

# Background

## Context

---

The City of Calgary Charter, 2018 Regulation establishes authority for The City of Calgary (“the City”) to establish administrative penalties for parking and transit fare evasion offences, and a municipal tribunal to adjudicate related appeals.

In 2020 July, Council directed Administration to proceed with negotiations with the Government of Alberta necessary to implement an Administrative Penalties System (“APS”). At the same time, the Government of Alberta announced its Justice Transformation Initiative (“JTI”) and SafeRoads Alberta tribunal with the intent to divert a broad number of adjudicative matters to it from the Provincial Traffic Court. By 2022 May, Phases II and III of JTI (the latter of which would have encompassed municipal bylaw enforcement matters such as parking and transit fare evasion offences) were cancelled by the Government of Alberta due to concerns about due process.

## Previous Council Direction

---

At its 2020 January 13 Combined Meeting, Council received an update on City Charter authorities (IGA2019-1571), including an update on implementation of a municipal tribunal.

At its 2020 July 20 Combined Meeting, Council received report PFC2020-0625 and directed Administration to proceed with negotiations with the Government of Alberta required to implement an APS, and also directed engagement of key stakeholders on the impacts of, and guiding principles for, establishing an APS. Council also received report PFC2020-0738 and approved Council Innovation Funding to address APS start up costs relating to facilities, as well as communications and engagement.

At its 2020 December 14 Combined Meeting, Council deferred the Administrative Penalties Bylaw to be provided before 2021 June 30 (C2020-1430).

At its 2021 May 31 Combined Meeting, Council again deferred development of an Administrative Penalties Bylaw, and other related and necessary bylaw amendments, for presentation at public hearing to no later than Q2 2022, to allow Administration to evaluate the impact of JTI on The City’s intentions to implement an APS.

Further deferrals were approved by Council on 2022 June 7 and 2022 December 20 to allow engagement of senior management and development of this Report.

**Administrative Penalties System Program Timeline**

<b>DATE</b>	<b>REPORT NUMBER</b>	<b>DIRECTION/DESCRIPTION</b>
2017 July 25	ALT2017-1005	City Charter Legislative Change Strategy – Municipal Tribunal State of Readiness The Administrative Leadership Team (“ALT”) directed the City Clerk’s Office to continue investigating and refining the recommended option for a municipal tribunal to be established under the City Charter, to prepare budget submissions and identify capital funding requirements.
2020 January 13	IGA2019-1571	City Charter Update Council received an update on the implementation of existing City Charter authorities.
2020 February 18	ALT2020-0170	Administrative Penalties System Business Recommendation ALT directed the City Clerk’s Office to engage key stakeholders to identify what they would value in an Administrative Penalties System, and to advance the Business Recommendation, stakeholder engagement results and a funding strategy to Council through the Priorities and Finance Committee.
2020 July 20	PFC2020-0625	Administrative Penalties System Business Recommendation Council approved implementation of the Administrative Penalties System (APS) to divert adjudication of parking and transit fare evasion matters from the provincial Traffic Court to a municipal tribunal and directed Administration to bring forward an Administrative Penalties Bylaw (and other related amending bylaws) to a public hearing before the end of 2020.
2020 July 20	PFC2020-0738	Council Innovation Fund – Administrative Penalties System Start Up Costs Council approved \$275,000 through the Council Innovation Fund to fund start up facilities, communication, and engagement costs for the Administrative Penalties System.
2020 December 14	C2020-1430	Administrative Penalties System Bylaw Deferral Council deferred the Administrative Penalties Bylaw, which was due to be presented at public hearing before 2020 December 31, to come forward no later than 2021 June 30.
2021 May 31	PFC2021-0781	Administrative Penalties System Program Update Council further deferred the Administrative Penalties Bylaw to no later than Q2 2022, to allow for Administration to review the impacts of JTI Phase III on The City’s intention to implement an APS.

<b>DATE</b>	<b>REPORT NUMBER</b>	<b>DIRECTION/DESCRIPTION</b>
2022 June 7	C2022-0698	Defer Development of an Administrative Penalties Bylaw due for presentation at Public Hearing in Q2 2022, to return in Q4 2022
2022 December 20	C2022-1299	Deferral Request - Administrative Penalties System Council further deferred reporting back to allow for engagement of senior management and development of this Report.

## Bylaws, Regulations, Council Policies

---

### **The City of Calgary Charter, 2018 Regulation**

Amends the Alberta *Municipal Government Act*, and other enactments, and provides The City of Calgary with authority to establish administrative penalties for parking and transit fare evasion matters, and to also establish a municipal tribunal to adjudicate appeals of those penalties.