

Report To:	Council
From:	Glen Cowan, Chief Financial Officer / Treasurer
Date:	February 24, 2025
Report No:	ES-002-25
Subject:	2025 Halton Court Services Business Plan and Budget
Recommendation:	THAT the 2025 Business Plan and Budget for Halton Court Services (attached as Appendix A), including the transfers to/from reserve as presented, be approved.

EXECUTIVE SUMMARY

 The 2025 Business Plan and Budget for Halton Court Services (HCS) reflects increases in both expenditures (2.3%) and revenues (2.4%) relative to 2024. The 2025 net budget of \$1.87 million is expected to result in a distribution to Milton of \$0.16 million.

REPORT

Background

In 2001 the administration of the Provincial Offences Act (POA) was transferred from the Province to the municipalities in the Region of Halton. At that time the following occurred:

- 1. The establishment of a Joint Management Board (comprised of the CAO's from the Halton municipalities including the Region) to oversee the management and operation of HCS.
- 2. An agreement on the funding formula whereby 50% of the net revenues generated by HCS are allocated to the Region of Halton. The remaining 50% of the net revenues are divided among local municipalities based on annual weighted regional assessment rates.

In 2007, the City of Burlington was named the Service Provider on behalf of HCS as part of the implementation of a two phase streamlining initiative, now referred to as the Growth Management Plan (GMP). The GMP along with the business plan and budget is reviewed annually by the Area Treasurers and the Joint Management Board. Milton Council policy number 90 outlines the Town's role as an equal partner with the Halton Court Services -



Background

Provincial Offences Office. That policy, along with the agreement with the municipal partners, includes a requirement for the business plan and budget to be approved by each Municipality in Halton on an annual basis.

Discussion

The 2025 Budget and Business Plan was developed by HCS staff in 2024 based on the mid-year results available for 2024. The budget was reviewed and approved by the Area Treasurers and the Joint Management Board.

The 2024 Budget and Business Plan is included in full detail as Appendices A. Notable points include but are not limited to:

- Gross revenue for HCS in 2025 is budgeted at \$9.10 million as compared to the \$8.89 million budgeted for 2024.
- Total expenditures in 2025 are budgeted at \$7.18 million compared to the \$7.01 million budgeted for 2024.
- The 2025 net budget of \$1.87 million is expected to result in a distribution to Milton of \$0.16 million.

Other Updates

Other updates provided in Appendix A (in Section 9) include advocacy related to the justice of the peace shortages, the backlog of court dates for Part I charges and various administrative considerations.

Financial Impact

The projected distribution from HCS to the Town of Milton for 2025 is \$164,602. This amount has already been reflected in the Town's 2025 Budget and Business Plan.

Respectfully submitted,

Glen Cowan Chief Financial Officer / Treasurer

For questions, please contact: Glen Cowan

Phone: Ext. 2151

Attachments

Appendix A: Halton Court Services 2025 Budget and Business Plan



The Corporation of the Town of Milton

Approved by CAO Andrew M. Siltala Chief Administrative Officer

Recognition of Traditional Lands

The Town of Milton resides on the Treaty Lands and Territory of the Mississaugas of the Credit First Nation. We also recognize the traditional territory of the Huron-Wendat and Haudenosaunee people. The Town of Milton shares this land and the responsibility for the water, food and resources. We stand as allies with the First Nations as stewards of these lands.

