



APPLICATION FOR COUNCIL INNOVATION FUND

CC 941 (R2019-10)

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Date of Submission

2020-06-17

Name of Project

Administrative Penalties System Start-up Costs

Sponsoring Councilor

Councillor Woolley

Applicant Name

Jeremy Fraser, Deputy City Clerk Appeals & Tribunals

Applicant Contact Number

(403) 850-6148

Include area code, no spaces

Applicant Business Unit or Name of Organization

City Clerk's Office

Affected Business Units and/or Departments

City Clerk's Office, Facilities Management, Customer Service & Communications, Calgary Parking Authority, Calgary Transit, Law

Amount of Funds Requested - please attach budget breakdown details in an attachment

\$275,000.00

Draft PFC cover report attached

Yes No

Please list supporting documents provided.

Cover Report PFC2020-0738. Also, please see PFC2020-0625 for APS Business Recommendation (Att 1)

Applications for the Council Innovation Fund are to be submitted to the Chief Financial Officer Department (name of person) no later than six (6) weeks in advance of the targeted Priorities and Finance Committee (PFC) meeting date.

Only completed applications supported by a PFC cover report will be submitted for placement on the PFC agenda. The PFC will review the report and proposal and provide their recommendation to Council. The recommendation and report will then be forwarded to Council at their next scheduled meeting.

Provide a summary description of the project to a maximum of 2 pages.

The establishment of an Administrative Penalties System (APS) for parking and Transit fare evasion violations - as enabled through the City Charter and proposed in report PFC2020-0625 - is consistent with justice reform developments across Canada and in Alberta, aligns with existing City processes, and would provide benefits to citizens and The City. An APS program for parking and Transit fare evasion matters would provide a cost-effective, streamlined, timely and customer-oriented dispute resolution system.

As part of an APS, an independent quasi-judicial tribunal should be established to resolve appeals of administrative penalties. The operations of such a tribunal would be supported by the City Clerk's Office, which has the expertise and experience to support appeals and tribunals services. The City Clerk's Office would be responsible for management of a budget and operations encompassing support staff, remuneration for hearing officers, facilities, equipment, information technology and external independent legal counsel.

A more detailed breakdown of start-up costs is set out in the Business Recommendation for an Administrative Penalties System (PFC2020-0625, Attachment 1, page 22); however, this Council Innovation Fund application is proposed to cover start-up costs required to renovate and fit-up appropriate facilities, and to address costs necessary to engage and communicate with the public so they understand and have trust in a tribunal to fairly consider their concerns.

Tribunal Facilities

In order to meet the needs of the public from all quadrants of the city, and Calgary Transit riders in particular, customer service needs to be centrally available, providing convenient access to clients using bus and LRT transportation, and would require connectivity to City IT infrastructure. Hearings would be held in existing, publicly-accessible meeting spaces within the Municipal Complex, in boardrooms at the City Clerk's Office at the Deerfoot Junction III building (which features free parking), and eventually would be held remotely with assistance of technology.

The approximate cost of establishing appropriate facilities with adequate security is estimated at a cost of \$125,000 (class 5 estimate). This recommendation aligns with Council direction to use existing administrative workspaces wherever possible.

Communications

In order to ensure the accessibility of, and public trust in, transition to a new system of justice for parking and transit fare evasion appeals, communications and engagement work will be necessary. The overall communication goal is to inform all stakeholders about the implementation of the Administrative Penalties System (APS) for parking tickets and transit fare evasion violations, which will increase efficiency of the court system while achieving better outcomes for citizens and communities.

The proposed communications approach is to build general awareness through an integrated mix of broad-reaching and targeted, paid and non-paid channels, by:

- providing stakeholders with timely, accurate, clear, objective and complete information about the system and process;
- reinforcing that The City delivers services and programs efficiently through a culture of creativity that supports innovation and is adaptable to changing needs and pressures; and,
- utilizing multiple formats to accommodate diverse communication needs.

