>Other Courts:</b>	
February	\$0.00	\$0.00	\$2,280.00	\$0.00	\$2,280.00	\$0.00	\$2,280.00
March	\$4,232.35	\$139.61	\$99,752.07	\$8,690.28	\$103,984.42	\$8,829.89	\$112,814.31
April	\$9,227.96	\$569.75	\$115,037.24	\$6,274.36	\$124,265.20	\$6,844.11	\$131,109.31
May	\$6,635.31	\$2,262.79	\$242,890.88	\$23,412.31	\$249,526.19	\$25,675.10	\$275,201.29
June	\$3,884.28	\$1,250.59	\$148,213.84	\$15,027.61	\$152,098.12	\$16,278.20	\$168,376.32
July	\$6,794.65	\$1,421.97	\$157,014.55	\$12,448.49	\$163,809.20	\$13,870.46	\$177,679.66
August	\$2,378.86	\$882.50	\$135,849.22	\$15,551.23	\$138,228.08	\$16,433.73	\$154,661.81
September	\$3,134.55	\$203.75	\$175,375.37	\$14,612.38	\$178,509.92	\$14,816.13	\$193,326.05
October	\$16,445.03	\$364.87	\$182,824.69	\$20,436.78	\$199,269.72	\$20,801.65	\$220,071.37
November	\$4,636.26	\$352.74	\$145,912.17	\$8,805.01	\$150,548.43	\$9,157.75	\$159,706.18
December	\$2,088.77	\$390.64	\$131,709.92	\$9,538.61	\$133,798.69	\$9,929.25	\$143,727.94
<b>Totals:</b>	\$59,458.02	\$7,839.21	\$1,536,859.95	\$134,797.06	\$1,596,317.97	\$142,636.27	\$1,738,954.24
<b>Pre Transfer Total:</b>		\$67,297.23					
<b>Post Transfer Total:</b>		\$1,671,657.01					



## SECTION G

### FINANCIAL RESULTS

Table G-1 depicts the POA Program's operating result for the subject reporting year, inclusive of the corresponding line item comparables for previous periods. The net operating result for the POA Program was **\$1,540,053**.

The due diligence done in late 1999/early 2000, had forecast approximately \$1,950,000 in yearly total net revenue i.e. "profit", for what was then the proposed POA Program, upon which basis all concerned were content to proceed with the POA Transfer. In an extremely challenging economic environment and recognizing that fine imposition amounts have not been indexed for inflation, the POA Program endures as a successful self-funding, net revenue positive undertaking which funnels considerable amounts of non-earmarked moneys to the various municipal participants for the mutual benefit of all local taxpayers. Each benefiting municipality is free to allocate its respective portion to such municipal purposes as deemed appropriate by the elected council thereof.

From the local POA Transfer date of March 5, 2001 through to the end of the subject reporting year, this Area's POA Program has flowed through total net revenue to the partnering municipalities in the amount of **\$38,604,775**. The tabulation set forth in TABLE G-2 depicts details thereof in a cumulative fashion. The following factors must always be borne in mind in reviewing the results for the subject reporting year, as well as when projecting potential results for subsequent reporting periods:

- a) decreased law enforcement activities translate into current fine revenue declines, while enhanced law enforcement activities generate increased current fine revenues. Although the POA Program has other sources of revenue, notably aggressive enforcement efforts targeting old or defaulted fines, the bulk of receipts is highly dependent upon the number, type and quality of fresh charges laid by motivated, arm's-length law enforcement personnel, as well as the attendance of trained officers at trials in disputed cases;
- b) another significant and uncontrolled external revenue factor is the quantum of fines imposed by an independent and impartial judiciary in the exercise of their discretionary sentencing functions, in the event of the entering of conviction;
- c) the POA Program is highly vulnerable to certain uncontrolled external expenses, notably the provincial charges for adjudication and those for Part III prosecutions, both of which payments are mandated by the Transfer Agreement. These in turn become a function of charging volumes and associated courtroom utilization.

**TABLE G-1**

**WINDSOR/ESSEX POA PROGRAM ANNUAL FINANCIAL RESULTS**

	2014 Actuals (\$)	2013 Actuals (\$)	2012 Actuals (\$)	2011 Actuals (\$)	2010 Actuals (\$)	2009 Actuals (\$)
<b>Revenue:</b>						
Court Fines	5,518,821	6,248,765	6,781,112	6,885,895	6,781,619	6,071,901
User Fees	900	14,193	14,103	14,799	11,832	11,073
General Revenue					1,700	2,264
Trfs from Reserve	33,315					
Recovery of Internal Staff	79,522					
<b>TOTAL REVENUE</b>	<b>5,632,558</b>	<b>6,262,958</b>	<b>6,795,215</b>	<b>6,900,694</b>	<b>6,795,151</b>	<b>6,085,238</b>
<b>Expenditures:</b>						
Salaries & Wages	1,722,345	1,825,963	2,010,637	1,638,283	1,643,913	1,579,080
Administrative Overhead	263,887	359,561	401,816	365,776	410,818	408,965
Materials & Services	363,477	327,320	322,725	320,229	305,909	298,834
Provincial Charges	1,444,759	1,554,165	1,669,429	1,725,651	1,764,356	1,588,307
Facility Rental	298,037	310,013	310,073	310,013	304,018	301,226
<b>TOTAL EXPENDITURES</b>	<b>4,092,505</b>	<b>4,377,022</b>	<b>4,714,680</b>	<b>4,359,952</b>	<b>4,429,014</b>	<b>4,176,412</b>
<b>NET SURPLUS</b>	<b>1,540,053</b>	<b>1,885,936</b>	<b>2,080,535</b>	<b>2,540,742</b>	<b>2,366,137</b>	<b>1,908,826</b>

**TABLE G-2**  
**WINDSOR/ESSEX POA PROGRAM NET REVENUE**  
**DISTRIBUTIONS**

(cell values depict dollar amounts)

**CUMULATIVE NET POA REVENUE DISTRIBUTIONS**

<b>Year</b>	<b>Amherstburg</b>	<b>Essex</b>	<b>Kingsville</b>	<b>Lakeshore</b>	<b>LaSalle</b>	<b>Leamington</b>	<b>Tecumseh</b>	<b>Pelee</b>	<b>Windsor</b>
<b>1999</b>	164,733	135,875	141,831	263,351	195,202	184,755	267,516	7,407	2,115,582
<b>2000</b>	182,834	150,805	157,416	292,289	216,651	205,056	296,911	8,221	2,348,045
<b>2001</b>	155,349	128,930	134,261	241,562	182,517	172,120	242,312	7,476	1,898,778
<b>2002</b>	124,819	103,540	108,870	198,959	152,433	138,286	193,991	5,986	1,523,822
<b>2003</b>	120,646	100,310	107,351	199,210	147,270	135,053	180,469	6,308	1,447,433
<b>2004</b>	96,010	79,819	85,969	168,110	123,892	106,825	148,295	5,321	1,134,266
<b>2005</b>	124,277	102,957	112,654	226,400	161,976	139,357	190,022	7,017	1,467,541
<b>2006</b>	114,001	94,492	105,231	214,757	151,511	127,371	172,085	7,102	1,342,041
<b>2007</b>	99,310	82,884	92,777	189,781	133,605	111,843	149,405	6,238	1,159,242
<b>2008</b>	95,915	80,283	90,521	187,777	130,243	109,233	143,647	6,023	1,111,978
<b>2009</b>	98,820	81,738	94,418	192,997	129,312	113,208	144,601	6,022	1,047,710
<b>2010</b>	124,675	102,340	119,327	243,688	161,153	141,762	178,683	7,643	1,286,866
<b>2011</b>	135,395	110,377	130,865	267,279	174,507	152,738	191,475	8,255	1,369,851
<b>2012</b>	111,810	90,160	108,583	221,525	143,427	126,389	154,579	6,862	1,117,200
<b>2013</b>	104,222	84,303	101,934	134,446	203,306	115,890	138,236	5,740	997,860
<b>2014</b>	85,386	70,013	84,728	169,054	111,634	94,773	112,371	4,364	807,730
<b>Total</b>	<b>1,938,202</b>	<b>1,598,826</b>	<b>1,776,736</b>	<b>3,411,185</b>	<b>2,518,639</b>	<b>2,174,659</b>	<b>2,904,598</b>	<b>105,985</b>	<b>22,175,945</b>

**Grand Total**  
**38,604,775**

**NOTE:** funds referable to periods prior to the Transfer date of March 5, 2001 represented fine revenues held in trust by the province pending the POA Transfer. Such funds were used by the province as an inducement for the local take-over of POA administration of justice functions. Underlying provincial costs were not fully expensed against those heldback fine revenues, which was beneficial to the municipalities.

**SECTION H**  
**REVENUE DISTRIBUTION DETAILS**

Post-POA Transfer, the net revenue generated by the POA Program ensures to the benefit of the participating municipalities for disbursement amongst themselves as per the ISA. In accordance with the negotiated weighted assessment formula, distributions of net operating results over the course of the subject reporting year were effected as indicated in the detailed tabulation set forth below:

<b>Area Municipality</b>		<b>Weighted Assessment (%)</b>	<b>Net Revenue Distribution (\$)</b>
<b>County</b>	Amherstburg	5.544	85,386
	Essex	4.546	70,013
	Kingsville	5.502	84,728
	Lakeshore	10.977	169,054
	LaSalle	7.249	111,634
	Leamington	6.154	94,773
	Tecumseh	7.297	112,371
		<b>47.268</b>	<b>727,959</b>
<b>Pelee</b>		<b>0.304</b>	<b>4,364</b>
		<b>47.572</b>	<b>732,323</b>
<b>Windsor</b>		<b>52.428</b>	<b>807,730</b>
<b>TOTAL</b>		<b>100.000</b>	<b>1,540,053</b>

## **GLOSSARY OF POA TERMS**

**Area** ~ Windsor/Essex Court Service Area, which encompasses the geographic territory of the City of Windsor, Essex County and Pelee Island

**Bill 108** ~ amending legislation to the *Provincial Offences Act* which in 1998 added Part X thereto, enabling the transfer of administration of justice functions to the municipal sector

**CBCL** ~ Canadian Bonded Credits Limited, one of the registered Canadian collection agencies retained in 2006 to assist the POA Program in the collection of defaulted fines owed by Canadian residents (now known as “iQOR”)

**City** ~ The Corporation of the City of Windsor, a separated municipality continued as such under the *Municipal Act, 2001*

**Council** ~ The elected municipal council in behalf of the City

**Court Manager** ~ Manager of Court Administration, a City employee dedicated to the POA Program reporting to the Director, having carriage of the Court Administration and Court Support sections of the POA Office in addition to general responsibilities

**Director** ~ Director of Provincial Offences, a City employee dedicated to the POA Program, and being the manager in charge of the POA Office

**Early Resolution** ~ successor procedure to First Attendance, slated for implementation in 2012. While taking a more formalistic approach, provision is made for convictions of those defendants who fail to appear for their meetings with the prosecutor

**First Attendance** ~ once so prescribed by provincial regulation, ticket recipients cannot submit trial requests by mail rather, these must be personally delivered to the POA Office by the defendant or by the defendant’s legal agent. This facilitates the scheduling of resolution meetings with the Part I prosecutors, with a view to avoiding trials in appropriate cases. Defendants are thus required to firstly attend at the POA Office under this procedure

**ICON** ~ Integrated Courts Offences Network, being the provincial mainframe application used and relied upon by administration of justice staff in relation to all aspects of POA matters

**ISA** ~ the Intermunicipal Service Agreement underpinning the local POA Court operations for Windsor/Essex, entered into amongst the City and the other 9 municipalities together constituting the Area

**JJM** ~ J.J. Marshall & Associates, Inc., being a Michigan-based collection agency retained by the POA Program in 2002 for the purpose of collecting defaulted fines owing by American residents

**Liaison Committee** ~ the Windsor/Essex Court Service Area Liaison Committee erected pursuant to the ISA, being an advisory administrative body

**LSA** ~ Local Side Agreement, being one of the 2 contracts together constituting the Transfer Agreement

**MAG** ~ the Ministry of the Attorney General for the Province of Ontario

**MOU** ~ Memorandum of Understanding, being one of the 2 contracts comprising the Transfer Agreement

**NCO** ~ NCO Financial Services, Inc., one of the two registered Canadian collection agencies retained in 2006 to assist the POA Program in the collection of defaulted fines owed by Canadian residents, and whose retainer was subsequently recommended to be refreshed