ONTARIO COURT OF JUSTICE PROVINCIAL OFFENCES OFFICE

HALTON COURT SERVICES

2025 BUSINESS PLAN AND BUDGET

City of Burlington Town of Halton Hills Town of Milton Town of Oakville Regional Municipality of Halton

September 2024

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RECOMMENDATIONS

- 1. Approve the 2025 Halton Court Services budget as presented.
- 2. Write off defaulted fines totaling \$46,348 that have accumulated during 2024 where it has been determined there are no viable means of collection.
- 3. A contribution of \$50,000 from net revenues is to be made to the Capital Reserve Fund during 2025 to ensure that requirements of the Reserve Fund Policy are maintained.
- 4. Within the parameters of existing Burlington Procurement By-law and other applicable Burlington policies, and provided no expense beyond that approved as part of the existing budget is expended, that the Manager of Prosecutions and the Manager of Court Administration, as the case may be, be authorized to approve and execute any and all agreements necessary for the proper administration of Halton Court Services and the continued administration of Justice, in such form as is approved by the City Solicitor for The Corporation of The City of Burlington.

OVERVIEW OF 2024 PERFORMANCE

1. BUDGET PERFORMANCE

Revenues to End of June

The Municipal Partners had budgeted gross revenues of \$8.9 million for 2024. The chart below summarizes results by end of June and projections for the remainder of the year.

There is an expected increase of approximately 1% in net revenue in 2024.

COMPARISON OF OVERALL PERFORMANCE TO BUDGET for the year ending December 31, 2024								
	2024 Budget	Actual June 30/24	Actual % of Budget	Projection Dec 31/24	Projection % of Budget			
Gross Revenue	(\$8,886,327)	(\$4,583,610)	51.6%	(\$8,846,478)	99.6%			
Operations	\$7,013,667	\$3,464,069	49.4%	\$6,954,674	99.2%			
Net Revenue	(\$1,872,660)	(\$1,119,540)	59.8%	(\$1,891,805)	101.0%			

COMPARISON OF 2025 BUDGET TO 2024 BUDGET									
		REVENUE		EXPENSES					
	2024 Budget	2025 Budget	% Difference	2024 Budget	2025 Budget	% Difference			
Administration	(\$6,485,827)	(\$6,759,280)	4.2%	\$5,410,794	\$5,421,541	0.2%			
Collections	(\$2,400,500)	(\$2,340,500)	-2.5%	\$496,732	\$593,292	19.4%			
Prosecution	N/A	N/A	N/A	\$1,106,146	\$1,160,210	4.9%			
TOTAL	(\$8,886,327)	(\$9,099,780)	2.4%	\$7,013,662	\$7,175,043	2.3%			

2. OPERATIONAL PERFORMANCE

Provincial Offences Charges

Charge volumes are entirely driven by enforcement agencies and their initiatives, these charges volumes are the main influence on the revenues that are generated through HCS. At the end of Q2 2024 there were 25,666 (51%) charges filed of the projected 50,000 total for

2024. Therefore, the current projection for Q4 is that charges may reach 51,328 (103% of projected total).

		-					
	2019	2020	2021	2022	2023	2024 Q2	2024 Projected
PART I	53,537	48,269	33,477	30,486	29,630	16,087	32,174
PART III	3,600	3,054	2,972	2,562	2,562	2,053	4,106
RLC	12,513	9,761	17,993	11,589	13,762	7,524	15,048
TOTAL	66,618	69,650	61,084	54,442	47,977	25,664	51,328

The following chart provides the trend in number of filed charges since 2019 and includes totals for Q2 2024 and projected totals for the end 2024:

The following chart provides the number of charges by enforcement agency that were refused for filing with the reasons for refusal through Q2 2024:

AGENCY	Late Filing	Date Error	Young Offender	Wrong Juris	Old / Wrong PON	TOTAL
HRPS	68	81	7	0	0	156
OPP	3	0	0	0	0	3
МТО	32	0	0	0	2	34
OTHER	272	0	0	0	0	272
Q2 2024 TOTALS	375	81	7	0	2	465

The following charts provide charge volumes for both Part 1 and Part 3 by enforcement agency through Q2 2024.

