



MCMA



Minutes of the Municipal Court Managers' Association Annual Conference 2018 Hosted by: North East Region

Blue Mountain Resort's Conference Centre

Monday, May 28, 2018 to Wednesday, May 30, 2018.

The following MCMA members registered for the conference: Aaron Herchmer, Adam Kosnick, Amanda Kokas, Amy Rocha, Andre Couture, Barb Ryner, Bradley Coutts, Carmela Carleton, Chantal Harris, Christine Desjardins, Cindy Vermeirn, Claudia Conti, Danette Lecompte, Darlene Noakes, Debbie Carins, Denis Derosiers, Franki Evans, Ginette Poole, Jane Iacobucci, Janice Hoskins, Jennifer Shaw, Joanne Lenze, Joanne Spriet, Jocelyne Pronovost, John Innes, Julia C. Bridges, Julie Menard-Brault, Karen Dunn, Karen Facca, Krista McGarvey, Lavonne Maize, Leena Lehtola, Leesa Shanley, Linda Beaver, Linda Becker, Linda Bisson, Linda Johns, Line Merrier, Lisa Brooks, Lorraine Ophoven, Louise Regan, Melanie Gratton, Monique Lafebvre, Nicole Grisdale, Nicole Shearman, Pat Emard, Patti McCauley, Rachelle Marquardt, Raphael Leong, Renee Allen, Rodger Bates, Roger Dayboll, Sadie VanRavenhorst, Sandra Garand, Shelley Parker, Susan Garossino, Susan Paolucci, Suzanne Schmid, Tanya Mason, Tina Benoit, Tom Hudacin, Vanessa Metcalfe, Veronica Edwards, Wendy Mason, Winette Simpson.

Monday May 28, 2018

Greetings and Welcome - Adam Kosnick from Sudbury welcomed all MCMA members on behalf of the North East Region. Adam welcomed members who are new to the conference this year and advised that he is the host committee representative who is the contact for any problems encountered throughout the conference. Adam thanked all of the host and conference committee members for all their work in preparing for the conference.

Host Committee members: Andre Couture, Christine Desjardins, Nicole Grisdale, Adam Kosnick, Linda Johns, Rachelle Marquardt, Jocelyne Pronovost and Louise Regan

Conference Committee members: Leesa Shanley - Chair, Linda Bisson, Shelley Parker and Suzanne Schmid

The following new MCMA members were welcomed: Aaron Herchmer, Niagara; Amanda Kokas, Grey Bruce; Andre Couture, Parry Sound; Julie Menard-Brault, Prescott-Russell; Leena Lehtola, York; Line Mercier, Burlington; Raphael Leong, Mississauga; Sadie VanRavenhorst, Brockville; Winette Simpson, Burlington.

MCMA President's Report – Patrick Emard, Ottawa

Patrick welcomed everyone to the 2018 conference and advised that the 2019 Conference will also be held at Blue Mountain Resort (BMR). It will be determined after the 2019 conference if the membership wants to return to BMR or to try an alternate location. Patrick advised of the following changes to the MCMA Board membership - the President position was vacated due to Valerie Cardy's appointment as a Justice of the Peace. According to the Terms of Reference, Vice President, Patrick Emard assumed the President position. Other board members are: Rodger Bates, Vice President; Nicole Grisdale, Secretary; Chantal Harris; Philip Arhinson (Acting) and Leesa Shanley, Treasurer.

Patrick advised that the MCMA has the attention of ADAG office and will be meeting semi-annually with both assistant Deputy Attorney Generals and their staff.

Patrick hopes that MCMA members will learn and share over next three days. The theme is a futuristic agenda. Hopefully the members will get a picture of what things will be like in next few years and have an opportunity to collaborate with others around the province.

MCMA Treasurer's Report – Leesa Shanley, Elgin

The opening balance January 1, 2017, was \$36,403.88 and the closing balance December 31, 2017, was \$39,854.48. At the end of 2017, there were 93 members registered with MCMA. Membership fees collected help with conference costs, VISA card and board travel.