**Part I** ~ that portion of the POA dealing with ticketing procedures for non-parking matters

**Part II** ~ that portion of the POA dealing with ticketing procedures for parking matters

**Part III** ~ that portion of the POA dealing with the issuance of summonses for persons to attend POA Court in order to be arraigned on Informations and thereafter to be dealt with by a Justice of the Peace. There are no provisions for out-of-court payments nor for failure-to-respond convictions

**POA** ~ *Provincial Offences Act* of Ontario

**POA Court** ~ jargon referring to that judicial complement of the Ontario Court of Justice, composed primarily of Justices of the Peace, whose duties include dealing with POA matters

**POA Office** ~ the premises whereat the City executes the POA administration of justice functions transferred thereto by the province

**POA Program** ~ the City's operational structure for the delivery of POA administration of justice functions

**POA Transfer** ~ the transfer by the province to the City of POA administration of justice functions

**Serviced Municipalities** ~ those 9 signatories to the ISA for which the City is the service provider pursuant to the POA Transfer, consisting of Leamington, LaSalle, Tecumseh, Essex Town, Kingsville, Pelee, Amherstburg, Lakeshore and Essex County

**Transfer Agreement** ~ contractual arrangement between the City and MAG whereunder the City became the local service provider for transferred administration of justice functions, composed of the MOU and the LSA

**Victim Fine Surcharge** ~ all fines levied under Part I and Part III of the POA are statutorily bumped-up by this surcharge. Where the base fine does not exceed \$1,000, the surcharge amount is applied in stepped amounts ranging from \$10 to \$125; fines over \$1,000 have a flat 25% surcharge added. All surcharge amounts are remitted without deduction to the province for appropriate application as determined by senior government

KPMG LLP  
618 Greenwood Centre  
3200 Deziel Drive  
Windsor, Ontario  
N8W 5K8

April 16, 2015

Ladies and Gentlemen:

We are writing at your request to confirm our understanding that your audit was for the purpose of expressing an opinion on the financial information (hereinafter referred to as “financial statements”) of The City of Windsor (“the Entity”) Provincial Offences Act as at and for the year ended December 31, 2014.

We confirm that the representations we make in this letter are in accordance with the definitions as set out in **Attachment I** to this letter.

We confirm that, to the best of our knowledge and belief, having made such inquiries as we considered necessary for the purpose of appropriately informing ourselves:

**GENERAL:**

- 1) We have fulfilled our responsibilities, as set out in the terms of the audit engagement letter dated January 10, 2013, for:
  - a) the preparation fair presentation of the financial statements and believe that these financial statements have been prepared and present fairly in accordance with the relevant financial reporting framework
  - b) providing you with all relevant information, such as all financial records and related data and complete minutes of meetings, or summaries of actions of recent meetings for which minutes have not yet been prepared, of the Windsor/Essex Court Service Area Liaison Committee that may affect the financial statements, and access to such relevant information
  - c) such internal control as management determined is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error
  - d) ensuring that all transactions have been recorded in the accounting records and are reflected in the financial statements

**INTERNAL CONTROL OVER FINANCIAL REPORTING:**

- 2) We have communicated to you all deficiencies in the design and implementation or maintenance of internal control over financial reporting of which management is aware.

**FRAUD & NON-COMPLIANCE WITH LAWS AND REGULATIONS:**

- 3) We have disclosed to you:
- a) the results of our assessment of the risk that the financial statements may be materially misstated as a result of fraud
  - b) all information in relation to fraud or suspected fraud that we are aware of and that affects the Entity and involves: management, employees who have significant roles in internal control, or others, where the fraud could have a material effect on the financial statements
  - c) all information in relation to allegations of fraud, or suspected fraud, affecting the Entity's financial statements, communicated by employees, former employees, analysts, regulators, or others
  - d) all known instances of non-compliance or suspected non-compliance with laws and regulations, including all aspects of contractual agreements, whose effects should be considered when preparing financial statements
  - e) all known actual or possible litigation and claims whose effects should be considered when preparing the financial statements

**SUBSEQUENT EVENTS:**

- 4) All events subsequent to the date of the financial statements and for which the relevant financial reporting framework requires adjustment or disclosure in the financial statements have been adjusted or disclosed.

**RELATED PARTIES:**

- 5) We have disclosed to you the identity of the Entity's related parties and all the related party relationships and transactions/balances of which we are aware and all related party relationships and transactions/balances have been appropriately accounted for and disclosed in accordance with the relevant financial reporting framework.

**ESTIMATES:**

- 6) Measurement methods and significant assumptions used by us in making accounting estimates, including those measured at fair value, are reasonable.

**NON-SEC REGISTRANTS OR NON-REPORTING ISSUERS:**

- 7) We confirm that the Entity is not a Canadian reporting issuer (as defined under any applicable Canadian securities act) and is not a United States Securities and Exchange Commission ("SEC") Issuer (as defined by the Sarbanes-Oxley Act of 2002). We also confirm that the financial statements of the Entity will not be included in the consolidated financial statements of a Canadian reporting issuer audited by KPMG or an SEC Issuer audited by any member of the KPMG organization.

**MISSTATEMENTS:**

- 8) We approve the corrected misstatements identified by you during the audit described in **Attachment II**.



Yours very truly,

---

Shelby Askin-Hager, City Solicitor

I have the recognized authority to take, and assert that I have taken, responsibility for the financial statements

**Attachment I – Definitions**

**MATERIALITY**

Certain representations in this letter are described as being limited to matters that are material. Misstatements, including omissions, are considered to be material if they, individually or in the aggregate, could reasonably be expected to influence the economic decisions of users taken on the basis of the financial statements. Judgments about materiality are made in light of surrounding circumstances, and are affected by the size or nature of a misstatement, or a combination of both.

**FRAUD & ERROR**

Fraudulent financial reporting involves intentional misstatements including omissions of amounts or disclosures in financial statements to deceive financial statement users.

Misappropriation of assets involves the theft of an entity's assets. It is often accompanied by false or misleading records or documents in order to conceal the fact that the assets are missing or have been pledged without proper authorization.

An error is an unintentional misstatement in financial statements, including the omission of an amount or a disclosure.

**RELATED PARTIES**

In accordance with Canadian public sector accounting standards *related party* is defined as:

- Related parties exist when one party has the ability to exercise, directly or indirectly, control, joint control or significant influence over the other. Two or more parties are related when they are subject to common control, joint control or common significant influence. Two not-for-profit organizations are related parties if one has an economic interest in the other. Related parties also include management and immediate family members.

In accordance with Canadian public sector accounting standards a *related party transaction* is defined as:

- Related parties exist when one party has the ability to exercise, directly or indirectly, control, joint control or significant influence over the other. Two or more parties are related when they are subject to common control, joint control or common significant influence. Two not-for-profit organizations are related parties if one has an economic interest in the other. Related parties also include management and immediate family members.

**Attachment II – Summary of Audit Misstatements Schedule**

**Corrected misstatements:**

- 1. Reclassification of recovery of internal staff and transfer from reserve funds – categorized against total salary and benefits.**

**Attachment III – Management Responsibilities**

Management acknowledges and understands that it is responsible for:

- the preparation of the financial statements for consolidation purposes
- ensuring that all transactions have been recorded and are reflected in the financial statements for consolidation purposes
- such internal control as management determines is necessary to enable the preparation of financial statements for consolidation purposes that are free from material misstatement, whether due to fraud or error. Management also acknowledges and understands that they are responsible for the design, implementation and maintenance of internal control to prevent and detect fraud
- providing us with access to all information of which management is aware that is relevant to the preparation of the financial statements for consolidation purposes such as records, documentation and other matters
- providing us with additional information that we may request from management for the purpose of the audit
- providing us with unrestricted access to persons within the Entity from whom we determine it necessary to obtain audit evidence
- **[For the standards of the PCAOB:** identifying and ensuring that the Entity complies with the laws and regulations applicable to its activities ]
- providing us with written representations required to be obtained under professional standards and written representations that we determine are necessary. Management also acknowledges and understands that professional standards require that we disclaim an audit opinion when management does not provide certain written representations required
- **[For integrated audit:** evaluating the effectiveness of the Entity’s internal control over financial reporting based on the criteria established in Internal Control – Integrated Framework, issued by the Committee of Sponsoring Organizations of the Treadway Commission (COSO) (“the suitable control criteria”) ]

An audit does not relieve management or those charged with governance of their responsibilities.

Statement of Revenue and Expenditures of

**THE CITY OF WINDSOR**  
PROVINCIAL OFFENCES ACT

Year ended December 31, 2014

## INDEPENDENT AUDITORS' REPORT

To the Ministry of the Attorney General of Ontario

We have audited the accompanying statement of revenue and expenditures of the Provincial Offences Office for Windsor/Essex Court Service Area for the year ended December 31, 2014, and notes, comprising a summary of significant accounting policies and other explanatory information (together "the financial statement").

### *Managements Responsibility for the Financial Statements*

Management is responsible for the preparation and fair presentation of this financial statement in accordance with Canadian public sector accounting standards, and for such internal control as management determines is necessary to enable the preparation of the financial statement that are free from material misstatement, whether due to fraud or error.

### *Auditors' Responsibility*

Our responsibility is to express an opinion on this financial statement based on our audit. We conducted our audit in accordance with Canadian generally accepted auditing standards. Those standards require that we comply with ethical requirements and plan and perform the audit to obtain reasonable assurance about whether the financial statement is free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statement. The procedures selected depend on our judgment, including the assessment of the risks of material misstatement of the financial statement, whether due to fraud or error. In making those risk assessments, we consider internal control relevant to the entity's preparation and fair presentation of the financial statement in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by management, as well as evaluating the overall presentation of the financial statement.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our qualified audit opinion.

*Basis for Qualified Opinion*

The financial records of the Windsor/Essex Court Service Area operations are maintained and generated by the Integrated Courts Offences Network ("ICON") system, maintained by the Province of Ontario. The scope of our audit did not include a review over the controls of this system nor was a service auditor's report made available to us. Accordingly, we were not able to determine whether any adjustments might be necessary to fines and miscellaneous revenue collected.

Included in the revenue for the year ended December 31, 2014, is \$216,527 (2013 - \$268,730) received on behalf of the Windsor/Essex Court Service Area by other courts located throughout the Province of Ontario. The scope of our audit did not include a review of the systems or controls over cash collections and deposits at these other court locations. Accordingly, we were not able to determine whether any adjustments might be necessary to fines and miscellaneous revenue collected.

*Qualified Opinion*

In our opinion, except for the possible effects of the matters described in the Basis for Qualified Opinion paragraphs, the financial statement present fairly, in all material respects the operations of Provincial Offences Office for Windsor/Essex Court Service Area for the year ended December 31, 2014, in accordance with Canadian public sector accounting standards.

Chartered Professional Accountants, Licensed Public Accountants

Date of approval

Windsor, Canada

# THE CITY OF WINDSOR

## PROVINCIAL OFFENCES ACT Statement of Revenue and Expenditures

Year ended December 31, 2014, with comparative information for 2013

	2014	2013
Revenue:		
Fines and fees collected	\$ 4,471,809	\$ 5,103,160
Expenditures and disbursements:		
Salary and benefits	1,609,508	1,825,963
General administration	263,887	359,561
Materials and services	363,476	327,320
Provincial administration charges	396,847	394,367
Occupancy	298,037	310,013
	<u>2,931,755</u>	<u>3,217,224</u>
Income before disbursements to area municipalities	1,540,054	1,885,936
Disbursements to area municipalities	732,323	888,077
<u>Excess of revenue over expenditures and disbursements</u>	<u>\$ 807,731</u>	<u>\$ 997,859</u>

See accompanying notes to statement of revenue and expenditures.



# THE CITY OF WINDSOR

## PROVINCIAL OFFENCES ACT

### Notes to Statement of Revenue and Expenditures

Year ended December 31, 2014

---

#### **1. Provincial offences administration and background:**

The City of Windsor (the “City”) under the authority of Part X of the Provincial Offences Act (“POA”), provides for and administers the POA courts in the Windsor/Essex Court Service Area, arranges for court support, has carriage of Part I prosecutions and associated appeals, and is responsible for the collection of related fines and fees. The POA is a procedural statute for administering and prosecuting provincial offences, including those committed under the Highway Traffic Act, Compulsory Automobile Insurance Act, Trespass to Property Act, Liquor Licence Act, and municipal by-laws; by virtue of the Contraventions Act of Canada, certain federal offences also fall under the POA umbrella. The POA governs all aspects of legal process from serving notice on a defendant, to conducting trials, including sentencing and appeals.

