

Court Services

What We Do

We provide administrative and support services to the public using the Provincial Offences Courts in Toronto and 3 of the City's adjudicative boards: Administrative Penalty Tribunal, Toronto Licensing Tribunal and Toronto Local Appeal Body. Our services include, providing accessible facilities and processes for trial and dispute resolution, filing of Provincial Offences charges, pre and post tribunal and court dispute applications; post court interventions and payment of Provincial Offences fines through delivery of the following services:

- Provincial Offences and Tribunal Dispute Resolution
- Default Fine Collection Management
- Court Case Management

Court Services provide services through a network of 25 trial courtrooms, 11 tribunal hearing spaces; 6 intake hearing rooms and 37 public service counter stations at 4 geographical locations (East, West, South, and North) and through online, call centre and email customer service channels.

Why We Do It

Our key objective is to ensure and improve public access to the tribunals and the justice system for provincial offences while providing efficient support to stakeholders by maintaining or improving service levels, seeking operational efficiencies through streamlined processes that ultimately lower the cost of our operations in collaboration with the provincial government and other City divisions and agencies.

Our Experience & Success

- •Managed 23% of all Provincial Offence charges filed in Ontario in 2018.
- Implemented paperless process for the Toronto Local Appeal Body and Administrative Penalty Tribunal that earned the program the MISA and City Manager's awards for Excellence in Customer Service.
- Provided 34,000 interpreter appearances in 2018 to support public access to justice.
- Over 30% of Court Services clients access information and services using the division's online tools and portals.

Key Challenges

- Significantly increased charge volumes resulting from the implementation of the following legislative developments:
- •Legalization of Cannabis in Ontario (Bill C-45);
- •Stiffer penalties for Distracted Driving;
- Red Light Camera expansion and implementation of Automatic Speed Enforcement initiatives;
- •Modernization of the Provincial Offences Act.
- Temporary relocation of the Court rooms and offices at 481 University Avenue until the redevelopment at St. Lawrence Market is complete.

Priority Actions

- Funding of \$2.6 million is included in the 2019 Budget to implement new Cannabis laws and stiffer penalties for distrcted driving in Ontario in compliance with provincial legislation.
- Funding of \$0.100 million is included in the budget to secure and retrofit a temporary lease space to replace the courtrooms and office space currently located at 481 University Avenue.
- Continue work with relevant City Divisions and the Province to implement enhanced collection tools to improve collection rates.

Budget At A Glance

(STAFF RECOMME	NDED OP	ERATIN	G BUDGET	
	\$Million	2019	2020	2021	
	Gross Expenditures	\$52.4	\$53.1	\$53.1	
	Revenues	\$58.8	\$58.9	\$58.9	
	Net Expenditures	(\$6.4)	(\$5.7)	(\$5.8)	
	Approved Positions	241	241	241	

Our Key Service Levels



Time to hearing within 6 months of service date for 100% of trial cases.



Process 100% of extensions/re-opening applications within within 3 days.



Process 100% of default fine payments within 24 hours of receipt.



Accept **100%** of Provincial Offences incoming non-parking charges within 7 days of offence date.

Source of Image: www.icons8.com

Key Service Deliverables

Ensure that Court Services meets its obligations to improve the effective use of current and potential enforcement tools available to the City as contained in the the Division's Management Response to the Auditor General's report entitled "Toronto Court Services; Collection of Provincial Offences fines".

Continue to work with the provincial government to implement of streamlined legislative processes that will increase public access to courts and assist in reducing program delivery costs.

Continue to support the Toronto Licensing Tribunal (TLT), Toronto Local Appeal Body and the Administrative Penalty Tribunal (APT).

Work with Legal Services to implement strategies to optimze resources and deliver operational efficiencies.

Who We Serve **Provincial Offences & Tribunal Dispute Resolution**

- Defendants
- Applicants, Parties, Participants
- **Enforcement Officers**
- Prosecutors
- Paralegal and Legal Preventatives
- Witnesses
- Interpreters
- Judicial Officers

Beneficiaries

Residents

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Default Fine Collection Management

 Persons who are required to pay a court imposed fine

Court Case Management

- Defendants
- Applicants, Parties, Participants
- Prosecutors
- Paralegal and Legal Preventatives
- Enforcement Officers
- Interpreters
- Judicial Officers
- Tribunal Members

Beneficiaries

Residents

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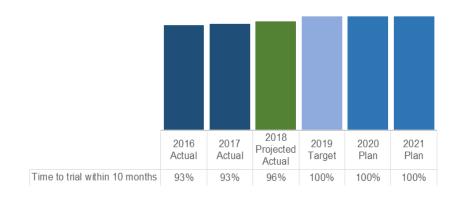
Beneficiaries

Residents

How Well We Are Doing

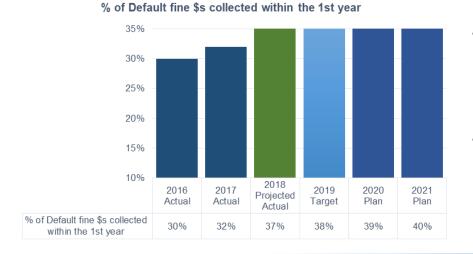
Performance Measures

Time to Trial within 10 months of offence date



Behind the Numbers

- · Court Services is projected to achieve a 3% increase (from 93% to 96%) in the percentage of offences that go to trial within 10 months of offence date reflecting the increased number of provincially appointed Justices of the Peace now available to conduct trials as well as a lower number of offences requiring a Court trial
- The Program strives for a Time-to-trial date within 10 months for 100% of all cases from 2019/2020 and will be undertaking a review of its plans with stakeholders to identify opportunities to improve the time to trial.



The collection of Court imposed fines remains a continuing challenge for Ontario municipalities. Toronto is no exception. With the improved collection strategies the collection rate for default fines for 2018 has increased to 37% within the first year.

- Court Services with support from Legal Services, continues to pursue available sanctions using civil enforcement measures permissible under current legislation to achieve an improvement in the default fine collection rate as detailed on page 20 of this report.
- Court room utilization is an indicator of efficient use of court room resources and capacity and it ensures that the program is able to respond in a timely manner to matters of priority.

2021

Plan

85%

Court room utilization is projected to increase from 82% in 2017 to 85% at the end of 2018 and will remain at these levels in 2019 and beyond.