Leesa advised that they are working on setting up annual membership fees and conference registration fees to be payable online through the MCMA website and are hoping to have this available soon to simplify the process the payment process.

MCMA Committee Reports:

Collections Committee – Karen Facca, Durham

Karen advised that she took over as chair of the Collections Committee in February of 2018. The committee has 22 members. The terms of reference are in place. The committee meets monthly by conference call.

An education session for collections is planned for the fall of this year. Durham region will be hosting the education session on November 1 and 2, 2018. Registration fees and an agenda are to follow and will be posted on the MCMA website.

MCMA membership is not required to attend this session. Please canvas your staff and submit any topic subjects you would like covered.

Education Committee – Karen Dunn, Kawartha Lakes and Barb Ryner, York

Karen Dunn has stepped down as Chair of the Committee. Barb is the new chair of the committee. The committee is currently working on the following:

- Guide for access to court files, documents and exhibits – to define what can be provided to the public, agents, lawyers, etc.
- Strike contingency cheat sheets – a checklist for use in the event of a strike
- Arkley – Court transcription services – There are currently 16 interested municipalities. POA courts access to Arkley is still being reviewed by the Ministry of the Attorney General (MAG)
- Durham College has an advanced court transcription 11 week course available
- Transcriptionist testing

MCMA 2017 Peer Recognition Program – Three categories – leadership qualities, commitment to organization, and innovation qualities. MCMA members vote for recipients in these three categories each year.

Education committee members – Currently there are no members on the committee from the Northeast and Northwest regions. Please contact the committee if you are interested in becoming a member of this group.

Forms Committee – Sandra Garand, York

Sandra introduced the members of the committee and advised the committee is working on the following:

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- Pre-sentence report for POA
- Ticket books, eliminated computer input copy
- Working on forms for Red light camera
- Outstanding form changes – rules group reviewing forms

Next steps – changes to forms, legislative changes, bar code on red light camera forms. Please see PPP presentation for full details.

ICON Committee – Suzanne Schmid, Oxford

Suzanne advised that she recently took over the role of ICON Committee chair as the position was vacated by Jim Smith, City of Ottawa. Jim has been re-assigned to a different role within the City of Ottawa and is no longer involved with POA.

Suzanne advised that the committee held a quick housekeeping meeting to update the Terms of Reference and committee membership but otherwise have not had any meetings.

A meeting is scheduled for July to discuss outstanding change requests and an in-person fall meeting is scheduled.

The committee requires representation from the Northwest Region and anyone else who would like to join is welcome. Please contact Suzanne regarding membership, questions and any suggestions you have.

Statistics Committee – Lisa Brooks, York Region and Darlene Noakes, Town of Caledon

Members were advised that the POA cost and revenue data worksheet has been greatly simplified with the hope that it will increase participation. Committee members have been working on the following:

- 2017 cost and revenue data analysis
- Cost recovery Update
- 2018/2019
- Membership

A survey will be sent out to see if offices want court data separated on the MAG website. Please see the PPP for complete details.

Patrick thanked all committee reps for submitting their reports and indicated how important the work of these committees is. Implementation of Bill 177 items will need support ie: forms, education and ICON changes.

Patrick also invited new MCMA members to join committees.

Clearly Spoken – Gloria Shear, President

Gloria advised that she has been in business for over 10 years and has implemented Liberty. Clearly Spoken is currently doing Provincial Offences Court transcripts for a couple of municipalities. Gloria has been a court reporter for over 25 years.

High Criteria – Liberty Court Recording – Susan Michellini

Susan advised that High Criteria is currently working with the City of London on remote translation. More Interpreters are being added to list available for remote translation. Susan thanked members for their support and invited everyone to stop by the display and discuss their needs.