PART 1	JAN	FEB	MAR	APR	MAY	JUN	Totals
By-laws	6	3	5	1	4	12	31
OTHER ENF.	28	20	39	27	20	25	159
Halton Regional Police	1,996	1,755	1,795	1,958	1,942	1,821	11,267
МТО	261	368	224	331	452	402	2,038
OPP	387	548	423	462	435	337	2,592
Red Light Camera	1,019	1,203	1,076	1,432	1,517	1,277	7,524
Totals	3,697	3,897	3,562	4,211	4,370	3,874	23,611

PART 3							Totals
By-laws	11	12	61	9	9	3	105
OTHER ENF.	33	3	31	-	48	37	152
Halton Regional Police	225	201	163	194	232	233	1,248
МТО	9	11	12	8	35	51	126
OPP	69	43	66	137	89	20	424
Totals	347	270	333	348	413	344	2,055

3. AUDITS

External Audit

KPMG performed an audit of HCS for the period ended December 31, 2023. There were no items of concern to report to the Partnership by way of an auditors' management letter. KPMG maintains a practice of issuing qualified opinions for all its POA court clients due to the inability to review cash procedures at other POA courts accepting fine payments on behalf of HCS, and to review controls of the provincial ICON system utilized by all POA courts across the province.

4. REVENUE STABILIZATION FUND

Following the request of the Area Treasurers, a Municipal Partner Revenue Stabilization Fund (MPRSF) was created in early 2014 to assist the partners in protecting against the impact of volatility in fine revenue, and to provide a source of funding to stabilize revenue sources annually, including the impacts related to the new court facility. Per policy, an annual review of the MPRSF is carried out by the Area Treasurers.

Flat-Lining Net Revenue Distribution

Net revenue surplus was transferred to the MPRSF between 2013 and 2017. Interest is allocated to the MPRSF on an annual basis.

The Area Treasurers directed that contributions to the MPRSF end as of 2018 given the healthy balance of the MPRSF. In 2021, the JMB directed to only distribute to the Partners the actual net revenue earned from operations going forward. The balance in the Stabilization Reserve Fund is \$776,486 at the beginning of 2024.

Stabilization Fund							
Year	Use of Funds	Interest (net of Admin Fee)	Balance				
Balance Forward			\$776,486				
2024*	\$0	\$16,006	\$792,492				
2025*	\$0	\$16,342	\$808,835				
2026*	\$0	\$16,686	\$825,520				
2027*	\$0	\$17,336	\$842,856				
2028*	\$0	\$17,700	\$860,556				

5. REVENUE SHARING

According to the established revenue-sharing agreement, the Region receives 50% while the Municipal Partners receive a percentage of the 50% balance based on assessment rates.

Following is a five-year overview of net revenue distribution since 2020 including the estimated annual distribution for 2024:

Historical Annual Revenue Sharing % Based on Tax Assessment						
	2020	2021	2022	2023	2024	
Burlington	15.60%	15.44%	15.32%	15.20%	15.08%	
Halton Hills	4.60%	4.60%	4.57%	4.54%	4.52%	
Milton	8.40%	8.55%	8.64%	8.72%	8.78%	
Oakville	21.40%	21.43%	21.48%	21.55%	21.62%	
Region of Halton	50.00%	50.00%	50.00%	50.00%	50.00%	
TOTAL	100.0%	100.0%	100.0%	100.0%	100.0%	

Historical Annual Revenue Distribution to Partnership							
	2020	2021	2022	2023	2024*		
Burlington	726,280	299,980	296,601	373,252	277,744		
Halton Hills	214,159	89,430	88,438	111,484	83,250		
Milton	391,074	166,029	167,293	214,006	161,710		
Oakville	996,307	416,627	415,752	529,183	398,198		
Region of Halton	2,327,820	972,066	968,085	1,227,680	920,902		
TOTAL	\$4,655,640	\$1,944,132	\$1,936,169	\$2,455,605	\$1,841,805		

*2024 budget to be realized

Overall Revenues

The Municipal Partners are projecting gross revenues based on current trends and although population continues to grow at a fair rate across Halton, the number of charges filed has not been reflected in the population growth for the last several years. A modest increase is projected to 52,000 charges for 2025 over the current projection of 51,328 for 2024. Gross revenue for HCS in 2025 is budgeted at **\$9.1 million** as compared to the **\$8.9 million** originally budgeted for during 2024.