% of Courtroom Sessions Utilized

2017

Actual

85%

2018

Projected

Actual

85%

2019

Target

85%

2020

Plan

85%

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% of Courtroom Sessions Utilized

2016

Actual

82%

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Director Tel: (416) 392-3835 Email: Susan.Garossino@toronto.ca



RECOMMENDATIONS

RECOMMENDATIONS

The City Manager and Chief Financial Officer & Treasurer recommend that:

1. City Council approve the 2019 Staff Recommended Operating Budget for Court Services of \$52.367 million gross, (\$6.436) million net revenue for the following services:

Service:	Gross (\$000s)	Net (\$000s)
Provincial Offences & Tribunal Dispute Resolution	10,465.1	8,069.4
Default Fine Collection Management	6,531.5	6,156.8
Court Case Management	35,369.9	(20,662.3)
Total Program Budget	52,366.5	(6,436.1)

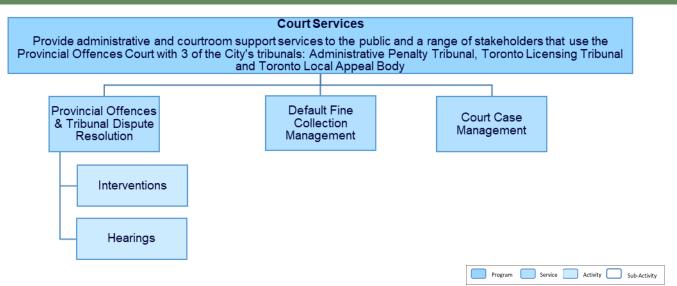
2. City Council approve the 2019 service levels for Court Services as outlined in Appendix 3 of this report, and associated staff complement of 241 positions, comprising of 241 operating positions.



2019 STAFF RECOMMENDED OPERATING BUDGET

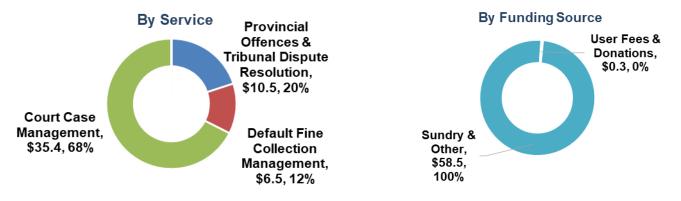
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PROGRAM MAP



2019 OPERATING BUDGET HIGHLIGHTS

2019 Staff Recommended Operating Budget (\$6.436) M



N

- **(500.5)%** Budget decrease over the 2018 Approved Net Operating Budget to maintain existing service levels and meet additional service demands.
- **\$0.004M** Efficiency savings in facilities management costs.
- **\$2.710M** New/enhanced funding to implement new Cannabis laws and stiffer penalties for distracted driving in Ontario with funding generated from increased fine revenues and temporary relocation costs of court rooms and offices from 481 University Avenue funded from the tax base
- **2020/2021** Increases primarily for known inflationary adjustments for salaries, benefits and facilities management costs.

2019 OPERATING BUDGET OVERVIEW

				•	ing Budgot a		-		
	201	8		2019				Increment	al Change
<u>(</u> In \$000s)	Budget	Projected Actual*	Base	New / Enhanced	Total Staff Recommended Budget	Char	nges	2020 Plan	2021 Plan
By Service	\$	\$	\$	\$	\$	\$	%	\$	\$
Provincial Offences &	Tribunal D	ispute Re	solution						
Gross Expenditures	10,801.4	9,369.2	9,969.2	496.0	10,465.1	(336.2)	(3.1%)	233.9	30.0
Revenue	2,710.0	1,940.1	2,322.1	73.6	2,395.7	(314.3)	(11.6%)	13.1	11.2
Net Expenditures	8,091.4	7,429.0	7,647.1	422.4	8,069.4	(21.9)	(0.3%)	220.7	18.9
Default Fine Collectio	n Managem	ent							
Gross Expenditures	5,478.0	5,109.2	6,350.3	181.1	6,531.4	1,053.5	19.2%	58.0	(8.6)
Revenue	630.6	532.5	269.4	105.2	374.6	(256.0)	(40.6%)	7.0	2.9
Net Expenditures	4,847.3	4,576.7	6,080.9	75.9	6,156.8	1,309.5	27.0%	50.9	(11.5)
Court Case Managem	ent								
Gross Expenditures	34,675.5	31,835.6	33,336.8	2,033.1	35,369.9	694.4	2.0%	485.5	(74.3)
Revenue	46,007.2	52,454.5	51,395.1	4,637.1	56,032.2	10,025.0	21.8%	58.4	24.0
Net Expenditures	(11,331.7)	(20,618.9)	(18,058.3)	(2,604.1)	(20,662.3)	(9,330.6)	82.3%	427.2	(98.3)
Total									
Gross Expenditures	50,954.8	46,314.0	49,656.3	2,710.1	52,366.5	1,411.6	2.8%	777.4	(52.9)
Revenue	49,347.8	54,927.1	53,986.6	4,815.9	58,802.6	9,454.7	19.2%	78.5	38.1
Total Net Expenditures	1,607.0	(8,613.1)	(4,330.3)	(2,105.8)	(6,436.1)	(8,043.1)	(500.5%)	698.8	(91.0)
Approved Positions	229.0	229.0	230.0	11.0	241.0	12.0	5.2%	(0.0)	0.0

Table 1: 2019 Staff Recommended Operating Budget and Plan by Service

* Year-End Projection Based on Q3 2018 Variance Report

Base Changes (\$8.043M Net)

- Lower Interdivisional Recoveries resulting from the devolution of Parking Trials to Administrative Penalty System.
- More than offset by POA fine revenue increases resulting from higher average collection rate per charge and higher charge volumes resulting from expansion of Red Light Cameras in 2018.
- Salaries and benefits adjustments.

Future Year Plan

- Inflationary increases in salaries and benefits.
- Changes in Interdivisional Charges and Recoveries.

EQUITY IMPACTS

No significant equity impacts: The changes in Court Services' 2019 Staff Recommended Operating Budget do not have any significant equity impacts.

2019 Staff Recommended Operating Budget Changes by Service

The 2019 Staff Recommended Operating Budget for Court Services is (\$8.043) million net or (500.5) % lower than the 2018 Council Approved Operating Budget. Table 2 below summarizes the key cost drivers to maintain current service levels, and recommended new and enhanced service priorities to meet outcomes.