The Ministry of the Attorney General (“MAG”) has entered into a Memorandum of Understanding (“MOU”) pursuant to Part X of the POA, leading to the transfer of POA responsibilities to the City. The MOU contains terms and conditions that apply to every “Municipal Partner” in Ontario. It was recognized that there are certain considerations that are specific to individual court service areas. Therefore, a Local Side Agreement (“LSA”) has also been entered into between MAG and the City, setting out those specific terms and conditions. Taken together, the MOU and LSA constitute the Transfer Agreement.

In addition, an Intermunicipal Service Agreement (“ISA”) was entered into by the City with the other nine area municipalities. The City’s role under the ISA is to provide the transferred responsibilities on its own behalf as well as on behalf of the other municipalities. The revenue generated therefrom, less expenses, is shared on the basis of weighted assessment, with quarterly disbursements of net revenue or operating profit amongst the participants.

# THE CITY OF WINDSOR

## PROVINCIAL OFFENCES OFFICE

### Notes to Statement of Revenue and Expenditures (continued)

Year ended December 31, 2014

---

#### 2. Significant accounting policies:

The statement of revenue and expenditures for the City's Provincial Offences Office is prepared by management in accordance with generally accepted accounting principles for local governments as recommended by the Public Sector Accounting Board of the Chartered Professional Accountants Canada. Significant aspects of the accounting policies adopted in the preparation of this financial statement are as follows:

##### (a) Revenue:

In accordance with policies adopted by other Provincial Offence offices and as a result of the nature of business activities, revenue is recognized on the cash basis. The revenue of the court office consists of fines levied under Parts I, II and III (including delay penalties) for POA charges filed at the court located at the Westcourt Place, 300-251 Goyeau Street, Windsor, Ontario. Offenders may pay their fines at any court office in Ontario, at which time their receipt is recorded in the Integrated Courts Offences Network ("ICON") mainframe system operated by the Province of Ontario.

Uncollected fines and fees outstanding at the date of transfer were assigned by the Province to the City of Windsor. These amounts will be recorded as revenue upon receipt.

Payments received for Victim Fine Surcharge and Dedicated Fines collected on behalf of the Province of Ontario in the amount of \$983,388 and \$64,524 respectively (2013 - \$1,100,913 and \$58,885) are recorded as net liabilities payable to the Province of Ontario by the City of Windsor and are consequently not recorded in the statement of revenue and expenditures.

##### (b) Expenditures:

Expenditures are recorded on the accrual basis of accounting which recognizes expenditures as they are incurred and measurable as a result of the receipt of goods or services and creation of a legal obligation to pay.

##### (c) Tangible capital assets:

Tangible capital asset expenditures are reported separately and are not included in this financial statement.

# THE CITY OF WINDSOR

PROVINCIAL OFFENCES OFFICE

Notes to Statement of Revenue and Expenditures (continued)

Year ended December 31, 2014

---

## 2. Significant accounting policies (continued):

(d) Use of estimates:

The preparation of a financial statement requires management to make estimates and assumptions that affect the reported amounts of revenue and expenditures for the period being reported on and disclosure of contingencies at the date of the statement. Actual results could vary from those estimates.

## 3. Pension agreements:

The City of Windsor makes contributions to the Ontario Municipal Employees Retirement System ("OMERS"), which is a multi-employer plan on behalf of all permanent, full-time members of its staff. The plan is a defined benefit plan, which specifies the amount of the retirement benefit to be received by the employees based on length of service and rates of pay.

## 4. Commitment:

The City of Windsor has entered into an agreement to lease the premises for the City's Provincial Offences offices through 2016. The annual rental payments over the remaining term of the lease are as follows:

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2015	\$ 281,144
2016	281,144

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# Essex-Windsor Solid Waste Authority Regular Board Meeting Minutes

**Meeting Date:** Tuesday, May 05, 2015  
**Time:** 4:30PM  
**Location:** Essex County Civic and Education Centre – Meeting Room C  
360 Fairview Avenue West, Essex Ontario

## Attendance:

<b>Board Members:</b>	Ken Antaya	County of Essex
<b>Chair:</b>	Ron McDermott	County of Essex
	Aldo DiCarlo	County of Essex
	Hilda MacDonald	County of Essex
	Tom Bain	(Ex-Officio) County of Essex
	Rino Bortolin	City of Windsor
	Fred Francis	City of Windsor
	Ed Sleiman	City of Windsor
<b>Vice Chair:</b>	Hilary Payne	City of Windsor
<b>Absent:</b>	Drew Dilkens	(Ex-Officio) City of Windsor
<b>EWSWA Staff:</b>	Eli Maodus	General Manager
	Katherine Hebert	Executive Secretary
	Cameron Wright	Manager of Waste Diversion
	Ralph Reiser	Manager of Waste Disposal
<b>County of Essex Staff:</b>	Mary Brennan	Director of Council Services / Clerk
<b>City of Windsor Staff:</b>	Anne Marie Albidone	Manager of Environmental Services
	Natasha Couvillon	Manager of Performance Measurement & Financial Administration
	Michael Dennis	Financial Planning Administrator

---

## 1. In-Camera Agenda

Moved By Rino Bortolin  
Seconded By Ed Sleiman  
THAT the Board move into an In-Camera session as permitted under the Municipal Act 2001 "Section 239(2) (e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;".

**-Carried Unanimously  
25-2015**

Moved By Ed Sleiman  
Seconded By Fred Francis  
THAT the Board receive the report from the General Manager, as information.

**-Carried Unanimously  
26-2015**

Moved By Tom Bain  
Seconded By Hilary Payne  
THAT the Board move out of the In-Camera session at 4:27 PM.

**-Carried Unanimously  
27-2015**

**2. Call to Order**

The Chair called the meeting to order at 4:30 PM.

**3. Declaration of Pecuniary Interest**

The Chair called for any declarations of pecuniary interest and none were noted. He further expressed that should a conflict of a pecuniary nature or other arise at any time during the course of the meeting that it would be noted at that time.

**4. Approval of the Minutes**

**A) March 3, 2015 Regular Meeting Minutes**

Moved By Tom Bain  
Seconded By Ed Sleiman  
THAT the Minutes from the Essex-Windsor Solid Waste Authority regular meeting, dated March 3, 2015 be approved and adopted.

**-Carried Unanimously  
28-2015**

**B) March 3, 2015 In-Camera Meeting Minutes**

Moved By Hilda MacDonald

Seconded By Ken Antaya

THAT the Minutes from the Essex-Windsor Solid Waste Authority In-Camera meeting, dated March 3, 2015 be approved and adopted.

**-Carried Unanimously  
29-2015**

**5. Business Arising From the Minutes**

There was no business arising from the minutes.

**6. Correspondence**

**A) Letter from AMO President and Town of Tecumseh Mayor, Gary McNamara to the Honourable Glen Murray, Minister of the Environment and Climate Change**

The General Manager provided some background to the letter addressing the issue of extended producer responsibility. He noted that with the 2014 election, a bill to amend the Waste Reduction Act died while in committee. This letter is meant as support for the reintroduction of a similar bill in 2015.

Moved By Rino Bortolin

Seconded By Ken Antaya

THAT the Correspondence from the County of Essex relating to the EWSWA Budget Approval be received as information.

**-Carried Unanimously  
30-2015**

**7. Delegation**

There were no delegations present.

**8. Finance and Administration**

**A) Reserve Investment Policy EW-009 Revision**

The Manager of Finance and Administration noted that the purpose of the report before the Board was to request approval of the proposed revisions of the existing Policy EW-009 with the goal of making the criteria for investing more comparable with the policies for the City of Windsor and the County of Essex while remaining in compliance with existing legislation. She further noted that the policy was last reviewed in 1999.

Mr. Payne questioned what interest rate the Authority is earning on their accounts.

The Manager of Finance and Administration noted that the rate is 1.5%.

Mr. Payne followed up questioning whether that was the best possible rate obtainable?

The Manager of Finance and Administration noted that it is uncertain at this time whether that is the best rate obtainable, and that is partly the motivation for the revision of the existing policy.

Moved By Tom Bain

Seconded By Aldo Dicarlo

THAT the Board approve the revised Reserve Investment Policy EW-009 as presented.

**-Carried Unanimously  
31-2015**

**B) Status Report RE EWSWA Budget Approval**

The Manager of Finance and Administration noted that all the necessary approvals have been received for the 2015 EWSWA Budget.

Moved By Fred Francis

Seconded By Hilda MacDonald

THAT the Board receive the Report pertaining to the status of the 2015 EWSWA Budget approval as information.

**-Carried Unanimously  
32-2015**

### C) 2014 Financial Statement and Auditors' Report

The Manager of Finance and Administration discussed the detail of the 2014 Auditors' audit report noting in particular that the Authority was issued a 'clear' or 'unmodified' opinion, meaning the statements present fairly the financial position of the Authority as at December 31, 2014.

The Manager of Finance and Administration highlighted some notable items from the report including the summary of reserve funds totalling \$47 Million. Included in the figure is the Rate Stabilization Reserve balance of \$11.5 Million. This is the reserve that the Authority is using in the ten year forecast to moderate large annual increases to the City of Windsor and the seven County municipalities. The Accumulated Deficit (which is comparable to the term Net Worth) of the Authority is calculated by taking the total of the net capital and reserves and subtracting the long term debt and Regional Landfill post closure costs. The Authority has an accumulated deficit of (\$4.3M) due to the long term debt of \$67 million, but should move into a positive position in future years as principal payments are made.

The Manager of Finance and Administration further noted a positive figure in the 2014 operating numbers. The Authority's 2014 Budget included a \$1 million dollar deficit that was to be funded through the Rate Stabilization Reserve. This figure was revised to (\$377,000) during the 2015 budget process primarily due to a large increase in Stewardship Ontario Blue Box funding and additional waste from the ICI sector. In the fourth quarter, additional revenue as well as lower than projected expenditures, resulted in an additional \$565,000 savings for the Authority. A total operating surplus of \$187,000 was achieved in 2014. This surplus has been transferred to the Rate Stabilization Reserve to be used for future needs.

Mr. Sleiman questioned the \$67 million debenture balance. He wanted clarification on the payments.

The Manager of Finance and Administration noted that the Authority makes Principal and Interest payments regularly on the balance of the debenture. It is scheduled that the final payment to this loan will be made in 2031 bringing the balance to zero.

Mr. Payne questioned what the financial position of the Authority would be if it dissolved as of today?

The Manager of Finance and Administration noted that the Authority's partners (being the City of Windsor and County of Essex) would assume the liability balance which would be calculated as Assets less Liabilities (debentures, reserves, equipment, etc.) plus the ongoing perpetual care costs of the Regional Landfill. At this point in time, without providing a figure, it is certainly a deficit position for the Authority.

The General Manager indicated that it should be noted that in addition to the deficit position that would exist if the Authority dissolved, there would also still be the need to administer the area's waste in some way at some cost.



Moved By Fred Francis  
Seconded By Ken Antaya  
THAT the Board approve the report pertaining to the 2014 financial statements and associated auditors' report.

**-Carried Unanimously  
33-2015**

**D) Summary of Legal Accounts**

Moved By Tom Bain  
Seconded By Fred Francis  
THAT the Board approve the payment of all outstanding legal invoices on the statement presented.

**-Carried Unanimously  
34-2015**

**9. Waste Disposal Issues**

**A) Regional Landfill Saturday Operating Hours**

The Manager of Waste Disposal provided some background and rationale on making the reduction to the operating hours for Saturdays at the Regional Landfill site. As noted in the report the Authority is reducing the Saturday hours by 2 hours (to 9AM-1PM) by opening an hour later and closing an hour early. The new hours will take effect July 4, 2015. A reduction in operational costs associated with the reduced hours will result in approximately \$15,000 savings for the Authority over one year. There will be little or no expected impact for customers. The change in the site hours will also impact the hours at the public drop off on site located at the Regional Landfill.

Moved By Ed Sleiman  
Seconded By Rino Bortolin  
THAT the Board receive the information presented in the report regarding the Regional Landfill Saturday Operating Hours.

