

If you require this information in an alternate format, please contact the Accessibility Coordinator at [accessibility@northumberlandcounty.ca](mailto:accessibility@northumberlandcounty.ca) or 1-800-354-7050 ext. 2327



## Report 2021-158

**Report Title:** Court Security Funding Review

**Committee Name:** Finance and Audit Committee

**Committee Meeting Date:** October 5, 2021

**Prepared by** Matthew Nitsch, Deputy Treasurer

**Reviewed by:** Glenn Dees, Director of Finance/Treasurer

**Approved by:** Jennifer Moore, CAO

**Council Meeting Date:** October 20, 2021

**Strategic Plan Priorities:** Leadership in Change

---

### Recommendation

"**That** the Finance and Audit Committee, having considered Report 2021-158 'Court Security Funding Review', recommend that County Council direct staff to immediately cease court security payments to the municipalities of Brighton, Trent Hills, and Port Hope; and

**Further That** the Committee recommend that County Council reaffirm its support to the Town of Cobourg and directs staff to continue to provide its share of the annual Provincial Court Security and Prisoner Transportation funding, as well as levy funds (up to \$275,000) to the Town of Cobourg; and

**Further That** the Committee recommend that County Council review court security funding annually as part of the annual budget process."

---

### Purpose

This report is a review of Northumberland County's funding to member municipalities for court security.

## Background

In the late 1990's, the Province of Ontario downloaded the costs for providing police court security at all of the Provincial Courts in Ontario to the local municipalities in which the courts were located. At the time, Northumberland had courts in the municipalities of Cobourg, Port Hope, Brighton, and Trent Hills. The requirement for local Police Services to provide court security is legislated within the Police Services Act.

There was some concern that the taxpayers in the municipalities that had courts would be subsidizing the costs for the municipalities that did not host courts. In 2003, the County considered a request from the Town of Cobourg to have the County pay for all court security costs. County Council approved, in principle, a multi-year plan to transition some of the court security costs to the County. Starting in 2006, the County provided levy funding to member municipalities to help offset the costs of court security. The amount of levy funding gradually increased until 2008 when the following amounts were provided to each municipality with a court:

Cobourg -	\$275,000
Brighton -	\$10,000
Trent Hills -	\$10,000
Port Hope -	\$7,500

The Town of Cobourg has always received the bulk of the County funds because the cost of court security at the 860 William Street courts has always been considerably higher than the costs at the smaller satellite courts in Brighton, Trent Hills, and Port Hope.

After efforts by the Association of Municipalities of Ontario (AMO), and a number of individual municipalities, the Province announced in the fall of 2008 that it would gradually upload court security costs back to the Province. The Court Security and Prisoner Transportation (CSPT) program that was eventually put into place began providing CSPT funding to municipalities in 2012. It is important to note that the overall amount of funding available through the CSPT program grew between 2012 and 2018 when it reached an annual total of \$125M. It was capped at that maximum amount and remains at this level in 2021. The ministry now reviews the program annually and makes a decision each year on whether or not to continue with the funding. There is no indication that they intend to increase the total amount of funding that is available. Funding is dispersed to municipalities based on their share of the overall court security costs that are reported provincewide.

From 2008 until 2015 the County continued to provide levy funding for court security to Cobourg, Brighton, Trent Hills, and Port Hope in the amounts indicated above. In the initial years the ministry funding was not always enough to cover all of the court security costs. Since the County was providing court security funding (in the form of the levy contributions) to some of the member municipalities, it was required to submit reporting to the CSPT program and in 2015 the County started to receive funding under the program. This had the effect of lowering the

amounts that the member municipalities received from the Ministry CSPT program, so the decision was made to pass the County share of the Ministry funding to the Town of Cobourg.

In the interim, the satellite courts in Brighton, Trent Hills, and Port Hope have been permanently closed. The only remaining Provincial Courthouse in Northumberland is in Cobourg at 860 William Street.

Between 2015 and 2020 the County staff worked with Cobourg staff to reconcile costs and pass on 100% of the County share of the Ministry CSPT funding and levy dollars (up to \$275,000) to assist with court security costs. The following are the amounts that have been provided to the Town of Cobourg during that time:

	2015	2016	2017	2018	2019	2020
Ministry Funding	\$144,387	\$180,484	\$308,244	\$359,617	\$415,424	\$392,085
Levy	\$261,860	\$258,592	\$193,522	\$128,374	\$233,458	\$200,222

During the same period, the County has continued to provide \$10,000 each to the municipalities of Brighton and Trent Hills and \$7,500 to the municipality of Port Hope annually. Since the closure of their respective courts, these municipalities have been using this funding against their OPP prisoner transportation costs that are also reported to the CSPT program.