Table 2: 2019 Staff Recommended Operatin	g Budget Changes by Service
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	2019					
	Provincial Offences & Tribunal Dispute Resolution	Default Fine Collection Management	Court Case Management	Total	I	
(In \$000s)	\$	\$	\$	\$	Position	
018 Council Approved Operating Budget (Net)	8,091.4	4,847.3	(11,331.7)	1,607.0	229.0	
	-,	.,	(**,===*,	.,		
Base Expenditure Changes Prior Year Impacts						
Reversal of one-time funding for the Toronto Local Appeal Body	(132.3)			(132.3)		
revendar of one time funding for the revente book appear body	(102.0)			(102.0)		
Salaries and Benefits						
Salaries and Benefits changes including savings from position based complement management (\$0.142 million)	(649.8)	15.5	38.4	(595.9)		
Other Base Expenditure Changes Realign budget for collection agency costs to 2018 actual experience		948.2		948.2		
	79.2			940.2 71.2	1.(
Deletion of 1 Operational Support Officer position and creation of a Research Analyst 2 and Policy & Project Advisor positions to align complement with operational need	79.2	(14.8)	6.9	71.2	1.0	
Expenditure changes resulting from the devolution of Provincial Offences Act (POA) system for parking disputes to the Administrative Penalty System	(55.5)	(79.3)	(911.8)	(1,046.6)		
Changes in Interdivisional Charges and Recoveries due to higher legal costs and disbursements resulting from the expansion of Red Light Cameras	426.1	356.2	3,176.8	3,959.1		
Adjustment of budgeted expenses based on actual experience	(72.9)	7.8	69.4	4.3		
Subtotal Base Expenditure Changes	(405.3)	1,233.6	2,379.7	3,208.0	1.0	
Revenue Changes						
Increase recovery of collection agency costs		948.2		(948.2)		
* POA fine revenue increase resulting from higher Average per charge (\$93.81 to \$124.47) as well as higher charge volumes from the expansion of the Red Light Camera initiative			8,158.1	(8,158.1)		
Volume based Local Appeal Body Application fee revenue increase (Additional 120 applications @ \$325 each)	39.0			(39.0)		
Subtotal Base Revenue Changes	39.0	948.2	8,158.1	(9,145.3)		
otal Base Changes	(366.3)	2,181.8	10,537.8	(5,937.3)	1.0	
New & Enhanced Services						
Enhanced Service Priorities						
Case mangement costs and default fine revenue anticipated from the implementation of new Distracted Driving legislation in Ontario - (Additional revenue from 13,000 existing charges @ an weighted average revenue of \$220.32 per charge)	157.0	54.6	(2,259.5)	(2,047.8)	3.0	
New Service Priorities						
Case management costs related to the implementation of the legalization of Cannabis in Ontario funded from increased fine revenue	258.3	11.3	(427.6)	(158.0)	8.0	
Lease costs for 1 month at temporary space required for the relocation of courtrooms and offices currently at 481 University Avenue	7.0	10.0	83.0	100.0		
	422.4	75.9	(2,604.1)	(2,105.8)	11.0	
Subtotal New & Enhanced Service Priorities ¹	422.4	10.0	(2,004.1)	(2,100.0)		

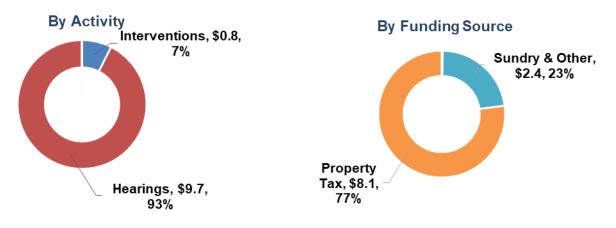
¹ Details of the Revenue Drivers are provided in the "Issues for Discussion" section of these notes.

Note:

1. For additional information, refer to Appendix 5 (page <u>27</u>) for the 2019 Staff Recommended New and Enhanced Service Priorities.

Provincial Offences & Tribunal Dispute Resolution provides administration and courtroom support for hearings resulting from offences under the Provincial Offences Act and City by-laws, administrative hearings for applications under the Toronto Licensing by-law, Administrative Penalty hearings/reviews and Local Appeal Tribunal hearings.

2019 Staff Recommended Operating Budget \$10.5M



Refer to <u>Appendix 2</u> (page <u>25</u>) for the 2019 Staff Recommended Operating Budget by Service.



Key Service Levels

Achieve a Time to hearing of **100** days from request date for **100%** of Local Appeal Body hearings.



Appeal hearings held within **120** days of receipt of appeal notification for **100%** of hearings.



Acheive a Time to hearing within **30** days from receipt of request for **100%** of hearings before a Licensing Tribunal.

Achieve a Time to trial within

6 months from offence date

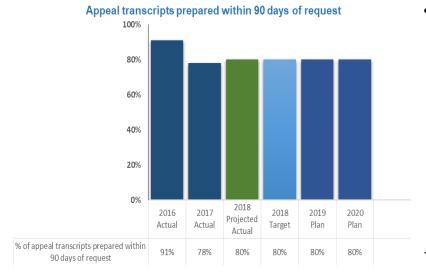
for 100% of hearings before

a Trial Court.

A fr A

Achieve a Time to hearing within **120** days from request date for **100%** of Administrative Penalty Tribunal hearings.

Refer to Appendix 3 (page 26) for a complete list of the 2019 Staff Recommended Service Levels for this Service.



Service Performance Measure

 Following a drop between 2016 and 2017 due to higher volume of cases requiring a trial and appeal, the percentage of appeal transcripts processed within 90 days of request is expected to remain steady at the projected rate of 80% in 2018 going forward.

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Default Fine Collection Management provides collection management services for the timely collection and processing of outstanding fines ensuring appropriate action is taken on fines in default.

2019 Staff Recommended Operating Budget \$6.5M



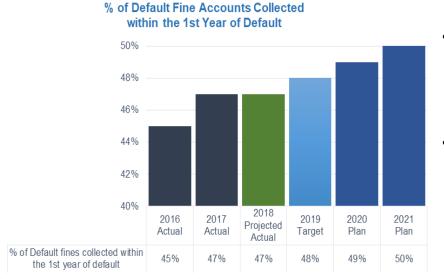
Refer to Appendix 2 (page 25) for the 2019 Staff Recommended Operating Budget by Service.

Key Service Level



100% of payments processed within **24 hours** of receipt

Refer to Appendix 3 (page 26) for a complete list of the 2019 Staff Recommended Service Levels for this Service.



Service Performance Measures

- The percentage default fines collected within the first year of default is expected to remain below 50% until 2020 reflecting the challenges of collecting default fines for municipalities across Ontario.
- Default fine collection rates will however increase by 1% every year commencing in 2019 as Court Services with support from Legal Services implements its commitments contained in its Management response to the City's Auditor General's report (AU12.1).

Court Case Management .provides administrative services to record and track breaches of laws by individuals in support of maintaining safe communities. Completing court administration processes respecting issued charges, providing information to the public, maintaining court records, scheduling trials and hearings and identifying unpaid fines for enforcement .



Refer to Appendix 2 (page 25) for the 2019 Staff Recommended Operating Budget by Service.

Key Service Levels



Accept incoming charges within **7 days** of offence date for **100%** of non-parking charges.



Accept incoming charges within **75** days of offence date for **100%** of parking charges.

Refer to Appendix 3 (page 26) for a complete list of the 2019 Staff Recommended Service Levels for this Service.