Total expenditures in 2025 are budgeted at **\$7.1 million** compared to the **\$7 million** originally budgeted for 2024.

See Appendix A for a copy of the overall 2025 POA Budget.

<u>Recommendation #1</u>: Approve the 2025 Halton Court Services budget as presented.

6. WRITING-OFF OF UNCOLLECTABLE FINES

In accordance with the Write-Off Policy, the Municipal Partners are seeking approval from the Area Treasurers and the Joint Management Board to write-off those defaulted fines that have accumulated during 2024 where it has been determined there are no viable means of collection. Write-offs scheduled during 2024 will total approximately 117 cases with a total value of approximately \$46,348

<u>Recommendation #2</u>: Write off defaulted fines totaling \$46,348 that have accumulated during 2024 where it has been determined there are no viable means of collection.

7. CAPITAL RESERVE FUND

Expenditures During 2024

Approximately \$20k was drawn for the 5 year Courtroom computer refresh project to provide HCS with new laptops and docking stations.

Contribution During 2025

The Municipal Partners regularly conduct an annual review of the Capital Reserve Fund to ensure that future capital cost requirements are reflected and that the required minimum balance of \$300,000 is maintained. The Municipal Partners are recommending that the minimum contribution of \$50,000 continue to be made to the Capital Reserve Fund during 2025.

Reserve Fund Forecast

Following is the Capital Budget Forecast over the next five years:

	Capital Budget Forecast								
Year	Requirements	Use of Funds	Annual Contributions Including Interest	Projected Year-End Balances					
	Balance Forward			\$407,629					
2024	Courtroom Computer Hard/Soft Replacements	(\$20,000)	\$57,953	\$445,582					
2025	None		\$58,712	\$504,293					
2026	TBD		\$59,886	\$564,179					
2027	TBD		\$61,084	\$625,263					
2027	TBD		\$62,505	\$687,768					

<u>Recommendation #3</u>: A contribution of \$50,000 from net revenues is to be made to the Capital Reserve Fund during 2025 to ensure that requirements of the Reserve Fund Policy are maintained.

9. EMERGING ISSUES

1. Justice of the Peace shortages

The shortage in judicial resources is anticipated to see improvements in 2025 due to Justice of the Peace appointments made in 2024 which allowed for an additional court opening on

Wednesdays in 2025 and the possibility of even more courts added as the year progresses, and as even more Justice of the Peace appointments are made.

2. Backlog

There are currently approximately 13,000 (last year at this time it was 19,000) Part I charges that require court dates and HCS Administration continues to collaborate with HCS Prosecution to make every effort to have matters scheduled in a timely fashion and have scheduled early resolution meetings outside of court sitting days which allow meetings to take place with prosecution and only those that require a Justice of the Peace for either plea resolution or trial to be scheduled into court sittings, thereby maximizing the court sittings allotted to HCS.

3. Increased Workload Demands Relating to Video:

Workload demands with respect to review of video for disclosure have increased significantly. In the past, video disclosure was reviewed and redacted before it was forwarded to Halton Court Services as part of the evidentiary package for further handling and disclosure to the defendants. Currently, Halton Regional Police send all video content directly to HCS without prior vetting of the video content. The task of reviewing and vetting the video content prior to sending it as part of the disclosure package, accordingly, rests with the Prosecution Unit. Similar process is involved related to statements taken via audio, which requires review by the Prosecution Unit. The process is extremely time consuming and requires a lot of back and forth where issues noted or, in case of audio statements, where transcript request is required. Change in the format of the evidence has also increased the steps and time required in accessing the footage for the review.