Start-up communications costs of \$75,000 would include funding for: branding to ensure public understanding of the independence of the tribunal from The City (\$5K), website design and videos (\$30K), information material such as infographics and inserts/factsheets (\$10K), and advertising to support adequate public understanding of the tribunal and its operations (\$30K).

Engagement costs of approximately \$57,000 would also be required to ensure appropriate awareness and understanding of the change from Courts to tribunal as a forum for resolving legal challenges to bylaw enforcement, and support the maintenance of public trust as the transition to an APS evolves.

An additional \$18,000 would address costs associated with external legal counsel, training and computer equipment.

Identify how this project meets the criteria as outlined in the Terms of Reference for the Council Innovation Fund.

Please attach additional information as required.

- a) Meets the definition of innovation: Establishing an APS would provide for a more timely, accessible and convenient means for citizens to access justice while, at the same time, providing for a more effective and efficient means for The City to resolve legal challenges to some bylaw enforcement actions.
- b) Supports Council Priorities: This project will support delivery of results aligned with 2019-2022 Council Directives for a Well-run City, and specifically Strategic Action W2: "The City must work on improving the value of municipal services delivered by simplifying and streamlining processes and procedures, cutting red tape, eliminating service silos, and discontinuing those services that The City should not be providing."
- c) Has the potential to change city-wide policies and procedures, if successful upon completion: In addition to benefits for citizens, as set out above, establishing an APS would also provide for a more cost effective means for The City to respond to legal appeals of enforcement actions, and provide greater control over the administration and management of related enforcement revenue.
- d) Is viable and sustainable in the long term: Administrative monetary penalty systems are a leading practice that have proven to be effective and efficient in many other jurisdictions (the Alberta Government is proceeding to adopt this model, as set out in Bill 21, the *Provincial Administrative Procedures Act*). Forecasting of costs and volumes suggest that using a tribunal to resolve appeals will result in a significant improvement in efficiency of operations across multiple business units, as compared with the current court-based process.
- e) Is fiscally sound: Start-up and transition costs must be considered; however, an APS offers an opportunity for The City to seize a significant long-term annual operating efficiency of approximately \$425,000, through which a return on start-up and transition costs should be quickly realized.
- f) Will be managed well: The City Clerk's Office has the experience and expertise to efficiently and effectively administer the Appeals & Tribunals service. Support and collaboration with the Calgary Parking Authority, Calgary Transit, the Law Department, Facilities Management, Information Technology Customer Service & Communications, and Calgary Community Standards, amongst others, will help support effective management of the transition to an APS.
- g) Neither this project nor this work have previously received a CIF grant.

Outline the proposed timeline for this project, including the final report back date.

Facilities development, as well as engagement and communications work, needs to be completed in advance of an Administrative Penalties System being established, and are anticipated to commence in 2020 and be completed in 2021.

Identify what success looks like, and how it will be measured.

A successful APS will improve the timeliness, accessibility and convenience for citizens seeking justice in response to parking or transit fare evasion enforcement actions, and improve the efficiency for The City to respond to those legal challenges. Successful implementation of facilities will provide a central, accessible and secure facility for tribunal operations, while minimizing the operational footprint and associated costs. Successful communication and engagement will ensure public trust in, and understanding of, transition to a new means of accessing justice, and ensure appropriate consideration of the needs of members of marginalized and vulnerable populations who may interact with a tribunal.

Your personal information is being collected, used and disclosed for the administration and processing of your application for funding under the Council Innovation Fund Project. Your information is collected pursuant to section 33(c) of The Freedom of Information and Protection of Privacy Act ("FOIP Act") of Alberta. If you have any questions about the collection, use or disclosure of your personal information, please contact The City of Calgary's Chief Financial Office (#8003), The City of Calgary P.O. Box 2100, Stn. M, Calgary, AB T2P 2M5 and by calling at 403-268-5664.