Part III Download Update – Rodger Bates, Barrie

Rodger provided an update on the Part III download progress. The Board has renewed relationships with Criminal Law Division associates at the MAG. Sheila Bristow, Deputy Attorney General, agrees that it is beneficial for MCMA to be kept informed of updates and developments. The target roll out date is within two years with the hope that the download will be completed by the end of 2019. MAG hopes to meet in June to nail down how agreements will work. There are potential changes required to the MOU to allow for the Part III transfer. MCMA representatives were invited to participate in a

June meeting to understand where things are at and how the download will roll out to municipalities. Information will be shared with MCMA members as it is received. Currently waiting on the MAG to decide how they are going to proceed with MOU amendment or agreement.

Red Light Camera Implementation – Jeff Catlin, Supervisor, Red Light Camera Operations, City of Toronto; Gary Clarke, Supervisor, Planning and Liaison Court Services, City of Toronto and Kelly Lackner, Team Lead, Information Management Services Oversight Office, MTO

Kelly provided an overview of the red light camera program via PPP. The pilot project was introduced in 2000 and became permanent in August of 2004.

Jeff Catlin answered questions from the membership. He indicated there were over 100,000 charges processed last year from 300 cameras across the Province.

Gary Clarke provided a PPP overview of Red Light Camera charges and processing in the City of Toronto.

Please see PPP presentation for full details.

MCMA Bylaw Wording Review – Patrick Emard, Ottawa

Patrick advised that last year a change was introduced to the MCMA by-law regarding membership. Full members will need to vote on the change. Section 10 of standing committee and sub-committee to be chaired by full member – proposal to remove word “full” member. Chair can be a member.

A motion was introduced as follows: A full or associate member may chair a standing committee or sub-committee. The motion was carried by the voting membership.

MCMA Website – Rodger Bates, Barrie

The MCMA website has been a little wonky lately. New members are having difficulty enrolling. A vendor will be hired to update the website to more modern standards which will be more user friendly and include a secure payment portal for conference registration and membership fees. In about a months' time the website should be fixed and updated. Information will be sent out to the membership when the updates have been completed.

Special Guest Welcome – Patrick Emard, Ottawa

Patrick welcomed special guest, Barry Randell. Barry received a standing ovation from the MCMA membership. Barry retired in January 2018 from the City of Toronto. Barry was the longest serving President of the Municipal Court Manager's Association. His insight, expertise and connections with various Ministries helped advance the association and the POA program to where it is today. Barry thanked the MCMA for inviting him to attend the conference this year. He also advised that his services have been contracted on a part time basis by the Ministry of the Attorney General to help with the implementation of Bill 177.

Ministry of the Attorney General – POA On-line Services Demo – Jeremy Griggs, MAG

Jeremy provided a demonstration of the POA On-line Services program that has been developed. Please see the PPP for full details.

Panel Discussion – Working Together – Q and A – Shelia Bristo, Assistant Deputy Attorney General; Lynn Norris, Assistant Deputy Attorney General; Patrick Emard, Ottawa and Rodger Bates, Barrie

Please view PPP that accompanied panel discussion

MTO Fine Enforcement update – Teresa Maslach, MAG and Taryn Henderson, MTO

An update was provided on the implementation and current status of MTO fine enforcement. Please see PPP for full details.

POA Legislative Reforms Table Exercise – Patrick Emard, Ottawa; Rodger Bates, Barrie; Jill Hughes, MAG and Jeremy Griggs, MAG

Members were asked as table groups to review the implementation list and provide feedback on the large work sheets that were distributed to each table. The work sheets were then collected for review by the Legislative Reforms committee.

Tuesday May 29, 2018

Address by the Local Administrative Justice of the Peace – Local Administrative Justice of the Peace for the North East Region, Her Worship Kathleen Bryant

Her Worship Bryant addressed the membership and stated that the POA system is one of the most important functions of the Judiciary.

The way the Justices of the Peace and the POA courts do things is very different in the North from how the rest of the Province operates. They deal with many drive under suspension charges and many multiple charges for the same defendant. Her Worship is mindful of the impact of judicial decisions ie: the impact of not having a licence in a remote area and the impact on the communities served.

The North East Region still have part time non-presiders that will not be replaced when they retire. Remote locations cannot afford to build courthouses to hold court once or twice a month.