**-Carried Unanimously  
35-2015**

## **B) Tender for the Construction of Cell 4 North of the Regional Landfill – Award of the Contract**

The Manager of Waste Disposal discussed the report and the procedure that was undertaken in acquiring bids. The tender was advertised in the Windsor Star, distributed to a list of potential contractors, listed on the websites Merx, Biddingo and the EWSWA website as well as advertised with the Windsor Construction Association and the London and District Construction Association. A total of 5 companies submitted bids for the construction of Cell 4 North. Based on the review of the unit rates provided by the contractors, the wide range in the submitted tenders total tender costs is mainly associated with the variable rates for the larger tasks of the tender, (i.e. earth excavation for the cell and pond, sand management, geotextile, drainage gravel, pump station, forcemain and litter fence). SLR Contracting Group Inc. provided lower bid rates for these larger tasks of the project and as such presented the lowest bid for the entire tender.

It should be noted that SLR Contracting Group Inc. is familiar with the site and had previously completed the construction of Cell 3 North in 2012. The project will be funded from the Authority's 2015 Capital Budget estimated a cost of \$6,100,000 for the construction and development of Cell 4 North.

Mr. Antaya questioned whether the Authority was pleased with the work previously performed by SLR?

The Manager of Waste Disposal indicated that the Authority was satisfied with their previous work.

Mr. Payne questioned whether there were concerns that the lowest bid was so much lower than the other bids received?

The Manager of Waste Disposal indicated that the contractor's bid was verified and having previously performed the construction of Cell 3 North they had a good feel as to what was required and what their costs would be.

Moved By Ken Antaya

Seconded By Aldo Dicarlo

THAT the Board accept the low tender price in the amount of \$6,022,157 including HST, which was submitted by SLR Contracting Group Inc. and;  
THAT the Chair and General Manager be authorized to enter into an agreement with SLR Contracting Group Inc. for the construction of Cell 4 North at the Essex-Windsor Regional Landfill in accordance with the tender documents.

**-Carried Unanimously  
36-2015**

## 10. Waste Diversion Issues

### A) 2014 Waste Diversion Report

The General Manager noted that the Manager of Waste Diversion would speak to the report.

The Manager of Waste Diversion provided a synopsis of the report. He noted that overall, the Essex-Windsor region's diversion rate is improved by a percentage point over the previous year. This is attributed to better participation in programs. He pointed out that the recycling residual levels are increasing as well, as noted on page 3 of the report. This indicates a need for increased education/advertising so that participants in the program can place accepted materials into the correct boxes while eliminating items that are not recyclable, but sometimes added to the boxes in error. Reducing contamination will be a focus for the Authority moving forward.

The Manager of Waste Diversion noted that there was a particularly strong market for aluminum in 2014 as well as better than expected prices for mixed plastics. He further noted that when comparing 2014 to 2013 figures, the increased market value of aluminum accounts for increased revenue for the Authority. Overall the sale of recyclable materials has seen a modest increasing trend over the reporting period.

The Manager of Waste Diversion discussed the increased use of the Reuse Centre noting that there has been more materials such as paints, solvents, stains and other chemicals diverted from landfill, recycled or reused that in the past would have been thrown in the garbage. He further discussed the increase in yard waste tonnes. These increases could mean greater participation in the programs but could also be tied to higher than normal precipitation. Greater precipitation generally equates to more vegetation and more yard waste. The materials also increase in weight when exposed to rain.

The Manager of Waste Diversion discussed the Public Education and Outreach programs offered by the Authority. He noted that there are several publications that are available to the public, the Authority website, community presentations, school presentations, EWSWA presence at local festivals and events that all influence and increase public awareness of the Authority programs. There is a dedicated staff member who travels to schools and other groups for presentations geared to the respective group. There has also been increased demand for recycling at special events and festivals throughout the Windsor-Essex region.

The Manager of Waste Diversion indicated that the Authority had an overall successful year. He further noted that if the Board members had any questions he could respond at this time.

Ms. MacDonald questioned the residual problem that was noted. She questioned whether other waste authorities or municipalities had the same issue?

The Manager of Waste Diversion indicated that the residual issue cannot really be compared to other programs because each program runs with its own intricacies and differences. Essex-Windsor has a two stream program where it separates the containers from the fibre items, resulting in a basket of goods that is highly marketable and free of contamination. When the streams are cross contaminated (Container items mixed in with the Fibre items) this creates an issue for sorting since items are dropped in two separate buildings. When the streams are contaminated with items that are not recyclable in Essex-Windsor or are too small to capture that creates a residual amount that is increasing. Some other municipalities have single stream programs where all items end up in the same container/truck/sort facility which is not easily comparable to the issues sustained locally. When participants in the program put items in their boxes that they think might be recycled or if there is some doubt, they throw it in anyway increasing the contamination (Example: plastic bags, plastic cutlery, pots and pans, broken dishes, Styrofoam). He noted that audits performed on the residual materials indicate some potential opportunities for future, but for the present time end up creating issues in the sort facilities.

Mr. Sleiman questioned what is the provincially mandated diversion rate and what can be done to achieve that rate?

The Manager of Waste Diversion noted that the provincial rate is 60%. In order to achieve notable increases in the diversion rate locally, the Authority and local municipalities would require changes to the manner that garbage is handled as well as organics. Changes would have to take place to encourage residents to produce less garbage. Some examples as noted in the Master Plan are implementing an organics collection program, implementing bag limits for garbage, implementing a bag-tag system or user pay system for garbage collection, reduced garbage collection dates and increased recycling collection dates etc. Without the implementation of these garbage incentives (or dis-incentives), it would be difficult to achieve any significant increase to the local diversion rate. Essex-Windsor still could increase the accepted materials, but these would have little impact on the diversion rate as a whole.

Mr. Sleiman asked what the role of the municipalities would be?

The Manager of Waste Diversion noted that in addition to the above noted changes and municipal buy-in, there would have to be a change to the current voluntary recycling program that exists. Municipalities would have to make recycling mandatory and refuse garbage collection to those who do not comply.

Mr. Sleiman questioned how the data is collected for participation and capture rates.

The Manager of Waste Diversion indicated that the Participation data is easy to gauge, if there are boxes out on collection day, there is participation. Capture rates are calculated by performing waste audits to determine what percentage of garbage put out for collection is actually recyclable, compostable or divertible at our facilities.

Mr. Payne requested an update on the status of the Master Plan recommendations.

The General Manager indicated that the recommendations approved for implementation by the Board have been implemented.

Moved By Hilary Payne

Seconded By Ken Antaya

THAT Administration bring forward a report outlining the Master Plan recommendations and the status of the implementation of same.

**-Carried Unanimously  
37-2015**

Mr. Antaya questioned whether there are any initiatives underway for 2015?

The Manager of Waste Diversion indicated that Public Education continues to focus on cleaning up the streams, less contamination as well as to increase the participation in organics diversion by the use of backyard composters and digesters.

Ms. MacDonald noted that although in general there has been a reduction in circulation of all printed newspapers, the Authority has experienced a marginal increase in that recyclable material. That is a positive thing to do in this circumstance.

The Manager of Waste Diversion discussed participation in recycling as it relates to the lightweighting of materials by producers. It is difficult to measure with certainty participation over time, as the trend of lightweighting of materials continues to increase over the same period.

Moved By Aldo Dicarlo

Seconded By Hilda MacDonald

THAT the report pertaining to the 2014 Residential Waste Diversion Annual Report be received as information.

**-Carried Unanimously  
38-2015**

**B) Sale of Recyclable Materials – First Quarter of 2015 (January, February & March)**

The General Manager noted that any questions pertaining to the report could be directed to the Manager of Waste Diversion.

Moved By Fred Francis

Seconded By Ken Antaya

THAT the Board receive the report pertaining to the sale of recyclable materials for the first quarter of 2015 as information.

**-Carried Unanimously  
39-2015**

**11. Any Other Business**

There was no other business raised.

**12. By-Laws**

**A) 03-2015 Being a By-Law to Authorize the Execution of an Agreement Between the Essex-Windsor Solid Waste Authority and SLR Contracting Group for the Construction of Cell 4 North of the Essex-Windsor Regional Landfill.**

Moved By Tom Bain  
Seconded By Rino Bortolin  
THAT By-Law 03-2015, Being a By-Law to Authorize the Execution of an Agreement Between the Essex-Windsor Solid Waste Authority and SLR Contracting Group for the Construction of Cell 4 North of the Essex-Windsor Regional Landfill be given three readings and be adopted this 5th day of May 2015.

**-Carried Unanimously  
40-2015**

**B) 04-2015 Being a By-Law to Confirm the Proceedings of the EWSWA Board Meeting of May 5, 2015**

Moved By Tom Bain  
Seconded By Rino Bortolin  
THAT By-Law 04-2015, being a by-law to confirm the proceedings of the Board of the Essex-Windsor Solid Waste Authority be given three readings and be adopted this 5th day of May 2015.

**-Carried Unanimously  
41-2015**

**13. Next Meeting**

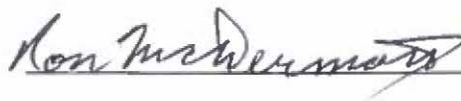
The next Authority meeting is scheduled to take place on Tuesday June 2, 2015.

**14. Adjournment**

Moved By Fred Francis  
Seconded By Aldo DiCarlo  
THAT the Board stand adjourned at 5:15 PM.

**-Carried Unanimously  
42-2015**

**All of which is respectfully submitted.**



**Ron McDermott  
Chair**



**Ilija Maodus  
General Manager**



## **Administrative Report**

### **Office of the County Engineer**

**To:** Warden Tom Bain and Members of County Council

**From:** Tom Bateman, P.Eng.  
County Engineer

**Date:** **August 12, 2015**

**Subject:** **Tender Summary – 2015 Structure Rehabilitations (4)**

**Report #:** **2015-R018-ENG-0812-TRB**

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#### **Purpose**

The purpose of this report is to provide County Council information and recommendations pertaining to tender results for a culvert rehabilitation project to be undertaken as part of the 2015 Rehabilitation Program.

#### **Background**

The 2015 Rehabilitation Program includes the concrete culvert on County Road 14 at the Orton Drain as a carry-over project from 2014.

The infrastructure works will require the full closure of County Road 14 for 3 weeks. The site location is shown on the attached map ([Appendix 1](#)).

#### **Discussion**

The tender process included public advertisement on July 18, 2015. Four competitive bids were received on July 31, 2015 and all of the tenderers submitted the required bid bond.

Crozier Baird conducted an evaluation of the tenders for compliance with specifications and mathematical accuracy. The submissions were complete with no discrepancies identified.



**Administrative Report**

Page 2

August 12, 2015

Tender Summary – 2015 Structure Rehabilitations (4)

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Tender results were aligned with the Engineer’s estimates and within the project budgets.

The following is a summary of the tenders received.

All amounts do not include H.S.T.

**County Road 14 – Culvert at Orton Drain**

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<b>Engineer’s Estimate</b>	-	\$	<b>400,000.00</b>
Facca Inc.	-	\$	386,323.00
D’Amore Construction	-	\$	441,495.00
SLR Contracting Group Inc.	-	\$	446,902.65
Nevan Construction	-	\$	524,932.00

**Recommendation**

It is recommended that the tender be awarded as follows:

- 1) Project Number – 524-2014 – County Road 14 Culvert over Orton Drain Rehabilitation to Facca Inc.  
for a total tender amount of \$386,323.00, plus HST

**Administrative Report**

Page 3

August 12, 2015

Tender Summary – 2015 Structure Rehabilitations (4)