Staff are currently assessing the full impact of this new audio/video disclosure development on resources and will report back to the Joint Management Board with the findings in the future. Due to workload demands, additional staffing may be required to ensure the integrity of the disclosure process going forward.

4. Delegated Authority:

In the administration of Halton Court Services, matters arise that, on occasion, require formal agreements (contracts) to be executed. In recent years, these agreements included, but were not limited to, software agreements relating to the use of CAMS, Axon documentary disclosure service, the use of legal research engines such as Westlaw / Quicklaw, agreements with educational institutions in relation to student internship placements, agreement with the Region relating to articling placements, and agreement with per diem French prosecutor who assists HCS in prosecuting matters requiring a French speaking prosecutor. When it is anticipated that an agreement will be required, Municipal Partners engage Burlington Legal Services staff for the review and negotiation of the agreement. That review includes the determination of what authority Municipal Partners will rely on for the execution of such agreements. Ultimately,

staff have found that the authority is often scattered and rests with various Burlington positions, including the City Solicitor, Procurement Manager, Chief Information Officer, and/or others.

Municipal Partners propose that the authority to enter into any and all agreements necessary for the proper administration of Halton Court Services and the continued administration of Justice be delegated to the Manager of Prosecutions and/or the Manager of Court Administration, as the case may be (the subject matter of the agreement would determine which of the Manager's will execute the agreement). Delegating authority in this manner is vital for enhancing organizational efficiency and responsibleness. It will allow staff to address day-to-day operation tasks, such as managing contracts, vendor relationships, and facility needs, without requiring the involvement of unrelated parties in the decision making and the execution of the contracts, which on occasion has been the case. This proposed delegation will reduce bottlenecks, speed up and clarify the process, and ensure the court's services are managed effectively. This proposed delegation will not alter the process of reporting to and seeking direction from the Joint Management Board in all cases that have significant implications or budgetary impacts.

<u>Recommendation #4</u>: Within the parameters of existing Burlington Procurement By-law and other applicable Burlington policies, and provided no expense beyond that approved as part of the existing budget is expended, that the Manager of Prosecutions and the Manager of Court Administration, as the case may be, be authorized to approve and execute any and all agreements necessary for the proper administration of Halton Court Services and the continued administration of Justice, in such form as is approved by the City Solicitor for The Corporation of The City of Burlington.

5. External Service Review from 2023

To date, Halton Court Services Administration has implemented and completed numerous recommendations that came out of KPMG's 2023 service review. We will continue to implement additional recommendations as we strive to increase efficiency within court operations.

6. Sustainability Review

At its November 20, 2023 meeting, the Joint Management Board requested that the Area Treasurers undertake a review of the long term sustainability of the Provincial Offences Court given the ongoing reduced judicial resources provided by the Province to the Court and potential changes resulting from the Administrative Penalty Program. The JMB provided authorization to the Area Treasures for funding this further study from HCS Revenues and directed the Area Treasurers report back to JMB with the study results.

The sustainability review has not yet been undertaken. The Municipal Partners would like to obtain further direction given that Halton Court Service is a legislated service, required to be in place to prosecute Part I and Part III offences under the *Provincial Offences Act*. Where Part I and Part III POA offences are issued, the service must be provided whether or not it results in positive revenue. As is set out in this report, however, currently, and historically,

HCS has generated positive net revenues that are shared between the partners. Even with reduced judicial resources, backlogs, lower charge volume and other issues outlined, operations from HCS continues to generate positive net revenue for the Partners. It is anticipated that these issues will improve over time and the net revenues generated for the Partners of Halton Region will remain positive.

The level of revenue is most significantly driven by charge volumes and the availability of court time. In turn:

- (i) charge volumes are entirely driven by enforcement agencies and their initiatives, which are not within the control of Halton Court Services staff; and,
- (ii) court time is mainly driven by availability of judicial resources, which are determined by the Province and are not within the control of Halton Court Services staff.