Service Performance Measures



% of Courtroom Sessions Utilized

- Court room utilization is an indicator of efficient use of court room resources and capacity and it ensures that the program is able to respond in a timely manner to matters of priority.
- Court room utilization is projected to increase from 82% in 2017 to 85% at the end of 2018 and will remain at these levels in 2019 and beyond.

2018 OPERATING PERFORMANCE

2018 Service Performance

Key Service Accomplishments:

- Processed all outstanding parking trial requests to phase out court based parking trials resulting from the implementation of the Administrative Penalty System in 2017.
- Received MISA and City Manager's award for Customer Service Excellence for the successful implementation of the Administrative Penalty System in Toronto.
- Improved primary tools for the collection of defaulted fines and formalized the division's collection plan. Please refer to page 20 to 21 of this report for further details.
- Managed 23% of all Provincial Offence charges filed in Ontario.
- Implemented paperless process for the Toronto Local Appeal Body and Administrative Penalty Tribunal
- Provided 34,000 interpreter appearances to support public access to justice.
- Over 30% of Court Services clients now access information, pay fines and request early resolution meetings using the division's online tools.

Status Update on 2018 Council Approved New & Enhanced Services

Court Services 2018 Budget included 2 new user fees to recover costs associated with public requests for photocopying of materials resulting in budgeted revenue of \$0.011 million. The new fees were set at the rate of \$1 for screen printouts and \$3.50 for certified copies and reports. A status update of the implementation and 2018 results are highlighted below:

Provincial Offences Act (POA) – Photocopying User Fees

• The new user fees were introduced by Court Services effective January 1, 2018. Preliminary results indicate that the revenue target set for the fees was met and may be exceeded at the end of 2018. The actual year-end result for this user fee will be confirmed once the Program's year-end results are finalized and compiled.

2018 Financial Performance

Category	2017 Actual	2018 Budget	2018 Projected Actual *	2019 Total Staff Recommended Budget	2019 Char 2018 App Budg	proved
(In \$000s)	\$	\$	\$	\$	\$	%
Salaries and Benefits	17,950.2	19,670.4	17,700.5	19,787.8	117.4	0.6%
Materials & Supplies	95.5	149.2	85.3	141.5	(7.7)	(5.1%)
Equipment	45.1	130.2	78.8	115.1	(15.0)	(11.5%)
Service and Rent	9,136.0	10,572.7	9,066.3	11,070.4	497.8	4.7%
Contribution To Reserves/Reserve Funds	92.2	592.3	92.3	92.3	(500.0)	(84.4%)
Other Expenditures	1,619.4	1,813.6	1,802.1	2,812.4	998.9	55.1%
Inter-Divisional Charges	16,376.8	18,026.6	17,488.7	18,346.9	320.3	1.8%
Total Gross Expenditures	45,315.2	50,954.8	46,314.0	52,366.5	1,411.6	2.8%
Inter-Divisional Recoveries	7,555.2	6,216.7	5,486.3	3,262.0	(2,954.7)	(47.5%)
User Fees & Donations	298.2	283.6	360.1	283.6		
Sundry and Other Revenues	36,512.9	42,847.6	49,080.7	55,257.0	12,409.5	29.0%
Total Revenues	44,366.3	49,347.8	54,927.1	58,802.6	9,454.7	19.2%
Total Net Expenditures	948.9	1,607.0	(8,613.1)	(6,436.1)	(8,043.1)	(500.5%)
Approved Positions	258.0	229.0	229.0	241.0	12.0	5.2%

Table 3: Budget vs. Actual by Category of Expenditures and Revenues

* Year-End Projection Based on Q3 2018 Variance Report

Court Services is projecting a net favourable variance of \$10.220 million at the end of 2018, primarily due to underspending in salaries and benefits resulting from hiring delays and lower than planned non-payroll expenditures for honorarium, materials and supplies and interdivisional charges for legal services. Also contributing to the year-end net favourable variance are higher than planned revenues resulting from Red Light Camera operations and higher average payment per charge filed across all Provincial Offence types.

For additional information regarding the 2018 Q3 operating variances and year-end projections, please refer to the attached link for the report entitled "Operating Variance Report for the Nine-Month Period Ended September 30, 2018", adopted by City Council at its meeting on December 13, 2018.

http://app.toronto.ca/tmmis/viewAgendaltemHistory.do?item=2019.CC1.7

Impact of 2018 Operating Variance on the 2019 Staff Recommended Operating Budget

Higher revenues from Red Light Camera operations are anticipated in 2019. Accordingly, Courts Services
revenue plan included in its 2019 Staff Recommended Operating Budget has been aligned to take account of
the Program's 2018 experience. The revenue from Red Light fines have been increased by \$8.353 million to
\$21.799 million for 2019.



ISSUES FOR DISCUSSION

ISSUES IMPACTING THE 2019 BUDGET

2019 Budget Overview

Operating Overview:

- Court Services' mission is to secure and improve public access to the justice system for Provincial Offences, City by-laws and the settlement of planning and zoning disputes through the adjudicative boards. The Program strives for the efficient delivery of its services through streamlined processes developed in collaboration with other City divisions and agencies and in compliance with provincial legislation.
- As will be briefly discussed in the following sections of these budget notes, a number of major legislative developments occurred in Ontario in 2018. Their implementation will impact Courts service delivery in 2019 and beyond. Further, Facilities Management is working with Court Services to temporarily relocate its offices and court rooms at 481 University Avenue to a new location following termination of the City's lease at this location effective March 30, 2020.
- Facilities at 481 University Avenue will have to be temporarily relocated because redevelopment of St. Lawrence market, the intended permanent location for these facilities, is delayed. Completion of this project is not anticipated before March 2020 by which time Court Services will have to vacate the premises at 481 University.
- Recognizing the anticipated impacts of the aforementioned developments and operational priorities, the 2019 Staff Recommended Operating Budget for Toronto Court Services provides additional funding of \$2.710 million gross, revenue of \$4.816 million for a net revenue budget of \$2.106 million.
- This funding will support the addition of 11 new full time permanent positions and operational resources in Court and Legal Services to create capacity within these program areas to meet the implementation requirements consequent to the legalization of Cannabis use, stiffer penalties for distracted driving in Ontario and the relocation plan from 481 University Avenue.