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Respectfully Submitted

Concurred With,

*Tom Bateman*

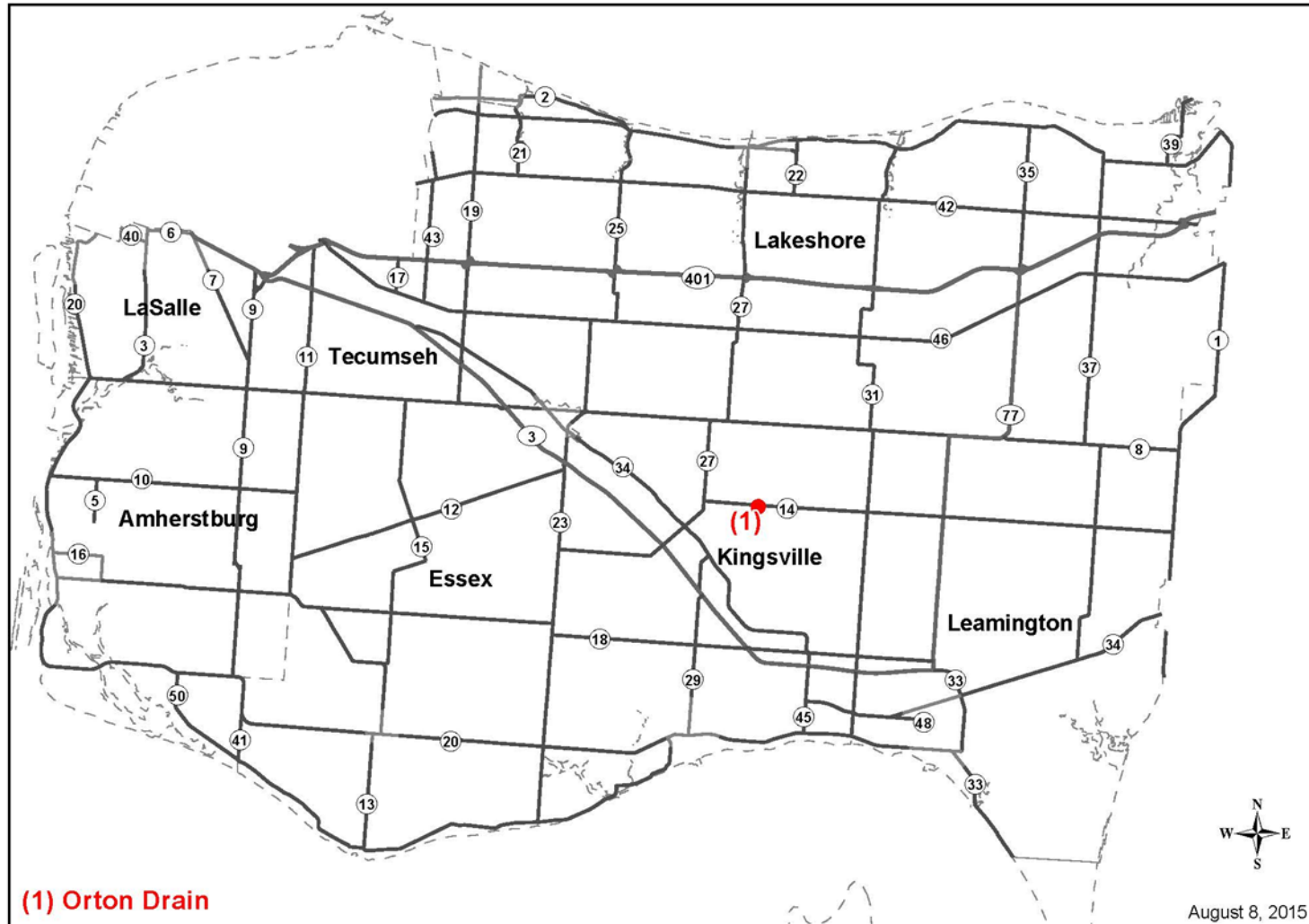
*Brian Gregg*

Originally Signed by Tom Bateman, P.Eng.  
County Engineer

Originally Signed by Brian Gregg  
Chief Administrative Officer

<b>Appendix No.</b>	<b>Title of Appendix</b>
1	<a href="#">Report Location Map</a>

Report Location Map





## **Administrative Report**

### **Office of the County Engineer**

**To:** Warden Tom Bain and Members of County Council

**From:** Tom Bateman, P.Eng.  
County Engineer

**Date:** **August 12, 2015**

**Subject:** **Tender Summary – 2015 Road Rehabilitation (2)**

**Report #:** **2015-R019-ENG-0812-TRB**

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#### **Purpose**

The purpose of this report is to provide County Council information and recommendations pertaining to tender result for a road rehabilitation to be undertaken as part of the 2015 Rehabilitation Program.

#### **Background**

As part of the approved 2015 Rehabilitation Program, a tender for microsurfacing was issued for the following location as shown on the attached [map](#).

#### **Microsurfacing Type II**

County Road 46 - Raymond St.(in Comber) easterly to County Road 1

#### **Discussion**

The following is a summary of the tenders received. All amounts do not include H.S.T.

**Microsurfacing Type II on County Road 46**

<b>Engineer's Estimate</b>	-	<b>\$ 230,000.00</b>
MSO Construction Limited	-	\$ 191,844.00
Duncor Enterprises Inc.	-	\$ 212,211.00

The tender prices are below the Engineer's Estimate.

**Recommendation**

The tenders were reviewed for compliance with the specifications and mathematical accuracy.

It is recommended that the tender be awarded as follows:

- 1) Microsurfacing Type II on County Road 46  
To MSO Construction Limited for a total tender amount  
of \$191, 844.00 plus H.S.T.

Respectfully Submitted

Concurred With,

*Tom Bateman*

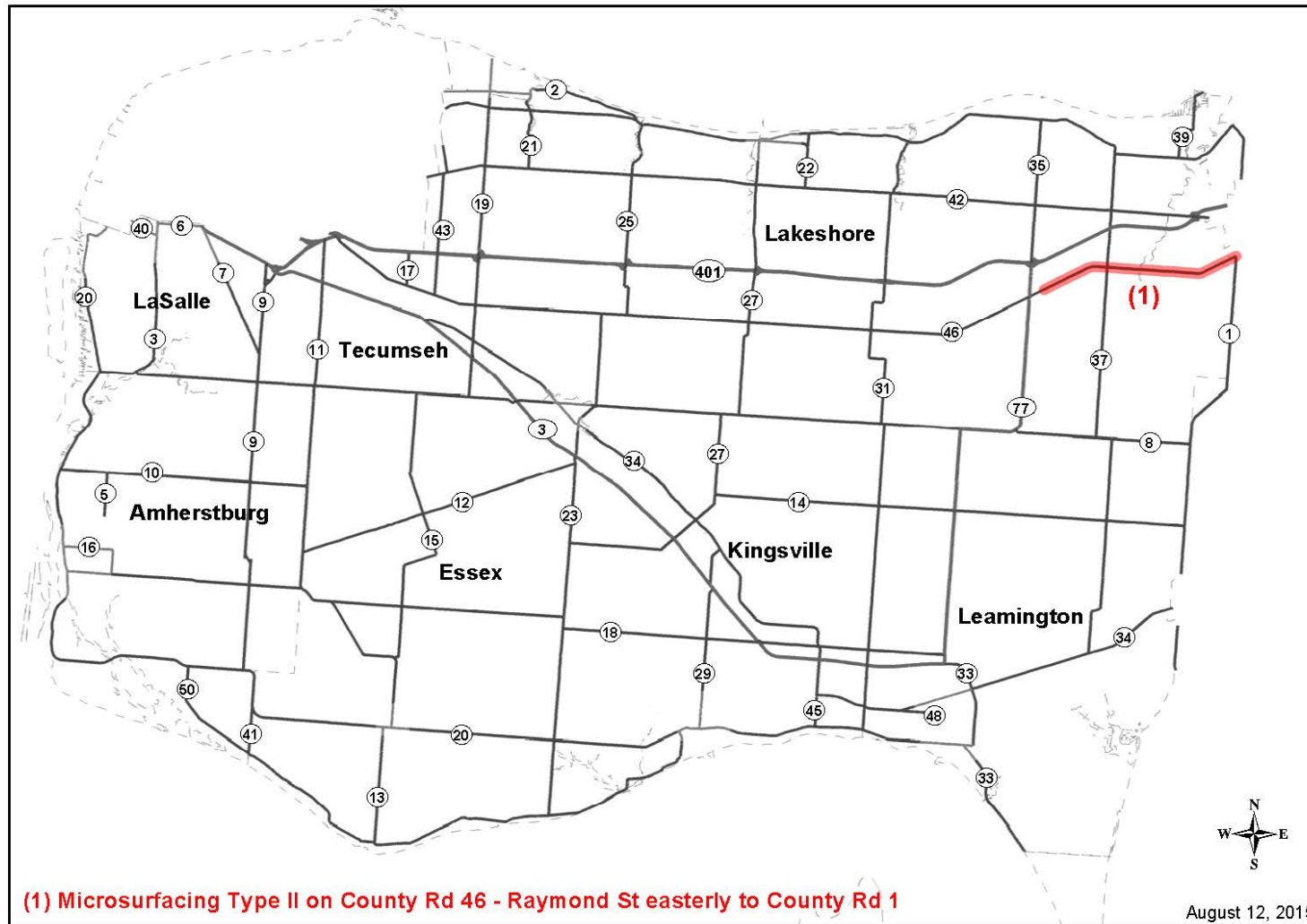
*Brian Gregg*

Originally Signed by Tom Bateman  
County Engineer

Originally Signed by Brian Gregg  
Chief Administrative Officer

<b>Appendix No.</b>	<b>Title of Appendix</b>
1	<a href="#">Report Location Map</a>

Report Location Map





## **Administrative Report**

### **Office of the County Engineer**

**To:** Warden Tom Bain and Members of County Council

**From:** Tom Bateman, P.Eng.  
County Engineer

**Date:** **August 12, 2015**

**Subject:** **Tender Summary – 2015 CWATS Paved Shoulders**

**Report #:** **2015-R020-ENG-0812-TRB**

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#### **Purpose**

The purpose of this report is to provide County Council information and recommendations pertaining to tender result for the construction of paved shoulders along County Roads to be undertaken as part of the 2015 CWATS Program.

#### **Background**

As part of the approved 2015 CWATS Program, two (2) projects were approved by the CWATS Committee. A tender for the construction of paved shoulders along County Roads was issued for the following locations as shown on the attached [map](#).

##### **Essex CWATS Paved Shoulders on County Road 50 (CWATS ID ESS-11)**

County Road 50 - Walnut Lane to Dahinda Drive (both sides)

**Amherstburg CWATS Paved Shoulders on County Road 20  
(CWATS ID AMH-14)**

County Road 20- Dalhousie to Crownridge Blvd. (west side only)

Costs shall be shared with the respective towns at (60%) and the County of Essex (40%).

**Discussion**

The following is a summary of the tenders received. All amounts do not include H.S.T.

**CWATS Paved Shoulders on County Roads 50**

Engineer's Estimate - \$ 215,000.00

Coco Paving Inc. - \$ 285,200.00

Mill-Am Corporation - \$ 300,600.00

**CWATS Paved Shoulders on County Roads 20**

Engineer's Estimate - \$ 65,000.00

Coco Paving Inc. - \$ 53,800.00

Mill-Am Corporation - \$ 73,000.00

The respective towns have agreed to fund their share.

**Recommendation**

The tenders were reviewed for compliance with the specifications and mathematical accuracy.



**Administrative Report**

Page 3

August 12, 2015

Tender Summary – 2015 CWATS

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It is recommended that the tender for the paved shoulders on County Road 50 and County Road 20 be awarded as follows:

- 1) CWATS Paved Shoulders on County Road 50 and County Road 20  
To Coco Paving Inc. for a total tender amount of  
\$339,000.00, plus HST

