



## THE CORPORATION OF THE TOWN OF AMHERSTBURG

### OFFICE OF CORPORATE SERVICES

**MISSION STATEMENT:** *Committed to delivering cost-effective and efficient services for the residents of the Town of Amherstburg with a view to improve and enhance their quality of life.*

Author's Name: Tracy Prince	Report Date: November 22, 2022
Author's Phone: 519 736-0012 ext. 2254	Date to Council: December 5, 2022
Author's E-mail: tprince@amherstburg.ca	Resolution #:

**To:** Mayor and Members of Town Council

**Subject:** Windsor/Essex Intermunicipal Courts Service Agreement Renewal

---

#### 1. **RECOMMENDATION:**

It is recommended that:

1. That Council **RECEIVE** the Provincial Offences Act – 2021 Renewal Agreement.
2. The Mayor and Clerk **BE AUTHORIZED** to sign the agreement Dated December 31, 2021, as a housekeeping measure.

#### 2. **BACKGROUND:**

The *Provincial Offences Act* is a provincial statute that sets out procedures for the prosecution of offences under other provincial statutes and regulations and municipal by-laws. The Windsor/Essex Provincial Offences (POA) division provides for the prosecutorial and court administrative functions for all Provincial Offences matters on behalf of the Windsor/Essex County Court Service Area, including enforcement, collection and distribution of fine revenues. There are many agreements that govern the local POA program that must be kept up to date in order to ensure a high level of success. Many of these agreements are coming up for renewal while there are new ones that are required to be established.

One agreement that must be renewed is the Windsor/Essex Area Intermunicipal Courts Service Agreement (ISA), which expired on December 31, 2021. The original agreement was executed in 2001 between the City of Windsor (City) and 9 other municipal partners, encompassing the geographic territory consisting of the City of Windsor, the County of Essex and Pelee Island. These municipal partners include Leamington, LaSalle, Tecumseh, Essex Town, Kingsville, Pelee, Amherstburg, Lakeshore and Essex County. The ISA sets out the responsibility, cost and revenue

sharing (based on a weighted assessment formula), dispute resolution, structural and governance provisions pertinent to the POA Program.

A new agreement between the City and its municipal partners is also being sought for approval in order to add defaulted fines to taxes. Section 441.1 of the *Municipal Act*, 2001 permits a local municipality to add any part of a fine for a commission of a provincial offence that is in default under section 69 of the *Provincial Offences Act* to the tax roll for any property in the local municipality for which all of the owners are responsible for paying the fine and collect it in the same manner as municipal taxes at the request of a municipality. This additional enforcement tool gives the POA division further authority to collect on defaulted fines and has provided significant benefit to municipalities both financially and operationally.

### **3. DISCUSSION:**

#### Windsor/Essex Area Intermunicipal Courts Service Agreement (ISA)

Under the ISA, the City provides services to the 9 municipal partners pertaining to the POA functions transferred to the City by the province in 2001. The ISA calls for the setting up of an administrative advisory panel, the Windsor/Essex Court Service Area Liaison Committee ("POA Liaison Committee"), composed of one representative from each participating municipality. Among other things, the POA Liaison Committee:

- Serves as the liaison between the City and the 9 Serviced Municipalities on all matters relating to the operations of the POA Program
- Reviews all reports submitted by the Manager of Provincial Offences and makes recommendations upon the operations of the POA Program
- Reviews and recommends the annual POA Program budget.

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 from March 5, 2001 through December 31, 2001, with the following five fiscal years coinciding with the successive full calendar years, which expired on December 31, 2006. The ISA has since been renewed three times, for 5-year terms, the latest of which will expire on December 31, 2026 (a copy of which is attached as Appendix A).

The POA Liaison Committee, in consultation with the City of Windsor legal department, finalized the renewal agreement in 2021. A draft copy of the renewal agreement was provided to the POA Liaison Committee member's mid-2021, and the consensus was that the POA Program should be renewed for another 5-year period. However, due to the turn over of staff at the Town during this period, this Agreement was not brought forward to Council. Since that time all partnering municipalities have sought and have received their respective Council's authority to enter into a 5-year renewal of the ISA.

### **4. RISK ANALYSIS:**

Failing to renew the agreements will result in returning and forgoing the profit sharing revenue with those partnering municipalities. The Town has been currently operating under its existing agreement.

The recommendation represents low risk as it is in the Municipalities best interest to renew the agreement based on the following:

- The draft agreements have been vetted with the POA Liaison Committee members and their respective administration
- There were no objections from any municipal partners
- The POA program has been very effective since 2001 and has generated and distributed tens of millions of dollars in positive net revenues
- It would be cost prohibitive for any municipal partners to enforce/manage a POA program on their own.

**5. FINANCIAL MATTERS:**

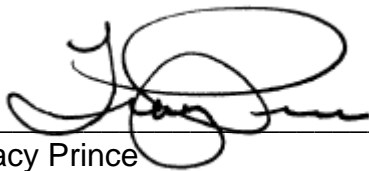
The cost sharing agreement calls for a split in net revenues between the City of Windsor and the County of Essex, at a current ratio of approximately 52% and 48% respectively. These percentages are based on the average weighted property assessments in the given year which is adjusted annually.

**6. CONSULTATIONS:**

Senior Management Team

**7. CONCLUSION:**

The Windsor/Essex POA Program provides a forum, on a regional basis, for the administration, prosecution and ultimate disposition of cases initiated by various law enforcement personnel. The approval of these agreements are critical to the long term success of the program. So long as the POA Program remains operational, it must be suitably accommodated and supported by all partners.



Tracy Prince  
**Director of Corporate Services/CFO**

## Report Approval Details

Document Title:	Provincial Offense.docx
Attachments:	
Final Approval Date:	Jan 16, 2023

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



Valerie Critchley



Kevin Fox