



CITY OF HAMILTON
CORPORATE SERVICES DEPARTMENT
Financial Planning, Administration and Policy Division

TO:	Mayor and Members General Issues Committee
COMMITTEE DATE:	February 19, 2020
SUBJECT/REPORT NO:	Court Security and Prisoner Transportation Program Agreement for 2020 (FCS20017) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Simone Patel (905) 546-2424 Ext. 3626
SUBMITTED BY:	Brian McMullen Director, Financial Planning, Administration and Policy Corporate Services Department
SIGNATURE:	

RECOMMENDATION(S)

That the General Manager, Finance and Corporate Services, be authorized and directed to execute an agreement between the City of Hamilton and Her Majesty the Queen in Right of Ontario as represented by the Solicitor General, in the form attached as Appendix "A" to Report FCS20017 outlining the Provincial funding allocation for court security and prisoner transportation services, in a form satisfactory to the City Solicitor.

EXECUTIVE SUMMARY

The purpose of Report FCS20017 is to gain Council's approval to enter into an agreement with the Province that will provide continued funding to help offset court security and prisoner transportation costs that are eligible under the Court Security and Prisoner Transportation (CSPT) Program.

Commencing in 2012, the Ontario government has uploaded CSPT costs to help municipalities fund the service in their jurisdictions. The City of Hamilton is responsible for the costs of providing security for court premises during hours of court operations and security of persons attending court and / or the costs of transporting prisoners and custodial minors (i.e. persons between twelve and seventeen years of age) between correctional institutions, custodial facilities and court locations for the purposes of court attendance. The CSPT Program will provide a maximum total of \$125 M for 2020 province wide.

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

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An expenditure-based model was used to determine allocation for 2020. Funding is allocated based on each municipality's relative share of the total 2018 CSPT cost across the province. For example, if a municipality's CSPT cost represents 1% of the total provincial CSPT cost, then it will be allocated 1% of the available funding. For the current funding period 2020, the City of Hamilton's funding allocation is \$5.05 M (4%).

Alternatives for Consideration – Not Applicable

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: By signing the Agreement attached as Appendix "A" to Report FCS20017, the City will receive funding for 2020 to help offset the cost of providing court security and prisoner transportation of \$5.05 M. The 2020 Police budget estimated this provincial funding to be the same as in 2019 (\$4.95 M) due to the Province reviewing all funding programs. The Police budget has since been amended to include the additional funding of \$108 K.

Staffing: N/A

Legal: By entering into the Agreement, the Province of Ontario will provide funding to the City for the services and activities eligible under the Court Security and Prisoner Transportation Program, in accordance with the terms and conditions of the agreement effective January 1, 2020. The Agreement sets out the criteria for eligible services and activities.

The Agreement and the rights, obligations and relations of the Parties will be governed by and construed in accordance with the laws of the Province of Ontario and the applicable federal laws of Canada. Any actions or proceedings arising in connection with the Agreement will be conducted in the courts of Ontario, which will have exclusive jurisdiction over such proceedings.

HISTORICAL BACKGROUND

Ontario is the only province in Canada where legislation dictates court security be paid for with municipal property tax dollars and delivered through local police service boards via police chiefs.

In the fall of 2008, the Ontario government announced the upload of court security and prisoner transportation costs from municipalities for the period 2012-2018. The program has been extended for two additional years maintaining funding at the 2018 maximum amount of \$125 M. The apportionment to individual municipalities is based on each municipality's relative share of the total 2018 CSPT costs across the Province.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

N/A

RELEVANT CONSULTATION

Hamilton Police Service was consulted and did not express concerns in moving forward with the Agreement.

Corporate Services Department – Legal and Risk Management Services has provided proof of general liability insurance for \$5 M indemnifying “Her Majesty the Queen in Right of Ontario, her Ministers, Agents, Appointees and Employees”, as per Schedule “B” of the Agreement.

ANALYSIS AND RATIONALE FOR RECOMMENDATION(S)

Consistent with prior funding periods, the 2020 funding allocation is based on an expenditure model, proportional to each municipality’s 2018 relative share of the total CSPT costs across the province. It is to be noted that the proportional funding received by the City is contingent on the overall qualifying expenditure levels for all the Provincial municipalities. Therefore, the proportion of the total Provincial funding received by the City may vary from year to year.

Table 1 shows details of the funding received by the City from 2012 to 2019. Actual CSPT expenditures for the City are continuously increasing and for 2020, there is an anticipated funding shortfall of \$2.1 M.

Table 1
CSPT Funding and City Expenses – 2012 to 2019

Year	Total Funding (\$000s)	City Expenses (\$000s)	City Funding (\$000s)	Funding as % of City Expenses	Proportional	Funding Shortfall (\$000s)	City Share %
					Provincial Funding %		
2012	17,800	5,017	705	14	14	--	4.0
2013	35,700	4,871	1,410	29	29	--	3.9
2014	53,500	4,779	2,115	44	43	--	4.0
2015	71,300	5,067	2,546	50	57	(342)	3.6
2016	89,200	5,792	3,182	55	71	(930)	3.6
2017	107,100	6,303	3,601	57	86	(1,820)	3.4
2018	125,000	6,646	4,201	63	100	(2,446)	3.4
2019	125,000	7,060	4,947	70	100	(2,113)	4.0
Total		45,535	22,707			(7,651)	

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Although total funding from 2018-2020 has been maintained at \$125 M, the City of Hamilton's apportionment has increased as a percentage share of the CSPT costs.

The funding amount of \$5,055,283 for 2020 represents approximately 4.0% of the available funding.

Funding is conditional upon the execution of the Agreement for 2020 attached as Appendix "A" to Report FCS20017 between the Province and the City by March 2, 2020.

ALTERNATIVES FOR CONSIDERATION

N/A

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement and Participation

Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.

Our People and Performance

Hamiltonians have a high level of trust and confidence in their City government.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report FCS20017 – Court Security and Prisoner Transportation Program Agreement for 2020 (between Her Majesty the Queen in Right of Ontario as represented by the Solicitor General and the City of Hamilton)

SP/dt