Respectfully Submitted

Concurred With,

*Tom Bateman*

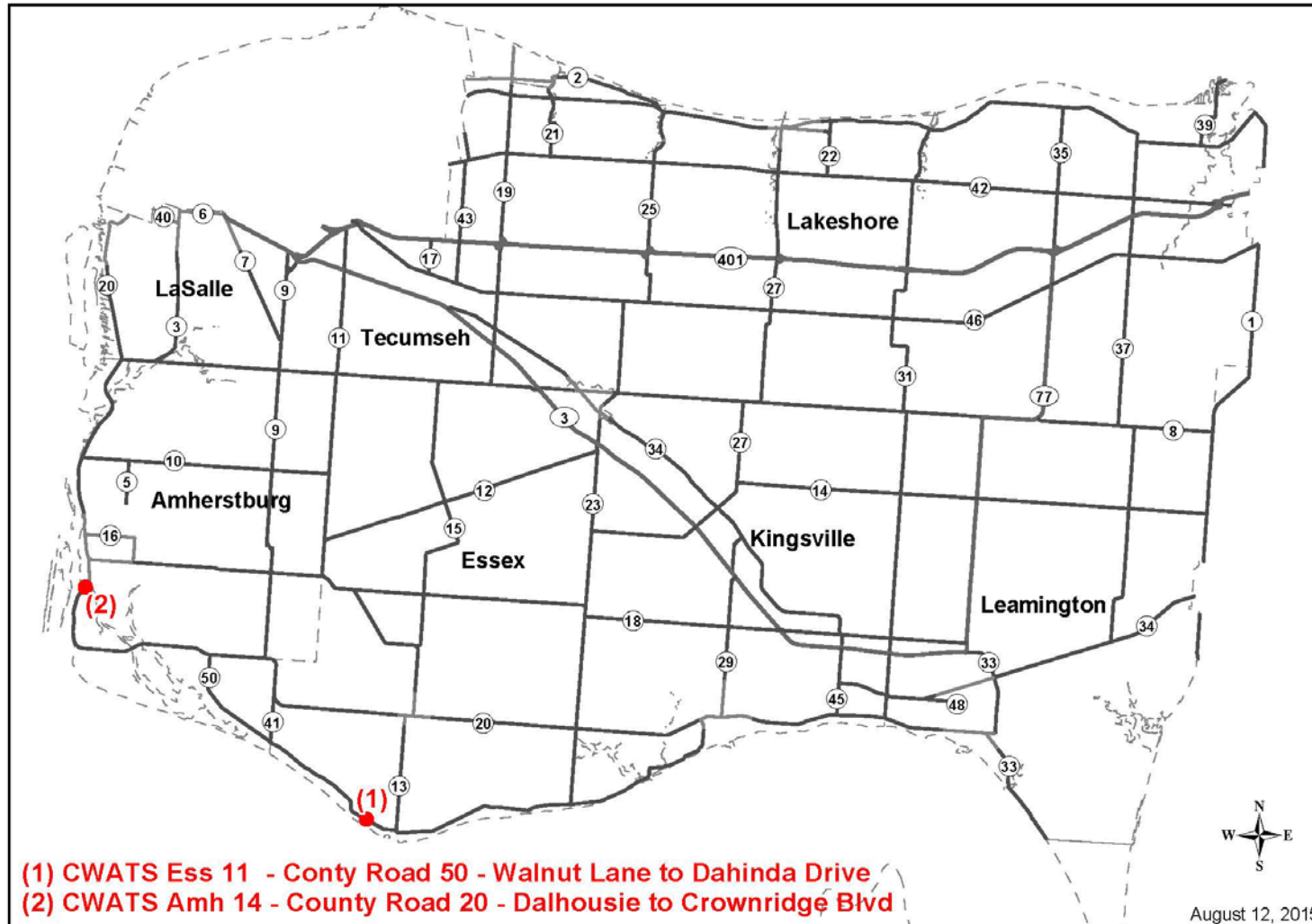
*Brian Gregg*

Originally Signed by Tom Bateman  
County Engineer

Originally Signed by Brian Gregg  
Chief Administrative Officer

<b>Appendix No.</b>	<b>Title of Appendix</b>
1	<a href="#">Report Location Map</a>

Report Location Map





## **Administrative Report**

### **Office of the Administrator, Sun Parlor Home**

**To:** Warden Tom Bain and Members of County Council

**From:** Lynda Monik  
Administrator, Sun Parlor Home

**Date:** **August 12th, 2015**

**Subject:** **Restructuring the Nursing Leadership Team**

**Report #:** **2015-R003-SPH-0812-LM**

#### **Purpose**

To provide County Council with information and recommendations with respect to a proposed restructuring of the Nursing Leadership team at the Sun Parlor Home.

#### **Discussion**

The Clinical Informatics Supervisor position became vacant when the incumbent was promoted to the Manager, Life Enrichment position. The Clinical Informatics Supervisor formerly supported the Nursing Leadership Team in a variety of clinical and technical areas. The position has been vacant since December 2014. In the interim, the Administrator and Nursing Leadership team have pulled together to collectively assume the responsibilities of the unoccupied Clinical Informatics Supervisor position. Having existing Nursing Leadership team members assume the additional responsibilities of this position on an ongoing basis is not a sustainable long term solution because of the changing needs of residents, staff and evolving legislative and regulatory requirements.

The noted vacancy provided the opportunity to re-assess the duties and responsibilities to be fulfilled by members of the Nursing Leadership team and to carefully examine the Home's need for suitable management

resources. The Home is the fourth largest Long Term Care Home (LTCH) in the Erie St. Clair Local Health Integration Network (LHIN). Other Long Term Care Homes of this size, caring for over two hundred residents have at least two Assistant Directors of Nursing (ADON).

The nursing department is the largest department at the Home with over 180 full-time and part-time staff (59% of all staff employed by the Home). Of the 180 staff, 126 are unregulated care providers. Without the support of a regulatory college to educate and provide guidance, the Home must assume a greater role in the training, education and advancement of this staff to minimize risk and assure the provision of high quality care to the residents of the Home. This responsibility falls to the Nursing Leadership team.

The Nursing department has been in a state of flux for an extended period of time. The department is in dire need of appropriate leadership resources to stabilize the environment.

The Nursing Leadership team currently includes a Director of Nursing and Personal Care, an Assistant Director of Nursing (ADON) and the Manager, Resident Services and Clinical Practice. The Nursing Leadership Team is on-call 24/7, one week in three. The Administrator has also been actively supporting the Nursing Leadership team.

The "face" of long term care is changing. According to the Ontario Association of Non-Profit Homes and Services for Seniors (OANHSS) residents admitted to long term care have high to very high levels of impairment (83% of new admissions), 46% can exhibit aggressive behaviours (severe or moderate) and 39% have mental health issues. With the changing expectations for resident care, there are also additional resources needed to support the transition of staff to acquire the skills, knowledge and experiences necessary to care for this "new" resident population. Management resources are needed to support the transition to meet the educational, human resource and labour concerns associated with the transition.

The legislative and regulatory obligations of the Long Term Care Home Act, 2007 identify numerous mandatory programs and committees that must be implemented and sustained; this can only be delivered with additional human resources in a management capacity. With changes in the legislation and regulatory requirements, the government offers no additional funding. The pressures on the current Nursing Leadership team are intensifying.

The Home requires the management resources to support frontline staff to ensure a safe, secure environment and support the advancement of a resident focused, evidenced based clinical practice environment. A review of the duties, including mandatory programs associated with the various Nursing Leadership team roles has been completed. The duties and re-alignment support a Nursing Leadership team with two ADON's.

The Home receives funding for a Resident Assessment Instrument (RAI) Coordinator. The funding amounts annually to \$80,000.00. The RAI funding was used to cover the salary for the Clinical Informatics Supervisor position. The Director of Nursing and Personal Care has been fulfilling the duties of the RAI Coordinator. The current Assistant Director of Nursing also supports the RAI Coordinator role by educating staff on the RAI. The changes proposed are not anticipated to affect ongoing provision of this funding.

Having the Director of Nursing and Personal Care fulfill any part of the RAI Coordinator role is not sustainable in the current or future state of the newly defined roles for the Nursing Leadership team. The funding will be re-allocated to offset the costs for the second ADON. The duties associated with RAI and the Clinical Informatics Supervisor will be distributed between the two ADON's.

Assigning the duties to the two ADON's ensures that there is a transition plan from the Director of Nursing and Personal Care to two individuals who can support coverage for the position 52 weeks of the year. The RAI Coordinator is an integral role to ensure the Home's funding accurately reflects the resident care provided at the Home. Assigning the duties to two ADON's ensures the ADON's are knowledgeable about the Home's residents and are able to properly and effectively hold staff accountable for resident care and related documentation.

A Summary of Key Duties for the Director of Nursing and Personal Care and the two ADON's is provided in Appendix I. The current organizational structure is provided in Appendix II and the proposed organizational structure is provided in Appendix III.

The difference in compensation between Clinical Informatics Supervisor position and the ADON position is approximately \$23,000 annually (at the top of band rates). The MOHLTC will not provide additional funding for the new ADON position.

The financial impact of the proposed restructuring upon the 2015 Budget is estimated to be minimal, given the anticipated timing of the proposed

implementation. Resultant incremental costs will be accommodated and managed in the development of the 2016 Budget.

### **Recommendation**

It is the recommendation of Administration that:

- The position of Clinical Informatics Supervisor be declared redundant;
- A second Assistant Director of Nursing position be created;
- The development of an appropriate recruitment strategy be undertaken to fill the new position.

Respectfully Submitted,

*Lynda Monik*

Originally Signed by Lynda Monik  
Administrator, Sun Parlor Home

Concurred With,

*Brian Gregg*

Originally Signed by Brian Gregg  
Chief Administrative Officer

<b>Appendix No.</b>	<b>Title of Appendix</b>
I	<a href="#">Nursing Leadership Team – Summary of Key Duties</a>
II	<a href="#">Sun Parlor Home - Current Organizational Chart</a>
III	<a href="#">Sun Parlor Home – Proposed Organizational Chart</a>

Appendix I

**SUN PARLOR HOME**  
**NURSING LEADERSHIP TEAM**  
**Summary of Key Duties**

The Director of Nursing is responsible for

- ✓ Liaises with the Medical Director and, in collaboration with the Administrator to ensure the Mission of the Home is realized
- ✓ Leads the development of the annual nursing budget in consultation with Nursing Leadership Team and Administrator.
- ✓ Plans, co-ordinates, directs and evaluates the effectiveness of all operational activities within the nursing department and liaises with other departments
- ✓ Responsible for nursing attendance management program
- ✓ Fosters a competency based, professional environment conducive to support education and research activities that align staff goals with the Homes strategic priorities
- ✓ Ensures direct reports adhere to the OH&S Act and Regulations, all policies and procedures and that personal protective equipment is worn when required

The Assistant Director of Nursing I will be responsible for

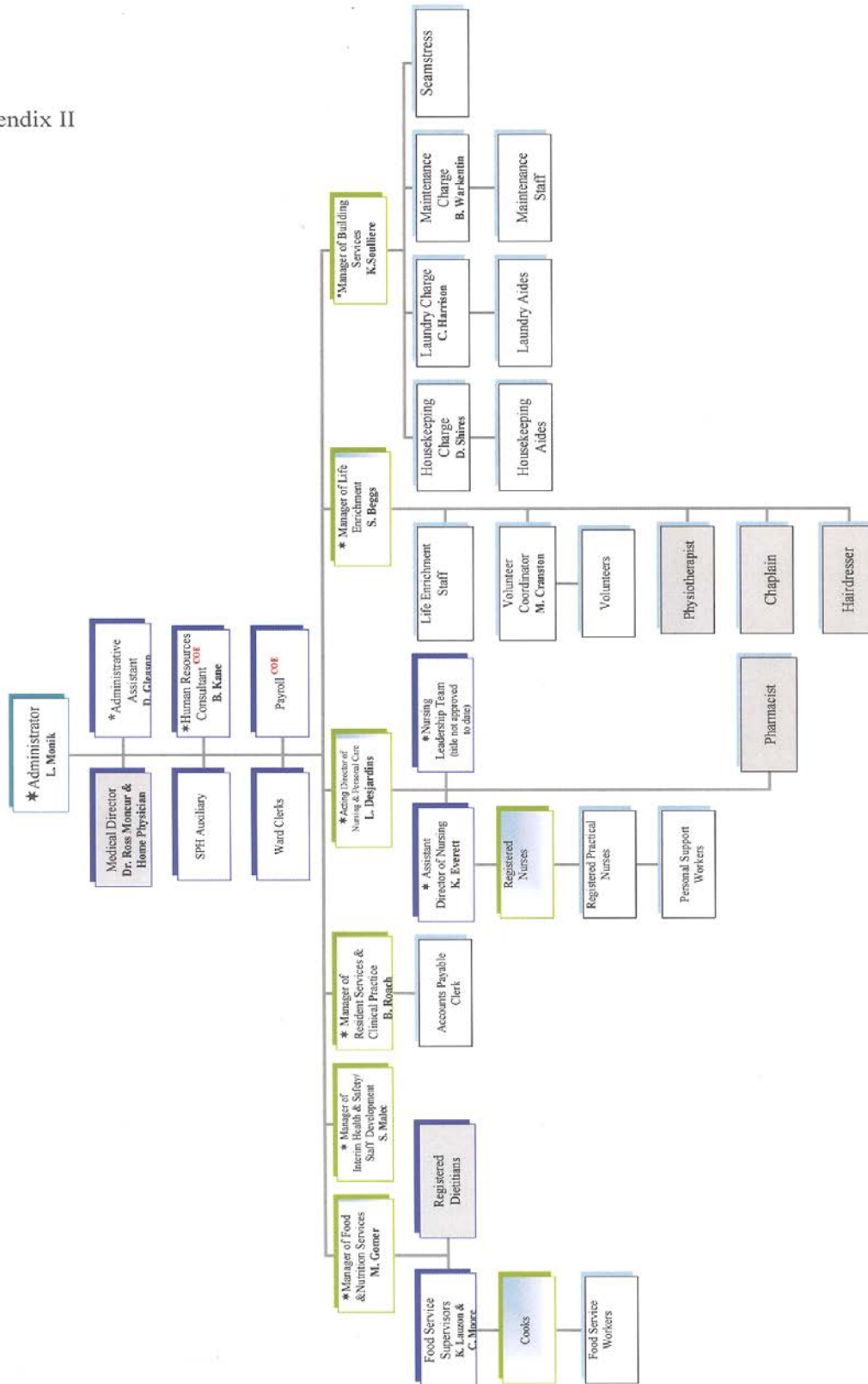
- ✓ Participates in mandatory committees (i.e. Infection Control, Pain and Palliative Care), other committees (i.e. Medication Management, Professional Advisory) and the Nursing Leadership Team meetings.
- ✓ Establishes, monitors and evaluates the staffing patterns for registered staff and that work schedules in accordance with the Long Term Care Home Act, nursing budget and collective agreements
- ✓ Manages and monitors nursing expenditures for their areas of oversight (registered staff, Infection Control and Pain and Palliative Care), explains monthly variances and identifies corrective action
- ✓ Identifies registered staff learning needs and makes provisions for appropriate education and continuing staff development, including the opportunity to educate students
- ✓ Oversees nursing processes to ensure that all documentation (PointClickCare, PSS, RAI-MDS) is completed in a manner that maximizes base funding and ensures access to other available funding initiatives
- ✓ Responds promptly (within 24 hours) to concerns of residents and family members, mediating a satisfactory response to concerns and implements action plans to avoid reoccurrence of similar issues
- ✓ Responsible to develop specific nursing policies and update policies and procedures to comply with legislative and regulatory requirements