2019 Program Delivery

- Legislative Developments
 - Stiffer Penalties for Distracted Driving
 - Legislation seeking stricter penalties for distracted driving came into effect on January 1, 2019. These penalties include automatic driver license suspension upon conviction and increased fines for offences. Trial requests are expected to increase as implementation of the new legislation proceeds.
 - Increased trial volumes resulting from this development will require additional resources in Courts and Legal Services. However, this development is expected to generate significant incremental fine revenue to the City which will help fund additional program delivery costs.
 - Court Services 2019 Staff Recommended Operating Budget includes funding of \$0.816 million gross, revenue of \$2.864 million for a net revenue impact of \$2.047 million in 2019, based on 13,000 charges at an average revenue per charge of \$220.32 which will help fund additional program delivery costs.
 - Funding will support the addition of 3 full-time permanent positions, incremental costs in Legal Services, payments to the Ontario government and additional administrative expenditures for supplies and equipment.

• Legalization of Cannabis in Ontario

- Bill 5, the law legalizing the use of Cannabis in Ontario came into force in October 2018. Court Services is responsible for processing the charges and fines resulting from the enforcement activities required under the new law.
- Since the implementation of the legislation's provisions is still in its infancy, there is uncertainty surrounding the projected incremental charge revenues expected from enforcement activities. However, enforcement is generally expected to result in an increase in charge volumes which will require additional resources in the division.
- Court Services' 2019 Staff Recommended Operating Budget includes funding of \$1.952 million in gross expenditures offset by projected revenues of \$0.900 million from enforcement activities and an allocation of \$1.052 million from one-time provincial funding for start-up costs in the Non-program Revenue Budget resulting in a net revenue impact of \$0.158 million in 2019. Estimates anticipates 30,000 charges will be processed at an average revenue per charge of \$30.
- Funding will support the addition of 8 new full-time permanent positions for a total cost of \$0.470 million in 2019 and additional prosecution resources in Legal Services, payments to the provincial government and supplies and equipment.
- Relocation from 481 University Avenue and St. Lawrence Redevelopment
 - The City's lease at 481 University Avenue was cancelled by the landlord in 2018 and occupancy at this address will terminate on March 30, 2020. Consequently, a new temporary location for the 6 court rooms and office space currently located at this address will have to be secured and retrofitted before March 2020 as the redevelopment at St. Lawrence Market, the permanent location of these facilities, is delayed.
 - For more information on the status of the St Lawrence Market Redevelopment project, please refer to report MM41.42 "Status update on the redevelopment of St. Lawrence Market North". A link to the report can be found here http://www.toronto.ca/legdocs/mmis/2018/mm/bgrd/backgroundfile-115616.pdf
 - The relocation plan which is ongoing, proposes the following replacement locations: a temporary lease space to house offices currently at 481 University, 1530 Markham Road and City Hall for replacement courtrooms.
 - Court Services '2019 Staff Recommended Operating Budget includes funding of \$0.100 million gross and net which represents anticipated facility lease costs for temporary lease space for 1 month planned for December 2019 to allow the City take possession and fit up the property.1530 Markham Road and City hall are City owned properties.
 - Fit up costs for the 3 locations have been estimated by Facilities Management at approximately \$5.558 million; with \$1.907 million to be cash flowed in 2019 and \$3.651 million in 2020. These costs have been included in FREEE's 2019 2028 Staff Recommended Capital Budget and Plan.
 - Please refer to FREEE's 2019 Staff Recommended Operating and 2019 2028 Capital Budget and Plan Budget Notes for further details.

OTHER ISSUES IMPACTING THE 2019 BUDGET

Analysis of Charge Volumes and Key Revenue Drivers:

- Court Services revenues are derived from Provincial Offence charges (Moving Violations) and other nonparking fines. Additional revenues are generated from the production of court transcripts, fees for on-line transactions and interdivisional cost recovery from other City programs and agencies.
- Recoveries relate to the use of program resources, including court facilities and staff as well as the administration of the Toronto Licensing Tribunal, and the Administrative Penalty Tribunal.
- Charge volumes and average revenue per charge are used as the basis for determining fine revenue. However, Court Services has no control over the amount of revenue generated by individual charges issued by the various enforcement agencies or imposed by courts.
- As noted in the table below, the base level of charges for 2019 is estimated at 411,533, based on an estimated weighted average revenue per charge of \$124.47. This volume of charges will result in estimated revenues of \$47.278 million which is \$8.158 million or 20.8% higher than 2018 budget revenues.
- Red Light Cameras have emerged as a strong revenue source for the City and is projected to generate \$21.799 million or approximately 46.1% of total base revenues in 2019. Higher revenues from Red Light Cameras is also anticipated in future years as City Council's initiative to double the number of cameras in operation from 149 to 298 gets under way.
- Incremental revenues from stiffer penalties for distracted driving and the legalization of Cannabis as earlier noted are estimated to generate an additional \$3.764 million in fine revenues from 30,000 additional charges.
- While the overall volumes of charges from the various enforcement agencies continues to decline year-over year, from 406,335 charges projected at the end of 2018 to 364,834 anticipated in 2019, revenue losses that would have resulted from this development have however been more than offset by a higher weighted average revenue per charge from \$93.81 in 2018 to \$124.47 anticipated in 2019.

		2018 Budge	t		2019 Budget	
Enforcement Agency	# of Charges		Ave. Rev. Rev/ticket (\$) (\$)		Ave. Rev/ticket (\$)	Rev. (\$)
Red Light Cameras	68,437	196.45	13,445,848	104,834	207.94	21,799,182
Toronto Police Service	296,353	67.43	19,983,083	219,000	66.88	14,646,720
Other	29,441	121.89	3,589,050	32,500	242.86	7,892,950
Ontario Provincial Police	12,104	91.05	1,102,069	8,500	126.04	1,071,340
	406,335	93.81	38,120,050	364,834	124.47	45,410,192
Default fines			1,000,000	46,699	40.00	1,867,950
Total			\$39,120,050	411,533		47,278,142
Year-over-Year Base Re	venue Incre	ase				8,158,092
New/Enhanced Services	s Revenue I	mpact				
Stiffer Penalties for Distra	cted Driving	13,000	220.32	2,864,160		
Default fine Revenue from	the Legalizat	tion of Cannabis	in Ontario	30,000	30.00	900,000
Incremental Revenue fr	om New/En	hanced Servic	e Priorities	43,000		3,764,160

Disposition of Recommendations in report AU12.1 "Toronto Court Services: Collection of Provincial Offence Default Fines"