Parking charges – people appear “on principal”. Very few parking charges in courts in Northern Ontario.

Her Worship shared information regarding differences re: satellite courts. There are a disproportionate number of satellite courts in the North. They cannot always provide accessibility to

satellite courts so things are dealt with differently. Must be more innovative. Some areas you must fly into to preside over court. Try to ensure that they are providing a service to the people of Ontario and maintain integrity of the court system. It is not always possible to access the internet or colleagues for reference or discussion.

Her Worship mentioned Regina vs Gladue - indigenous people - applicable at all court levels. Gladue reports can take 6 to 8 months to obtain. The wait for a Gladue report can push the timelines outlined in R v Jordan. If you would like information on Gladue please contact Nicole Grisdale.

Intake courts – Judicial officer delivers function. POA intake courts very valuable service for public and agencies. North has a “remote Intake” pilot project in progress. Police Officers use Purolator to send informations/summons, etc. to the judicial officer who will then video conference with the Officer.

In the North they are utilizing Judicial endorsement forms – the form is attached to the information to allow each Judiciary presiding over the matter insight into the previous appearance. These forms were developed and used by the Judiciary in the North. The form is used in both criminal and POA courts.

Life in the north involves eating on the road, packing a brown bag lunch, flying into some locations, get through as much as you can in a day and trying not to put matters over.

To provide an Interpreter in person in Wawa for a Part 1 ticket the cost is about \$3300 so the use of telephone conferencing is necessary when possible.

Toronto senior staff received Indigenous competency training. This training will be available to other staff. Prosecutors working in areas with concentrated Indigenous populations will receive training in the north.

Shelley Parker mentioned that a Native Judicial Officer in Brantford has utilized a Sentencing Circle.

Her Worship Bryant thanked the MCMA members for the invitation to speak at the conference

Hot Topics – Round Table Discussions – Managing Staff - Adam Kosnick, Sudbury

The following topics were discussed among the members in a round table forum:

- You noticed staff using cell phones a little too much – do you have this problem, did you deal with it, should you have dealt with it, how do you prevent it in the future?
- You have two staff members that don't get along. What do you do?
- You are noticing that one (or more) staff are not pulling their weight, but always say they are busy and overworked. What do you do? –

- You have staff who have suddenly gone on short term leave. You don't know whether they are coming back in a few days, a few weeks or will be off months. How do you deal with this?
- If you could give one tip or piece of advice to others that are managing staff, what would it be and why?

Group Photo

Use of Certified Evidence – Emma Luca, President Prosecutor's Association of Ontario

Emma is a solicitor for City of Toronto and has prosecuted in POA courts for over 20 years.

Emma gave a presentation on the use of certified evidence. Use of certified evidence has been around for quite a while, ie. red light camera prosecutions. Documents and photos can prove a case.

Emma provided a background on Section 48.1 of the *Provincial Offences Act*. Opens door for certified evidence to Part III charges under *Compulsory Automobile Insurance Act*, 210.7

The decision of deciding whether or not to proceed by way of certified evidence rests with the Prosecutor.

Please see the PPP for full details of this presentation.

Early Resolution – Things you should know! – Lisa Brooks, York; Brad Coutts, Guelph and Franki Evans, Burlington

Twenty of the out of 52 POA courts are utilizing early resolution. York Region was an ER court – stopped doing ER and went back to using Form 3 in Jan 2017. The City of Burlington is an ER court

Franki advised that Halton did not initially need more resources but now ER is more complex and more time is required to process.

In 2012 the telephone ER implemented and postponement option were added. These additions made the ER courts less efficient. There has been a 20% increase in postponement requests. Workload has doubled. Using more and more resources as time goes on and utilizing two systems.

Judicial cost savings using ER courts? Franki advised time to trial 4 to 7 months, volumes down. Higher resolution requests – now about 35% request ER/trial.

Lisa advised that they have a reduced workload now that they are back to trial scheduling. Prosecution has an increased number of disclosure requests. York Region saved costs in interpreter fees using ER.