The Assistant Director of Nursing II will be responsible for

- ✓ Participates in mandatory committees (i.e. Falls Prevention, Continence, Skin and Wound), other committees (Restraints) and the Nursing Leadership Team meetings.
- ✓ Establishes, monitors and evaluates the staffing patterns for unregulated staff and that work schedules in accordance with the Long Term Care Home Act, nursing budget and collective agreements
- ✓ Manages and monitors nursing expenditures for their areas of oversight, explains monthly variances and identifies corrective action
- ✓ Identifies unregulated staff learning needs and makes provisions for appropriate education and continuing staff development, including the opportunity to educate students
- ✓ Ensures that care provided is documented as required in Point of Care in a timely manner
- ✓ Responds promptly (within 24 hours) to concerns of residents and family members, mediating a satisfactory response to concerns and implements action plans to avoid reoccurrence of similar issues
- ✓ Responsible to develop specific nursing policies and update policies and procedures to comply with legislative and regulatory requirements

Appendix II

**SUN PARLOR HOME  
 ORGANIZATIONAL CHART (Current)**



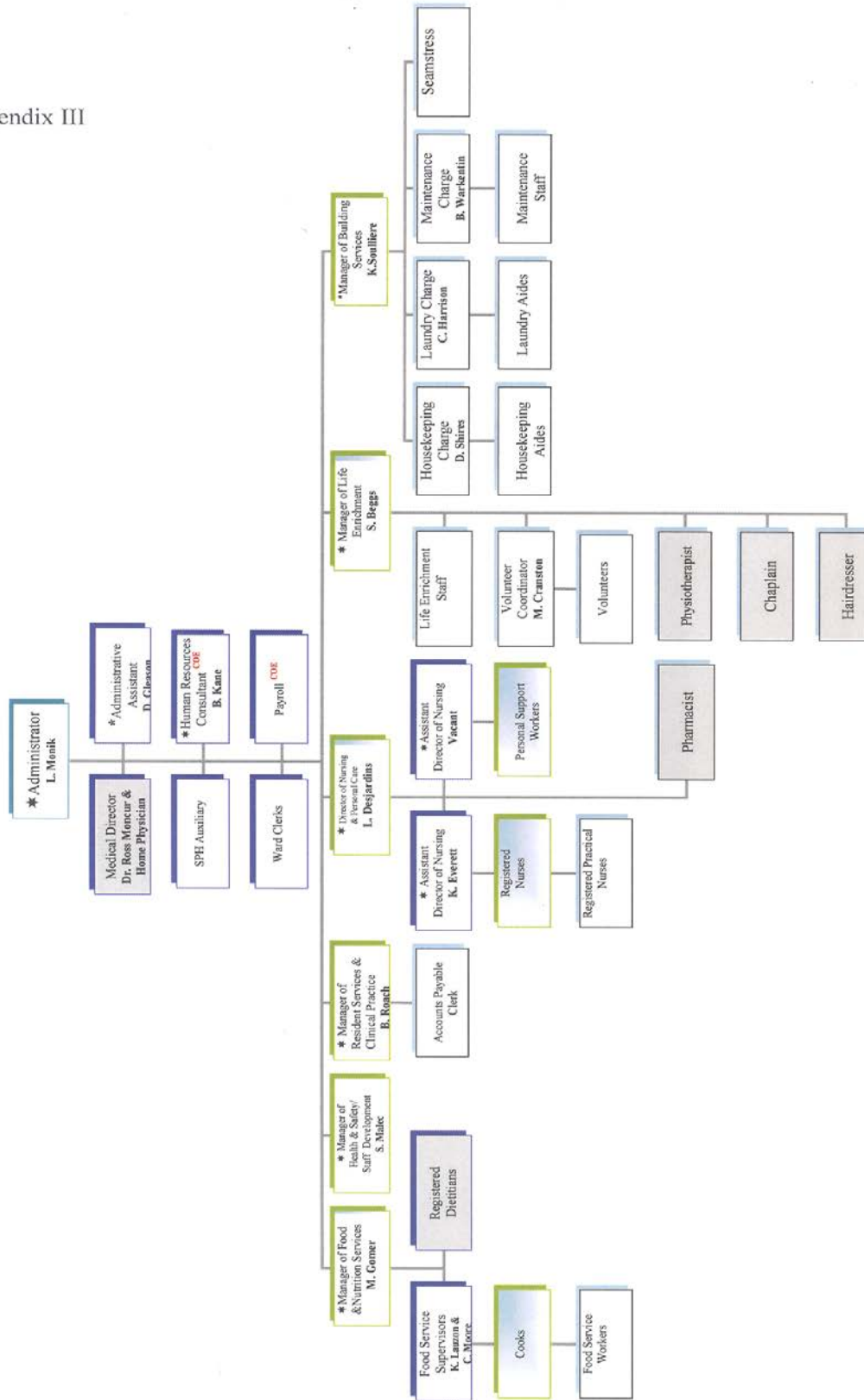
Under Contract with Home    \* Participates in Management Team    COE -- also report to County of Essex Management

rev. July 2015



Appendix III

SUN PARLOR HOME  
 ORGANIZATIONAL CHART (proposed)



rev. August 2015

Under Contract with Home \* Participates in Management Team COE – also report to County of Essex Management



## **Administrative Report**

### **Office of the Administrator, Sun Parlor Home**

**To:** Warden Tom Bain and Members of County Council

**From:** Lynda Monik  
Administrator, Sun Parlor Home

**Date:** **August 12th, 2015**

**Subject:** **Music and Memory Program**

**Report #:** **2015-R004-SPH-0812-LM**

#### **Purpose**

To provide County Council with information and a recommendation relating to the introduction of a Music and Memory Program at the Sun Parlor Home. The Music and Memory Program brings personalized music to residents to improve their quality of life by making them feel happier, encouraging physical activity and supporting socialization. The program has been adopted by four of the eighteen other Long Term Care Homes in the area.

#### **Discussion**

Musical memory is linked to emotions. These memories are stored deep in the brain. While Alzheimer's and dementia can change an individual's ability to recall facts and details, it does not destroy the lasting connections between a favourite song and memory of an important life event, no matter how long ago the event took place. When individuals suffering from Alzheimer's or dementia hear music connected with a meaningful memory they can re-awaken. Individuals with Alzheimers or dementia who have not spoken in years remember the words from the songs and can begin to sing the lyrics.

The Music and Memory program will allow the Home to develop education messaging and strategies on how to implement a comprehensive

personalized program. To have meaning, the music must be personalized. Not all residents respond to a song in the same way. Personalized music provides a means of communication and self-expression when verbal abilities are diminished. Music questionnaires have been shared with residents and their families. The residents and families who have completed the questionnaires to identify the personalized music that makes the resident feel good, will have their music favourites downloaded to i-pods. The i-pods allow residents to “individually” appreciate their personal music preferences.

To learn more about the Music and Memory Program, Council is directed to the following link: <http://musicandmemory.org>

The Home has experienced an increase in the number of responsive behaviours between residents and staff of approximately 400%. Music therapy is considered to be one way to decrease behaviours, alleviate resident boredom, decrease agitation, provide a distraction from fear and anxiety and reduce the reliance on antipsychotic, anti-anxiety and anti-depressant medications.

Music replaces confusing environmental stimuli with something pleasurable. The music is a distraction and residents have been found to be more cooperative, attentive and willing to accept care.

Staff, a total of 15 to date, from across the Home have expressed an interest in being part of this new initiative.

There is a one-time start-up fee of \$1,000 to initiate the program. This will provide for three webinars (4.5 hours), 10 i-pods and one year of technical support. Additional costs of \$5,000 will facilitate staff training, downloading the music to comply with copyright requirements and for the purchase of i-pods and headphones for use by residents who cannot afford them. Going forward, provisions in future budgets are anticipated to accommodate staff training, downloading the music, technical support, the purchase of new i-pods and headphones, revising the music questionnaire for new residents and the development of a technical centre to store and charge the i-pods.

Initiation and implementation of this project was not included in the 2015 budget. A work plan to support implementation and sustainability of the program has been prepared by the Manager, Life Enrichment.

## Recommendation

It is the recommendation of Administration that Council approve:

- An expenditure of \$6,000 in 2015 to provide for the implementation of the Music and Memory Project and that this expenditure be funded by a contribution from the Sun Parlor Home Donation Reserve.

Respectfully Submitted,

*Lynda Monik*

Originally Signed by Lynda Monik  
Administrator, Sun Parlor Home

Concurred With,

*Brian Gregg*

Originally Signed by Brian Gregg  
Chief Administrative Officer



## Administrative Report

### Office of the Administrator, Sun Parlor Home

**To:** Warden Tom Bain and Members of County Council

**From:** Lynda Monik  
Administrator, Sun Parlor Home

**Date:** August 12, 2015

**Subject:** Community Engagement

**Report #:** 2015-R005-SPH-0812-LM

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#### Purpose

To share information with County Council about a community engagement initiative inviting local secondary school students to submit artwork depicting a landmark or scene from their town/municipality. The artwork must be suitable for display in one of the Home's seven resident units.

#### Background

As the municipal long-term care home for the County of Essex, the Sun Parlor Home has chosen to identify seven of the eight units with the name of a municipality within the County of Essex. For example, the 2 East Unit is known as "Leamington", the 2 West Unit is known as "Essex", etc. A Personal Support Worker at the Home thought it would be a great opportunity for students of the surrounding communities to exhibit their art skills to produce a beautiful mural that could be displayed in a resident unit within the Home.

Secondary Schools located throughout the County of Essex were sent a memo in January 2015 inviting students to submit artwork for a mural to be featured at the Sun Parlor Home. The students were offered an honorarium to acknowledge their work. The project has been funded through anonymous donations in support of the project.

## Discussion

To date, three students have stepped forward. Two General Amherst Secondary School students have completed two projects from the Amherstburg area. ([Photos attached as Appendix 1](#)). A third student from General Amherst Secondary School is working on a mural as well.

In the fall of 2015, Secondary School students will again be invited to submit artwork for murals to be considered for other areas of the Home.

## Recommendation

For the information of Council.

Respectfully Submitted

*Lynda Monik*

Originally Signed by Lynda Monik  
Administrator, Sun Parlor Home

Concurred With,

*Brian Gregg*

Originally Signed by Brian Gregg  
Chief Administrative Officer

Appendix No.	Title of Appendix
1	<a href="#">Pictures of Students from General Amherst School with Murals</a>

Appendix 1





## Administrative Report

### Office of the Director of Corporate Services/Treasurer

**To:** Warden Tom Bain and Members of County Council

**From:** Robert Maisonville  
Director of Corporate Services/Treasurer

**Date:** August 12, 2015

**Subject:** SPH – Energy Efficiency Facility Renewal Upgrades

**Report #:** 2015-R17-FIN-0812-RM

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#### Purpose

To provide County Council with information and a recommendation pertaining to the results of tendering for Energy Efficiency Facility Renewal Upgrades at the Sun Parlor Home for Senior Citizens.