- On May 23rd 2018 City Council approved the Auditor General's report entitled 'Toronto Court Services: Collection of Provincial Offence Default Fines". The report contained 31 recommendations designed to improve the effective use of current and potential enforcement tools available to the City. A link to the report can be found here: <u>http://www.toronto.ca/legdocs/mmis/2018/au/bgrd/backgroundfile-114735.pdf</u>
- Staff from various City divisions provided responses to the Auditor General's recommendations, agreeing to 30 recommendations and providing commitments and timelines for actions to be taken.
- The following actions have so far been taken by City staff:
 - Court Services reviewed and improved divisional collection procedures (e.g. monthly assignment of defaulted fine accounts to contracted collection agencies and account placements on tax roll) – (Rec 1,4, 9,12 & 14)
 - Court Services developed a Collection Plan that includes collection benchmarks and Key Performance Indicators – (Rec 22, 23, 24, 27 & 28)
 - Court Services made changes to the RFP in the procurement process for professional collection agency services to ensure that rigorous performance and accountability measures for collection agencies are in place – (Rec 5 & 22)
 - The City Manager's Office sent letters to the Province requesting it consider recommendations/actions that will strengthen enforcement and collection of defaulted fines (e.g. Additional sanctions for repeat offenders and companies, legislative changes to enable collection of defaulted fine through tax rolls or jointly owned properties, improved processes for the filing of certificates of default in the Superior Court of Justice – (Rec 2, 3,10,11,13,15 &16)
 - Court Services consulted with the City's Chief Information Officer (CIO) on the feasibility of implementing an information system with connectivity with the provincially mandated ICON system. Anticipated financial impact will be presented for Council consideration through the 2020 Budget Process – (Rec 8)
 - Court Services facilitated an inter-municipal working group to discuss a re-engagement process with the Province regarding the feasibility of collecting defaulted POA fines through the Canada Revenue Agency Income Tax Refund Set-Off program – (Rec 18)
- The following actions will be taken by City staff:
 - Court Services will meet with divisional representatives from Legal Services in 2019 to discuss the feasibility of obtaining updated debtor information from other City or provincial databases. If obtaining updated debtor information is feasible, the Director, Court Services, will work with other city divisions or the province to gain access to the data by 2020 – (Rec 6)
 - Court Services established new documentation standards for each primary collection stream in 2018. Staff will operationalize these new standards in 2019 by capturing all required information and actions taken in divisional information repositories – (Rec 7)
 - Court Services will formalize the existing business processes for determining when collection efforts are no longer to be actively pursued in 2019. Staff will also review its existing collection database for adequacy in tracking and maintaining data on POA defaulted fines no longer being actively pursued and make improvements where feasible – (Rec 25)
 - In 2019, Court Services will undertake a review of the existing 'Write-Off Policy for Fines under the POA Deemed Uncollectible' to align with existing best practices and submit a revised Policy to Council for their

consideration and incorporate any new City Council approved policy into the Court Services Collection Plan – (Rec 26)

- Court Services will consult with the City Solicitor in 2019 to determine the feasibility of applying
 administrative fees and charges to confirm appropriate legislative authority exists. The Director of Court
 Services will only consider making a recommendation to City Council or seek approval from the Ontario
 Ministry of Attorney General if the outcome of the review with the City Solicitor supports the imposition of
 additional fees (Rec 31)
- Court Services anticipates that the implementation of the Collection Plan and related procedures will result in an increase in revenue from the collection of defaulted POA fines. However, it is too early to quantify any such increase. Staff will report back on any changes in revenue and collection trends through the budget process.
- Court Services will require a new Collection IT system. Corporate IT and Court Services are in discussion on the type of system and this will inform the financial impact to 2020 budget.

Modernization, Transformation and Innovation Initiatives

- Court Services will be collaborating with the Offices of the Chief Information Officer and Chief Transformation Officer on the following new initiatives in 2019:
 - Electronic filling of automated enforcement charges for Red Light Camera and Automatic Speed Enforcement initiatives as well as exploring the feasibility of adjudication through the Administrative Penalty System (APS).
 - Design and implementation of an information system to more effective manage the collection of outstanding Provincial Offences Act fines.

ISSUES IMPACTING FUTURE YEARS

Red Light Camera Expansion Initiative

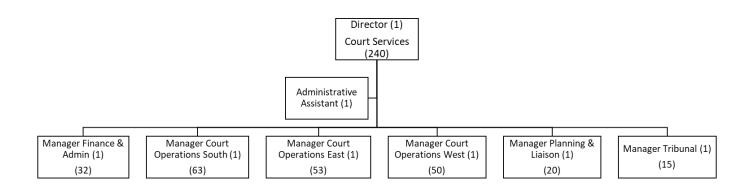
- At its meeting on June 26, 27, 28 and 29, 2018, City Council adopted EX25.26 "Operating Variance Report for the Year Ended December 31, 2017" which included direction to the General Manager, Transportation Services to evaluate the feasibility of significantly expanding the Red Light Camera program as part of the Vision Zero Road Safety initiative A link to the report can be found here: <u>http://www.toronto.ca/legdocs/mmis/2018/ex/bgrd/backgroundfile-116880.pdf</u>
- Council's intent was to double the number of Red-Light Cameras in operation from 149 to 298 and expand the Automated Speed Enforcement initiatives through the 2019 Budget Process, however, resource limitations in Transportation Services and the complexity of this undertaking have delayed the implementation.
- Studies to plan the roll out of the new cameras are now scheduled to commence in 2019 with a phased roll out commencing in 2020. The projected costs and revenue impacts of this initiative will be finalized in 2019 and presented for Council consideration through the 2020 Budget Process.



APPENDICES

toronto.ca/budget2019

2019 Organization Chart



The 2019 total staff complement includes the Director and staff for a total of 241 positions, comprising 241 operating positions as summarized in the table below.

2019 Total Complement

	Category	Senior Management	Management with Direct Reports	Management without Direct Reports/Exempt Professional & Clerical	Union	Total
	Permanent	1.0	23.0	5.0	209.0	238.0
Operating	Temporary			-	3.0	3.0
	Total Operating	1.0	23.0	5.0	212.0	241.0
	Permanent			-	-	-
Capital	Temporary			-	-	-
	Total Capital	-	-	-	-	-
Grand Total		1.0	23.0	5.0	212.0	241.0

• At present, in accordance with FPPA restrictions, the current management to staff ratio is approximately 1 non-union manager for each 42 unionized staff.