Brad – question - has your prepaid rate changed?

Franki – FA now ER – PPF maintained at about 50%.

Lisa – PPF was 35% then went to ER – PPF dropped to lowest 28%; now back to 35% again.

Brad - ER courts across the province have lower PPF rates. ER did not seem to change the process of fines being paid in the end.

Brad mentioned that 15% – 20% of charges filed get a request for trial both traditionally and now. Remainder are either PPF or default.

Toronto utilizing computer program so defendants can self serve to request ER. Officers don't have to appear for ER so some cost savings there. ER has helped Toronto get back to shorter time to trial.

Smaller courts – more efficient – Stratford had an informal process before ER.

Franki was asked if she would change back – Bill 177 will add layers to ER process. She advised that yes, she would like to have a shot at it however Halton police are holding them back – officers would have to appear again and prosecutors would be required to provide disclosure.

Resolution rate may decrease – 15 day cooling off period under new bill. So many forms, regulations and rules will impact resources. ER going to be very onerous to operate.

Lisa – would need to streamline more before going back to ER.

The members took a short break and the meeting resumed at 2:30 pm.

Ontario Municipal Management Institute – Bill McKim, Executive Director

Bill mentioned Norman Scarratt who retired from York Region is currently on the board of OMMI and Barry Randell, City of Toronto, helped pull together the information that initially started this accreditation program. This is a legally recognized accreditation.

Bill reviewed the application process for submitting paperwork to obtain the certification/designation through OMMI. A lot of members provide more paperwork than is necessary. Bill explained what paperwork is needed to be submitted and provided information packages that include an application form to all attendees.

The first level of is CMM level and can move up CMM 1, CMM 2 and CMM 3 Court Professional, CMM II Court Executive and CMM III Court Executive.

A sub-committee of MCMA reviews and recommends to OMMI what level a member qualifies for. Points based on what you have attended, what courses, workshops and seminars you have taken. MCMA has almost 50 members in 10 years who now have some level of designation in OMMI.

OMMI is about peer development and recognition for accomplishments.

Retiring Members – Rodger Bates, City of Barrie

The following retiring members were presented with plaques: Linda Bisson, Kathy Dallaire and Bradley Coutts.

POA Issues and Problems – Round Table Discussion

Legislative reforms topic - implementation of Bill 177. Proclamation - Ministry relying on MCMA to help prioritize for timing of proclamation. We need to provide feedback to the ministry.

A survey was distributed to members with four multiple choice questions. Members were asked to complete the form – put Municipality name on form and voting members put an "F" (full voting member) on your paper, that questionnaire will be given the most weight (where there is more than one person in attendance from the municipality).

Wednesday May 30, 2018

New Cannabis Legislation – What We Know So Far – Tammy Banting, Manager of Enforcement Services, City of Barrie

Tammy reviewed a PPP regarding the new cannabis legislation. We really don't know what is going to happen going forward but do know a bit of the legislation coming. POA courts will be dealing with some of the Cannabis related matters.

The upcoming Provincial election may change some of components of the Provincial cannabis legislation.

Federal Bill C-45 and C-46 expected to be adopted in the summer (July) of 2018.

Possible general fines for possession and for providing access to youth.

Division of powers under Bill C-45

- Federal
- Provincial
- Municipal

Extensive security measures on retail locations. Design will be similar to pharmacies. The City of Barrie will have one of first cannabis stores.

Public consumption (anticipated July 1st) and home cultivation will have most impact on municipalities. Home cultivation - will be allowed to grow up to 4 plants per person in "dwelling house" structure and surrounding property – could be in garden. Edibles not authorized. Municipality can restrict to certain locations ie: not allowed in apartment buildings.

Workplace safety will be another issue to deal with. Medical marihuana still in place.

Potential for future legal action - land use (zoning regulations); business licensing.
Dispensaries continue to be prohibited.

Biggest focus will be on education – this is crucial for both municipalities and for the public. We just don't have enough information to share at this point.