No County court security payments have been disbursed to date in 2021.

In 2021, the Cobourg Police submitted a request to County staff to increase the amount of court security funding that is provided to the Town of Cobourg. They have indicated that there have been increases to the number of officers that are required at the courthouse and that there are costs that have not been captured historically. They believe that there will be significant increases to their court security costs because of these factors. This request for additional funds from the County has not been endorsed at a staff level and could be considered by Council, should they choose, as a discretionary item for the 2022 budget. Court Security levy funding was noted within the 2021 discretionary budget review at a high level.

## **Consultations**

County staff have worked with Town of Cobourg staff to reconcile annually, ensuring that ministry funding is fully utilized, and that the County has provided levy support up to the maximum of \$275,000. The subject of court security has also been discussed many times at the County Treasurers Inter-municipal working group.

County staff have discussed various aspects of the CSPT program with our ministry representative. The ministry representative has provided specifics about the history of the program and has discussed options for Northumberland's continued involvement in the program.

## **Legislative Authority/Risk Considerations**

The Police Services Act

## **Discussion/Options**

Information that has been obtained recently confirms that the intent of the County levy support for court security was intended to assist with only court security and not with prisoner transportation. Staff recommend that the smaller contributions (\$10,000 each to Brighton and Trent Hills and \$7,500 to Port Hope) should cease immediately.

### Status Quo

The original intent of the County funding for court security was to alleviate the burden on the taxpayers of in the municipalities that hosted courts within the Northumberland judicial area. Since Northumberland County is required to participate in the Provincial CSPT program (because it provides County funding towards court security) it has passed on this funding to the Town of Cobourg to make the municipality whole. Continuing with support to the Town of Cobourg would be in keeping with the intent of that original direction from Council.

### County Cease Court Security Funding

Northumberland County could stop participating in the CSPT program and stop providing levy support to the Town of Cobourg for court security. The County's ministry representative has indicated that if all parties agree, it would be possible for the County to exit from the CSPT program and make adjustments so that the Town of Cobourg would receive the CSPT funding directly. If the County were to cease providing the levy contribution this would shift that burden from the Northumberland taxpayer to the Cobourg taxpayer. The Ministry representative has indicated that it would not be possible for the County to continue to provide levy support to Cobourg and not be part of the CSPT program. Cobourg must report any support that they receive from other parties and the County must report any funding that it provides.

According to the County's Ministry representative, there are 3 Counties that provide court security funding to their member municipalities. These arrangements are:

1. County of Oxford to the City of Woodstock;
2. County of Dufferin to the Town of Orangeville; and
3. County of Lambton to the City of Sarnia.

Of these 3 arrangements, it was confirmed that the County of Oxford provides levy support to the City of Woodstock, but it is not known whether the other 2 counties provide levy or just a flowthrough of Ministry funding to their respective member municipalities.

## **Financial Impact**

If the County were to cease the payments of \$10,000 to Brighton and Trent Hills, and \$7,500 to Port Hope this would create \$27,500 in savings that could be used to offset current budget pressures. Alternatively, that money could be redirected to the Town of Cobourg to offset potential increased court security costs.

If the County maintains the status quo (aside from the change mentioned above) there is no impact to the budgeted levy. Staff would continue to work with Cobourg to reconcile annually and provide ministry funding and levy support up to \$275,000.

If the County were to cease participation in the CSPT program and stop providing levy support to Cobourg, then the County would save an additional \$275,000 annually but this would result in a corresponding shortfall in the Town of Cobourg budget that their taxpayers would be forced to absorb.

## **Member Municipality Impacts**

If the County immediately ceases the smaller payments to Brighton, Trent Hills, and Port Hope this will result in a corresponding decrease to their revenues. In some years the Municipalities of Brighton and Trent Hills have had an excess of funding and have been forced (or will be forced) to return funds through the CSPT program.

The respective Treasurers are aware that the County payments are being reviewed and some have not budgeted for this revenue in 2021.

If the County ceases to participate in the CSPT program it is possible to adjust the CSPT calculation for Cobourg so that they receive the County portion of the CSPT funding directly. However, as mentioned above, Cobourg would be left with a significant deficit without the County levy support.

## **Conclusion/Outcomes**

That the Finance and Audit Committee recommend that County Council approve a resolution to immediately cease annual court security levy payments of \$10,000 (each to Brighton and Trent Hills) and \$7,500 to Port Hope and to reaffirm its support of providing the Town of Cobourg by passing on Provincial CSPT funding and by providing up to \$275,000 in levy annually to assist with court security costs.

## **Attachments**

N/A