It is not expected that the transition of the municipal by-law offence matters to Administrative Penalty System ("APS") will have a significant impact on revenue generated by HCS given that those charges represent the minority of the charges before the court and do not result in a revenue split between the partners. Should the regional red light camera matters enter the APS stream, however, the impact on the revenues may be significant. We understand that at this time the Region of Halton does not intend to implement that change for red light camera offences. If red light camera offences enter the APS stream, the requirement to operate HCS for the other Part I and Part III offences will remain as otherwise legislated.

Another option available to the partners is for each of the municipalities to operate individual provincial offences courts, which due to the nature and scale of the operation, would result in duplication of capital and staff, which would likely make it not financially feasible.

For all of the above reasons, staff seek further direction or confirmation that no further action is required with respect to this recommendation.

APPENDIX A – 2025 OVERALL BUDGET

HALTON COURT SERVICES

2025 OVERALL POA BUDGET

20-Sep-24

OVECUL: Balance Projection Decision Levendurer Cent Element 2010 Projection 2010 Projectio	HALION COUL	TI SERVICES	2025 OVERALL POA BUDGET						20-Sep-24
- -	2024	to	Expenditures		Admin/Court Support	Collections		TOTAL	2025 vs 2024
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Image: 1 Corporate Communications 33255 Image: 1			Courier/Postage services	33250		10,500	800		
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5.000 5.008 Winess fees 33616 5.000 5.000 160.000 156,596 Point of sale-service charges 36194 158,000 0 0 156,000 3.721,738 3.632,765 Total Other Expenditures 3.452,274 199,801 112,900 3.764,976 1.2% - (300) Parking Fees 90852 (400) (400) (400) (400) (6,400,000) (6,504,715) Fines (Cellections) 91122 (2,340,000) (2,266,960) (2,266,960) (2,260,900) (2,260,900) (2,260,900) (2,260,900) (2,340,000) (2,000) (2,000) (2,200,000) (2,	,				43,130	5 000			
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(6,400,000) (6,504,715) Fines (Gen) 91122 (6,640,000) (2,240,000) (2,400,000) (2,266,960) Fines (Collections) 91122 (2,240,000) (2,340,000) 135,000 144,095 Bylaws Distributed 91124 100,000 (2,340,000) (4,400) (4,500) (4,500) (4,500) (6,640,000) (2,340,000) (4,400) (1,500) Miscellaneous Revenue 91154 (2,000) 0 (2,0000) (10,000) (23,621) Transcripts 91207 (20,000) (196,880) 0 (196,880) (1,822,660) (1,831,805) Net Operating Budget before Reserve Fund (1,337,739) (1,747,208) 1,160,210 (1,924,737) 2.8% (1,822,660) (1,841,805) NET OPERATING BUDGET (1,287,739) (1,747,208) 1,160,210 (1,874,737) 2.9% (2025 Requisitions (Partnership Sharing based on 2024 Kegion (84,738) (164,602) (045,318) (Partnership Sharing based on 2024 weighted average assessment) (164,602) (7,013,667	6,954,674	TOTAL EXPENDITURES			593,292	1,160,210		2.3%
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Image: Construction of the system Construction of the system			•			0			
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2025 Requisitions(282,710)(Partnership Sharing based on 2024 weighted average assessment)Burlington(84,738)Milton(164,602)(405,318)	(1,822,660)	(1,841,805)	NET OPERATING BUDGET		(1,287,739)	(1,747,208)	1,160,210	(1,874,737)	2.9%
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(Partnership Sharing based on 2024 weighted average assessment) (64,738) Milton (164,602) Oakville (405,318)	2025 Reg	uisitions							
weighted average assessment) (164,602) Oakville (405,318)									
Oakville (405,318)									
i otai (1,874,737)									
			Total					(1,874,737)	