Public consumption - *Smoke Free Ontario Act* and municipal by-laws – controls. Vape lounges will be prohibited as of July 1, 2018.

Overall perception of “bad element”. Risk in growing plants in garden/back yard – kids and animals exposed to it.

Grow ops in peoples' homes. Huge safety issues when people decide to grow plants inside their home due to extensive lighting, irrigation, mold and electrical alterations.

Projection of 6 to 12 months before any noticeable charges filter through POA courts – assuming legislation is passed this summer.

We will need to educate youth and prosecute those who provide product to the youth.

The *Smoke Free Ontario Act* (SFOA) is to be amended July 1, 2018. Among other amendments vaping and e-cigarette restrictions now included in SFOA. New prohibitions on use: setback changes will have huge impact on where people can and cannot smoke. These changes will require a substantial educational component to advise the public.

POA charges may increase over time, depending on what regulations are put in place by the province and municipalities and what resources municipalities have in place to enforce.

Please see the PPP for full details.

Building New Facilities – Joanne Spriet, Niagara Region

Joanne presented an overview of the new Niagara Region court facility in Welland.

- 2010 started thinking and planning stage
- 2011 project in principle approved
- 2012 Joanne became involved - council thinking 2 facilities
- 2014 MAG announced AMPS and volumes dropped
- St. Catharines facility deferred
- 2015 approval for Welland
- Sod turning June 2016
- 15 months to complete

Joanne took members through the PPP presentation and video of Welland facility.

Design notables:

Minutes of design meetings need to be well documented. Think through business requirements thoroughly.

Conference Committee – Feedback and 2019 Conference Information Update – Leesa Shanley, County of Elgin

Leesa thanked the North East Region for preparing the agenda and participant bags; Marg Graham, for recording the association minutes; the conference committee for all their work and MCMA member participants for attending the conference.

Leesa advised that the 2019 conference will be held at Blue Mountain Resort with the Central West Region hosting.

Members were asked to complete the feedback form.

Service Recognition – Patrick Emard, City of Ottawa and Leesa Shanley, County of Elgin

New Members

Aaron Herchmer, Niagara
Amanda Kokas, Grey Bruce
Andre Couture, Parry Sound
Julie Menard-Brault, Prescott Russell
Leena Lehtola – York
Line Mercier - Burlington
Raphael Leong – Mississauga
Sadie VanRavenhorst - Brockville
Winette Simpson - Burlington

Five Year Pins

Chantal Harris - Thunder Bay
Linda Bisson - Durham
Tanya Mason - Durham

Ten Year Pins

Janice Hoskins - Peterborough
Karen Facca - Durham
Tina Benoit - Brockville

Fifteen Year Pins

Claudia Conti - Barrie
Monique Lefebvre – Stormont, Dundas, Glengarry
Susan Garossino - Toronto

Education Committee Awards –Patrick Emard, Ottawa

Leadership - Julia Bridges - Toronto

Commitment - Leesa Shanley - Elgin

Innovation - Denis Derosiers - Guelph

Rodger reviewed the outcome of the Q and A portion from Tuesday's Legislative Reforms Table Exercise to assist with developing a Bill 177 priority list:

1. What do you think is more important to your municipality: overwhelming response (a) more dollars in your municipality's hands
2. Enactment of legislation oldest fines first – response - 20 for (a) – enactment as quickly as possible; and 15 for (b) - wait till no loopholes
3. 14 for (g) - take on all of the above without some established way to offset costs and 20 for (h) - take on none of the above until there is an established way to offset costs.
4. How do you see the use of the expansion of Certified Evidence impacting your municipal operations? (a) 10 votes – Greatly – make priority; (b) 5 votes – not much impact – make priority; (c) 18 votes – not much impact – not a priority

Board members will be working with MAG to move forward with some of these initiatives.

President's Closing Remarks

Patrick highlighted some of the issues covered over the course of the conference and hoped everyone found the agenda and subject matter of interest and useful. He thanked the participants for attending.

All of the presentations will be posted on the MCMA website shortly.