2019 Operating Budget by Service

	2018		2019					al Change
(In \$000s)	Approved Budget	Base	New / Enhanced	Total Staff Recommended Budget	Char	nges	2020 Plan	2021 Plan
By Service	\$	\$	\$	\$	\$	%	\$	\$
Interventions								
Gross Expenditures	752.9	745.2	36.2	781.4	28.5	3.8%	11.5	0.6
Revenue	126.1	53.9	21.0	74.9	(51.2)	(40.6%)	1.4	0.6
Net Expenditures	626.8	691.3	15.2	706.5	79.7	12.7%	10.1	(0.0)
Hearings								
Gross Expenditures	10,048.5	9,224.0	459.8	9,683.7	(364.8)	(3.6%)	222.3	29.5
Revenue	2,583.9	2,268.2	52.6	2,320.8	(263.1)	(10.2%)	11.7	10.6
Net Expenditures	7,464.6	6,955.8	407.2	7,362.9	(101.7)	(1.4%)	210.6	18.9
Total								
Gross Expenditures	10,801.4	9,969.2	496.0	10,465.1	(336.2)	(3.1%)	233.9	30.0
Revenue	2,710.0	2,322.1	73.6	2,395.7	(314.3)	(11.6%)	13.1	11.2
Total Net Expenditures	8,091.4	7,647.1	422.4	8,069.4	(21.9)	(0.3%)	220.7	18.9
Approved Positions	73.8	73.8	6.2	80.0	6.3	8.5%	(0.0)	0.0

Provincial Offences & Tribunal Dispute Resolution

* Year-End Projection Based on Q3 2018 Variance Report

Default Fine Collection Management

	2018		2019				Increment	al Change
(In \$000s)	Approved Budget	Base	New / Enhanced	Total Staff Recommended Budget	Char	iges	2020 Plan	2021 Plan
By Service	\$	\$	\$	\$	\$	%	\$	\$
Default Fine Collection Manageme		nt						
Gross Expenditures	5,478.0	6,350.3	181.1	6,531.4	1,053.5	19.2%	58.0	(8.6)
Revenue	630.6	269.4	105.2	374.6	(256.0)	(40.6%)	7.0	2.9
Net Expenditures	4,847.3	6,080.9	75.9	6,156.8	1,309.5	27.0%	50.9	(11.5)
Total								
Gross Expenditures	5,478.0	6,350.3	181.1	6,531.4	1,053.5	19.2%	58.0	(8.6)
Revenue	630.6	269.4	105.2	374.6	(256.0)	(40.6%)	7.0	2.9
Total Net Expenditures	4,847.3	6,080.9	75.9	6,156.8	1,309.5	27.0%	50.9	(11.5)
Approved Positions	17.6	17.6	0.1	17.7	0.1	0.6%	(0.0)	0.0

* Year-End Projection Based on Q3 2018 Variance Report

Court Case Management

	2018	2019				Incrementa	al Change	
(In \$000s)	Approved Budget	Base	New / Enhanced	Total Staff Recommended Budget	Char	iges	2020 Plan	2021 Plan
By Service	\$	\$	\$	\$	\$	%	\$	\$
Court Case Managem	ent							
Gross Expenditures	34,675.5	33,336.8	2,033.1	35,369.9	694.4	2.0%	485.5	(74.3)
Revenue	46,007.2	51,395.1	4,637.1	56,032.2	10,025.0	21.8%	58.4	24.0
Net Expenditures	(11,331.7)	(18,058.3)	(2,604.1)	(20,662.3)	(9,330.6)	82.3%	427.2	(98.3)
Total								
Gross Expenditures	34,675.5	33,336.8	2,033.1	35,369.9	694.4	2.0%	485.5	(74.3)
Revenue	46,007.2	51,395.1	4,637.1	56,032.2	10,025.0	21.8%	58.4	24.0
Total Net Expenditures	(11,331.7)	(18,058.3)	(2,604.1)	(20,662.3)	(9,330.6)	82.3%	427.2	(98.3)
Approved Positions	137.6	138.6	4.7	143.2	5.6	4.1%	(0.0)	0.0

* Year-End Projection Based on Q3 2018 Variance Report

2019 Service Levels

Provincial Offences and Tribunal Dispute Resolution

	Service Level									
Activity	Туре	Sub Type	Description	Status	2016	2017	2018	2019		
	Trial Court		Time to trial within 6 months of offence date	Approved	100%	100%	100%	100%		
Hearings				Actual						
	Local Appeal Body		Time to hearing of 100 days from request date	Approved	N/A	100%	100%	100%		
				Actual						
	Intake Court		Process extension/re- openings applications within 3 days	Approved	100%	100%	100%	100%		
				Actual						
	Appeals Court		Appeal hearing held within 120 days of receipt of appeal notification	Approved	100%	100%	100%	100%		
Intervention				Actual						
	Licensing Tribunal		Time to hearing within 30 days from request receipt	Approved	100%	100%	100%	100%		
				Actual						
	Administrative Penalty Tribunal		Time to hearing within 120 days from request date	Approved	N/A	100%	100%	100%		
				Actual						

Default Fine Collection Management

	Service Level					
Туре	Description	Status	2016	2017	2018	2019
Processing Payments	Payments processed within 24 hours of receipt	Approved	100%	100%	100%	100%
		Actual				

Court Case Management

	Service Level							
Activity	Туре	Sub Type	Description	Status	2016	2017	2018	2019
	Provincial Offences non-parking charges		Accept incoming charges within 7 days of Service date	Approved	100%	100%	100%	100%
				Actual				
	Provincial Offences parking charges		Accept incoming charges within 75 days of offence date	Approved	100%	100%	N/A	Parking Charges devolved to the AP System
				Actual				

Summary of 2019 New / Enhanced Service Priorities

	N	ew and E	Inhanced	Services	Priorities	6		Total		In	Incremental Change		e
	Provi	Provincial		It Fine	1e								
	Offend	ces &	Colle	ction	Court	Case							
New / Enhanced Service Description	Tribunal	Dispute	Manag	ement	Manag	ement	\$	\$	Position	2020	Plan	2021	Plan
(in \$000s)	Gross	Net	Gross	Net	Gross	Net	Gross	Net	#	Net	Pos.	Net	Pos.
Enhanced Service Priorities													
Staff Initiated:													
Funding to enforce new Distracted Driving Law in Ont.	157.0	157.0	54.6	54.6	604.7	(2,259.5)	816.4	(2,047.8)	3.0	98.2	(0.0)	12.8	(3.0)
Sub-Total Staff Initiated	157.0	157.0	54.6	54.6	604.7	(2,259.5)	816.4	(2,047.8)	3.0	98.2	(0.0)	12.8	(3.0)
Total Enhanced Services	157.0	157.0	54.6	54.6	604.7	(2,259.5)	816.4	(2,047.8)	3.0	98.2	(0.0)	12.8	(3.0)
New Service Priorities													
Staff Initiated:													
Lease costs for 1 month at temporary lease space	7.0	7.0	10.0	10.0	83.0	83.0	100.0	100.0		140.0		(320.0)	
Funding to enforce new Cannabis law in Ont.	332.0	258.3	116.5	11.3	1,345.4	(427.6)	1,793.8	(158.0)	8.0	153.6	(0.0)	(0.2)	(8.0)
Sub-Total Staff Initiated	339.0	265.3	126.5	21.3	1,428.4	(344.6)	1,893.8	(58.0)	8.0	293.6	(0.0)	(320.2)	(8.0)
Total New Service Priorities	339.0	265.3	126.5	21.3	1,428.4	(344.6)	1,893.8	(58.0)	8.0	293.6	(0.0)	(320.2)	(8.0)
Total 2019 New / Enhanced Services	496.0	422.4	181.1	75.9	2,033.1	(2,604.1)	2,710.1	(2,105.8)	11.0	391.8	(0.0)	(307.4)	(11.0)