#### Background

As part of the 2015 Budget, County Council approved proceeding with the tender for facility renovations at the Sun Parlor Home. The facility is now over twenty-five years old, with various heating/cooling mechanisms dating back to the previous facility constructed in 1967. Included within the scope of the tender documents were the following key components:

- Replacement of fifteen (15) custom rooftop HVAC units.
- Replacement of four (4) packaged rooftop HVAC units.
- Replacement of two (2) hot water heating boilers and two (2) hot water distribution pumps.
- Installation of three (3) new split air conditioning systems for laundry area



- Full replacement of existing building automation system (BAS) with new system to control and monitor new and existing building equipment.
- Replacement and rework of ductwork, hot water piping, natural gas piping, structural supports and electrical to suit new equipment.
- Air and water balancing of new systems
- Replacement of windows in Auditorium

Funding for this project is provided from the Corporation’s Capital Reserve – Facility Renewal.

## Discussion

Ensuring appropriate contractors would bid on the tender, a Request for Pre-Qualification was undertaken in advance of the tender release. Five contractors submitted responses to the request. County Administration, with the assistance of Dillon Consulting Limited evaluated the submissions and 4 of 5 contractors that made submissions were prequalified for the tender.

The complete tender specifications were released on July 10th and a site visit was held on July 17th. All four of the pre-qualified contractors obtained the tender documents and attended the site visit.

All four contractors provided submissions by the tender close at 2:00 pm on Wednesday July 29th. Dillon Consulting Limited, in consultation with County Administration, reviewed the tenders for compliance and accuracy (see [Appendix A](#)).

Submissions and pricing (exclusive of HST) by the 4 contractors are as follows:

- |  |                |
|--|----------------|
| • Fahrhall Mechanical Contractors Ltd. | \$2,170,464.00 |
| • Vollmer Inc.                         | \$2,287,000.00 |
| • Haller Mechanical Contractors Inc.   | \$2,395,000.00 |
| • Lekter Industrial Services Inc.      | \$2,659,000.00 |

All four submissions provided all the necessary tender documentation and there were no mathematical errors identified in the proposals.

It was previously estimated by Dillon Consulting Limited that the complete project, inclusive of HVAC equipment, boiler replacements, building automation systems, addressing required laundry facility cooling,

replacement of 45 year old auditorium windows, re-working of various ductwork components and air and water balancing would cost approximately \$2.4 million, exclusive of HST.

Discussions have commenced with Fahrhall regarding project timing. At this time, we anticipate the project will commence in September, with work continuing through to the end of 2015. Projected timing however is predicated on timely delivery of HVAC and boiler components and project timing may need to be altered to ensure resident comfort while decommissioning and installation of heating and/or cooling mechanisms. The engineering consultant has advised Administration that a ten percent contingency should be secured in the event that unforeseen structural and/or mechanical conditions warrant deviations from the as-built conditions and design specifications. Allowing for the recommended contingency, the project cost remains within the estimate provided by the engineering consultant.

## Recommendation

It is the recommendation that County Council approve the low tender from Fahrhall Mechanical Contractors Ltd., for a total tender amount of \$2,170,464.00 plus HST, funding to be provided from the Corporation's Capital Reserve – Facility Renewal.

Respectfully Submitted,

Concurred With,

*Robert Maisonville*

*Brian Gregg*

Originally Signed by Robert Maisonville  
Director of Corporate Services/Treasurer

Originally Signed by Brian Gregg  
Chief Administrative Officer

Appendix No.	Title of Appendix
Appendix A	Dillon Consulting, Sun Parlor Home – Energy Efficiency Facility Renewal Upgrades – Bid Analysis

## Appendix A



File No.: 15-1801

August 6, 2015

County of Essex  
360 Fairview Ave. W.  
Essex, Ontario  
N8M 1Y6

Attention: Robert Maisonville  
Director of Corporate Services/Treasurer

**Sun Parlor Home  
Energy Efficiency Facility Renewal Upgrades  
Bid Analysis**

Dear Sir:

Bids for the Energy Efficiency Facility Renewal Upgrades project at Sun Parlor Home for Senior Citizens were opened on Wednesday, July 29, 2015. Dillon Consulting Limited (Dillon) attended the opening and was issued a copy of all the qualifying bids for review and comment.

Completed bid forms were received from all four prequalified bidders as follows:

Fahrhall Mechanical Contractors	\$2,170,464.00
Vollmer Inc.	\$2,287,000.00
Haller Mechanical Contractors Inc.	\$2,395,000.00
Lekter Industrial Services Inc.	\$2,659,000.00

We report the following:

- We have created a spread sheet of all bids and appended same hereinafter.
- The bids were ranked in ascending order of base bid.
- All bidders provided both Bid Bond and Agreement to Bond forms.
- All bidders quoted a 10% on both extra work provided by their forces and extra work provided by subcontractors.
- All bidders listed all their proposed subcontractors.
- All bidders acknowledged receipt of Addendums #1 and #2.
- All bidders provided Price Breakout Forms.
- All bidders agreed to complete the work by December 31, 2015 with the exception of Lekter which agreed to complete the work within nineteen (19) weeks of award.

...continued

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Dillon Consulting

Limited

*Sun Parlor Home  
Energy Efficiency Facility Renewal Upgrades  
Page 2 of 2  
August 6, 2015*

The low bidder is Fahrhall Mechanical Contractors Ltd. with a base Tender Price of \$2,170,464.00 plus taxes.

The low bid is below the estimate of probable cost of \$2,400,200 provided by Dillon and the contractor has adequate experience in performing the work required to complete the project.

Fahrhall Mechanical listed one (1) proposed substitution on their bid form for Daikin split system HVAC units in the Laundry area in place of the specified Mitsubishi HVAC units.

#### **Recommendations**

Based on our review of the bid forms we recommend proceeding with the low tender from Fahrhall Mechanical Contractors Ltd. in the amount of \$2,170,464.

Unless the County of Essex is looking for additional cost savings, Dillon does not recommend proceeding with the proposed substitution listed on Fahrhall's bid form at this time.

Dillon would be pleased to discuss the above with you at your convenience.

Yours sincerely,

**DILLON CONSULTING LIMITED**



Nathan Cook, P.Eng.  
Project Manager

NDC:dt

Encl.

ENERGY EFFICIENCY FACILITY RENEWAL UPGRADES  
 SUN PARLOR HOME  
 BID REVIEW & COMMENT AS OF AUGUST 6, 2015

COMPANY NAME	BID BOND Y/N	AGREEM'T TO BOND Y/N	BASE PRICE	1.3% HST	TOTAL PRICE	PRICE BREAKDOWNS SUBMITTED	MARKUP OWN FORCES %	MARKUP SUBCONTRACTS %	SUBS & SUPPLIERS LISTED	ADDENDUM (1-2) RECEIVED	COMPLETION DATE	COMMENTS
FAHRHALL MECHANICAL CONTRACTORS LIMITED	Y	Y	\$2,170,464.00	\$282,160.32	\$2,452,624.32	Y	10%	10%	Y	Y	DECEMBER 31, 2015	NO COMMENTS OR EXCEPTIONS
VOITMER INC.	Y	Y	\$2,287,000.00	\$297,310.00	\$2,584,310.00	Y	10%	10%	Y	Y	DECEMBER 31, 2015	NO COMMENTS OR EXCEPTIONS
HALLFR MECHANICAL CONTRACTORS	Y	Y	\$2,395,000.00	\$311,350.00	\$2,706,350.00	Y	10%	10%	Y	Y	DECEMBER 31, 2015	NO COMMENTS OR EXCEPTIONS
LEKTER INDUSTRIAL SERVICES INC	Y	Y	\$2,659,000.00	\$345,670.00	\$3,004,670.00	Y	10%	10%	Y	Y	NINETEEN WEEKS	NO COMMENTS OR EXCEPTIONS



## **Administrative Report**

### **Office of the Director of Corporate Services/Treasurer**

**To:** Warden Tom Bain and Members of County Council

**From:** Robert Maisonville  
Director of Corporate Services/Treasurer

**Date:** **August 12, 2015**

**Subject:** **Projected Results of Operations for 2015**

**Report #:** **2015-R18-FIN-0812-RM**

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#### **Purpose**

To report the projected results of operations for the fiscal period ending December 31, 2015.

#### **Background**

In accordance with established practice, a projection of the results of operations for the current fiscal period is prepared on the basis of the results of operations to various interim dates.

#### **Discussion**

Based on June year-to-date activity and assuming reasonable wage rate settlements for EMS CUPE and Sun Parlour Home ONA and CUPE contracts, corporate operations are projected to be on budget for the year ending December 31, 2015.

It is important to highlight that the projections are predicated on a number of significant assumptions, namely:



Transportation Services                      \$30,000

Transportation Services is projected to be in a modest surplus position as at December 31, 2015. Anticipated modest savings across various construction projects, maintenance activities, insurance premiums, equipment replacement costs and a projected increase in recoveries/permit fees are offset, in part, by unanticipated wage & benefit variance associated with retirement overlaps/replacements.

Library Services    \$0

Library Services are projected to be on budget at this time with no significant variances anticipated for the 2015 operations.

General Government                                      \$220,000

In total, General Government Services is projected to be in a \$220,000 surplus position as at December 31, 2015. Significant factors include anticipated greater than budget return on investments and favourable wage and benefit variances due to delay in filling budgeted staff positions.

External Commitments                                      \$295,000

External Commitments are projected to be in a surplus position as at December 31, 2015. Estimates by the City of Windsor indicate Ontario Works caseloads are trending on budget, however administrative costs are projected to be in a favourable position. In addition, Social Housing costs are projected below budget due to lower mandated subsidy payments required by service providers. Modest savings from budget are also anticipated by the Windsor Essex County Health Unit and Physician Recruitment initiatives.

There are no other significant variances to report at this time.

The Corporation's projected financial position is based on six months activity with significant uncertainty regarding budget performance for Social Services, Social Housing, Emergency Medical Services, Transportation Services, investment earnings and outstanding arbitrated contract /wage settlements. Variance from projections in any one of these operations could have a significant impact on the Corporation's financial position for 2015. Corporate Services with the assistance of all departments continue to look for opportunities for reductions / cost savings and will carefully monitor operations and report accordingly.



## Recommendation

For the information and consideration of County Council.

Respectfully Submitted,

*Robert Maisonville*

Originally Signed by Robert Maisonville  
Director of Corporate Services/Treasurer

Concurred With,

*Brian Gregg*

Originally Signed by Brian Gregg  
Chief Administrative Officer



## **The Corporation of the County of Essex**

### **By-Law Number 44-2015**

#### **Being a By-law to Confirm the Proceedings of the Council of The Corporation of the County of Essex.**

Whereas under Section 5(1) of the Municipal Act, 2001, S.O. 2001, c.25 as amended, the powers of a municipality shall be exercised by its Council; and

Whereas under Section 5(3) of the Municipal Act, 2001, S.O. 2001, c.25 as amended, a municipal power, including a municipality's capacity, rights, powers and privileges under Section 8 of the Municipal Act, 2001, S.O. 2001, c.25 as amended, shall be exercised by by-law unless the municipality is specifically authorized to do otherwise; and,

Whereas it is deemed expedient that the proceedings of the Council of The Corporation of the County of Essex, at this meeting be confirmed and adopted by by-law;

Now therefore the Council of the Corporation of the County of Essex hereby enacts as follows:

1. That the actions of the Council of The Corporation of the County of Essex in respect of all recommendations in reports of committees, all motions and resolutions and all other action passed and taken by the Council of The Corporation of the County of Essex, documents and transactions entered into during the August 12th, 2015, Regular Meeting of Council, is hereby adopted and confirmed, as if the same were expressly embodied in this By-law.
2. That the Warden and proper officials of The Corporation of the County of Essex are hereby authorized and directed to do all the things necessary to give effect to the action of the Council of The Corporation of the County of Essex during the said August 12th, 2015, Regular Meeting referred to in Section 1 of this By-law.

3. That the Warden and the Clerk are hereby authorized and directed to execute all documents necessary to the action taken by this Council as described in Section 1 of this By-law and to affix the Corporate Seal of The Corporation of the County of Essex to all documents referred to in said Section 1.

This By-law shall come into force and take effect after the final passing.

**Read a first, second and third time and Finally Passed this 12th, day of August, 2015.**

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Tom Bain, Warden

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Mary S. Brennan, Clerk

**Clerk's Certificate**

I, Mary S. Brennan, Clerk of the Corporation of the County of Essex, do hereby certify that the foregoing is a true and correct copy of **By-law Number 44-2015** passed by the Council of the said Corporation on the 15th, day of **August 2015**.

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Mary S. Brennan, Clerk  
Corporation of the County of Essex