2019 Operating Budget - Staff Recommended New and Enhanced Services Summary by Service (\$000's)

Form ID	Community and Social Sandaga		Adjust				
Category Equity Impact	Community and Social Services Program - Court Services	Gross Expenditure	Revenue	Net	Approved Positions	2020 Plan Net Change	2021 Plan Net Change

18200 Case Management costs for implementation of Distributed Driving Law

72 No Impact **Description:**

The Staff Recommended Budget includes funding of \$0.816 million gross and net revenue of (\$2.047) million to support the addition of 3 fulltime permanent positions, higher legal services costs for prosecution, supplies and equipment required to meet higher demand for case management resources resulting from the enforcement of new distracted driving legislation that came into effect in Ontario on January 01, 2019.

Service Level Impact:

Increased trial volumes resulting from this legislation will require additional resources in Court Services at a total cost of \$0.816 million in 2019 and generate additional revenue of \$2.864 million based on 13,000 charges at a weighted average revenue of \$220.32 per charge for a net revenue impact of \$2.047 million to the City.

Equity Statement:

There are no equity impacts resulting from this enhancement.

Staff Recommended New/Enhanced Services:	816.4	2,864.2	(2,047.8)	3.00	98.2	12.8
Total Staff Recommended Changes:	157.0	0.0	157.0	2.00	46.0	5.4
Service: Provincial Offences & Tribunal Dispute Resolution	on					
Total Staff Recommended Changes:	54.6	0.0	54.6	0.00	3.3	0.5
Service: Default Fine Collection Management						
Total Staff Recommended Changes:	604.7	2,864.2	(2,259.5)	1.00	48.9	6.9
Service: Court Case Management						

18203 Court Management costs for implementation of Cannabis laws

Funding of \$1.794 million gross and net revenue of (\$0.157 million) to support the addition of 8 full-time permanent positions as well as to fund additional administrative expenditures for supplies and equipment required to meet higher demand for Court Services resulting from the enforcement of new cannabis laws in Ontario that came into effect in October 2018.

Category:

⁷⁴ No Impact Description:



2019 Operating Budget - Staff Recommended New and Enhanced Services Summary by Service (\$000's)

Form ID				Adjustm	nents				
Category	Equity Impact	- Community and Social Services Program - Court Services	Gross Expenditure	Revenue	Net	Approved Positions	2020 Plan Net Change	2021 Plan Net Change	
		Service Level Impact:							
		The enforcement of new Cannabis laws will result in higher charges at an average revenue of \$30 per charge.	trial volumes wh	ich will generate	additional reve	enue of \$0.900	million based o	n a 30,000	
		Equity Statement:							
		There are no equity impacts resulting from this enhancemen	nt.						
		Service: Court Case Management							
		Total Staff Recommended Changes:	1,345.4	1,773.0	(427.6)	3.68	62.7	(7.6)	
		Service: Default Fine Collection Management							
		Total Staff Recommended Changes:	116.5	105.2	11.3	0.10	0.2	. (1.8)	
		Service: Provincial Offences & Tribunal Dispute Reso	olution						
		Total Staff Recommended Changes:	332.0	73.6	258.3	4.22	90.7	9.1	
		Staff Recommended New/Enhanced Services:	1,793.8	1,951.8	(158.0)	8.00	0 153.0	6 (0.2)	

18491 Temporary lease costs to Relocate Courtrooms and office space at 481 University

74 No Impact **Description:**

The 2019 Staff Recommended Operating Budget includes incremental funding of \$0.100 million gross and net in 2019 to lease temporary space for one month required for the relocation of the courtrooms and office space at 481 University Avenue pending the completion of the redevelopment of St. Lawrence Market which is the intended permanent location of these facilities.

Service Level Impact:

The court rooms and offices at 481 University Avenue will be temporarily relocated to a temporary leased space following the termination of the City's lease at this location to continue smooth operations resulting in no service impacts.

Equity Statement:

There are no equity impacts resulting from this enhancement.

Service: Court Case Management



2019 Operating Budget - Staff Recommended New and Enhanced Services Summary by Service (\$000's)

Fo	orm ID	Community and Casial Convisoo		Adjustm	ents			
Category	Equity Impact	Community and Social Services Program - Court Services	Gross Expenditure	Revenue	Net	Approved Positions	2020 Plan Net Change	2021 Plan Net Change
<u> </u>		Total Staff Recommended Changes:	83.0	0.0	83.0	0.00	116.2	(265.6)
		Service: Default Fine Collection Management Total Staff Recommended Changes:	10.0	0.0	10.0	0.00	14.0	(32.0)
		Service: Provincial Offences & Tribunal Dispute Reso	olution					
		Total Staff Recommended Changes:	7.0	0.0	7.0	0.00	9.8	(22.4)
		Staff Recommended New/Enhanced Services:	100.0	0.0	100.0	0.00	140.0	(320.0)
Sum	mary:							
Staf	f Recor	nmended New / Enhanced Services:	2,710.1	4,815.9	(2,105.8)	11.00	391.8	(307.4)

Inflows and Outflows to/from Reserves and Reserve Funds <u>2019 Operating Budget</u>

Program Specific Reserve / Reserve Funds

	Reserve/	Projected Balance as of	Withdrawals(-)/Contribtions(+)			
Reserve/Reserve Fund Name	Reserve Fund	Dec. 31, 2018	2019	2020	2021	
(in \$000s)	Number	\$	\$	\$	\$	
Projected Beginning Balance		5,776	5,776	5,776	5,776	
Provincial Offences Courts Stabilization Reserve	XQ0704					
Proposed Withdrawls (-)						
Contributions (+)						
Total Reserve / Reserve Fund Draws / Contributions		5,776	5,776	5,776	5,776	
Balance at Year-End		5,776	5,776	5,776	5,776	

Corporate Reserve / Reserve Funds

		Projected	Withdrawals(-)/Contribtions(+)			
	Reserve/	Balance as of				
Reserve/Reserve Fund Name	Reserve Fund	Dec. 31, 2018	2019	2020	2021	
(in \$000s)	Number	\$	\$	\$	\$	
Projected Beginning Balance		26,073	26,073	26,166	26,258	
Insurance Reserve Fund	XR1010					
Proposed Withdrawls (-)						
Contributions (+)			92	92	92	
Total Reserve / Reserve Fund Draws / Contributions		26,073	26,166	26,258	26,350	
Balance at Year-End		26,073	26,166	26,258	26,350	