

**Council Meeting Number 2016-2
Addeds
Tuesday, December 15, 2015**

Motions of Congratulations, Recognition, Sympathy, Condolences and Speedy Recovery

Motion of Appreciation

The consent of Council is requested for the **addition** of Motion of Condolence Number 1.

Motion of Condolence

1. Moved by Mayor Paterson
Seconded by Deputy Mayor Stroud

That the condolences of Kingston City Council be extended to the family of retired brigadier-general Don Banks, who passed away on December 4, 2015. Don had a very distinguished career in the Canadian Army, including his service as the base commander of CFB Kingston from 1987 to 1990. He is remembered fondly for his active participation in the Kingston community through both military and civilian contributions. Don will be greatly missed and our thoughts are with his family during this difficult time.

Reports

Report Number 8: Received from the Chief Administrative Officer (Consent)

1. The consent of Council is requested to **receive** the revised page 158, from Clause p) – Report Number 16-011 – Annual Amendment to Fees and Charges By-Law 2005-10.
(The revised page 158 is attached as Schedule Page (1) – the suggested changes are highlighted in **bold**).

Report Number 15: Received from the Arts, Recreation and Community Policies Committee

The consent of Council is requested for the **addition** of Report Number 15: Received from the Arts, Recreation and Community Policies Committee.

1) Appointment of Museums and Collections Committee Member to Heritage Kingston Transition Team

That Bill Visser be appointed to the Transition Team, as the Museums and Collections Advisory Committee (MACAC) representative, to finalize the details of the transition from the MACAC and the Municipal Heritage Committee to the new Heritage Kingston.

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Report Number 16: Received from the Administrative Policies Committee

The consent of Council is requested for the **addition** of Report Number 16: Received from the Administrative Policies Committee.

1. Provincial Offences Act (POA) - Adoption of Write-Off Policy for Uncollectable Defaulted POA Fines

That the Write-Off Policy for the Provincial Offences Act Defaulted Fines, attached as Exhibit "A" to Report AP-16-008, be adopted; and

That Council give all three readings of the draft by-law, A By-Law to Adopt a Policy for the Write-Off of Uncollectable Defaulted Provincial Offence Fines, attached to Report AP-16-008 as Exhibit "D"; and

That staff be authorized to write-off an amount up to \$5.5 million of aging and defaulted POA fines in accordance with the Policy for the Write-Off of Provincial Offences Act Fines and that staff be directed to notify the Ministry of the Attorney General of said write-offs.

(Exhibits A and D are attached as Schedule Pages 2-5)

Communications

The consent of Council is requested for the **addition** of the following Communications:

- 02-050 From Frank Dixon, resident, Official Correspondence - Norman Rogers Airport Expansion Project - 2016 Budget.
(Distributed to all Members of Council on December 15, 2015)
(File Number CSU-T11-000-2016)
- 02-051 From Frank Dixon, resident, Official Correspondence - Community Visioning Exercise - Portsmouth Olympic Harbour & Federal Properties.
(Distributed to all Members of Council on December 15, 2015)
(File Number CSU-D18-000-2016)
- 02-052 From Dominik Barz & Iris Russak, residents, regarding the Airport Expansion - 2016 Budget.
(Distributed to all Members of Council on December 15, 2015)
(File Number CSU-T11-000-2016)
- 02-053 From Frank Dixon, resident, Official Correspondence - Belle Park Working Group Report to Council.
(Distributed to all Members of Council on December 15, 2015)
(File Number CSU-R05-000-2016)
- 02-054 From Ontario Municipal Board - Memorandum or Oral Decision made by M.A. Sills on October 26, 2015 and Order of the Board - Salvador vs Kingston (City).
(Distributed to all Members of Council on December 15, 2015)
(File Number CSU-L01-000-2016)

	2016 Fees		
	Domestic	Inter'n'l	HST
Airport			
Landing Of Aircraft In Excess Of 2,270 kg (5,000 lbs) (Note 1)			
Minimum for Jet and Turbine Aircraft	\$21.81	\$30.51	Yes
Minimum for Commercial Rotary Wing	\$12.23	\$18.22	Yes
Per 1,000 kg or Fraction for Jet Aircraft: not more than 21,000 kg	\$6.62	\$9.28	Yes
Per 1,000 kg or Fraction for Jet Aircraft: 21,000 to 45,000 kg	\$8.61	\$12.06	Yes
Per 1,000 kg or Fraction for Jet Aircraft: more than 45,000 kg	\$10.04	\$14.06	Yes
Per 1,000 kg or Fraction for Turbo / Piston Powered Aircraft: not more than 21,000 kg	\$6.03	\$8.24	Yes
Per 1,000 kg or Fraction for Turbo / Piston Powered Aircraft: 21,000 to 45,000 kg	\$7.32	\$10.24	Yes
Per 1,000 kg or Fraction for Turbo / Piston Powered Aircraft: more than 45,000 kg	\$8.77	\$12.26	Yes
Note: Exemptions to Landing Fees:			
1) Where any Canadian Air Carrier licensed pursuant to Part II of the National Transportation Act, 1987, of an aircraft on a flight conducted exclusively for the purpose of improving the skill and knowledge of the aircrew personnel of the Air Carrier, and where arrangements are made in advance with the airport manager, the landing charge for each such landing is 20 percent of the applicable charge prescribed below.			
2) Exemption for landing fees only: All military aircraft and any aircraft used in Search & Rescue missions will be exempt.			
Air Terminal Facility Fees, etc. (per incoming flight)			
Scheduled Passenger Aircraft 1 - 9 Seats	\$15.00	\$34.51	Yes
Scheduled Passenger Aircraft 10 - 15 Seats	\$29.72	\$45.39	Yes
Scheduled Passenger Aircraft 16 - 19 Seats	\$39.39	\$83.78	Yes
Scheduled Passenger Aircraft 20 - 25 Seats	\$58.02	\$74.22	Yes
Scheduled Passenger Aircraft 26 - 45 Seats	\$86.39	\$173.57	Yes
Scheduled Passenger Aircraft 46 - 60 Seats	\$117.52	\$237.18	Yes
Scheduled Passenger Aircraft 61 - 89 Seats	\$179.60	\$369.11	Yes
Scheduled Passenger Aircraft 90 - 125 Seats	\$242.46	\$500.99	Yes
Scheduled Passenger Aircraft over 125 Seats	\$284.02	\$588.85	Yes
Passenger Facility Fee (Per Departing Passenger)			
Passenger Facility Fee (per departing passenger)	\$15.91	\$15.91	Yes



Policy Name: Write-Off of Uncollectable Defaulted Provincial Offence Fines

Policy number: POL-15

Effective date: not set

Review date: not set

Final approver: City Council

Training course code: not applicable

Document state: draft

1. Purpose

This policy establishes guidelines for the process to write-off fines under the Provincial Offences Act that are deemed uncollectable by the City. The goal of the policy is to ensure that uncollectable POA fines are written-off in a timely and consistent manner, to accurately reflect the total amount owing to the City and to identify fines for which active collection efforts have ceased.

2. Definitions

2.1. City: means the Corporation of the City of Kingston

2.2. Fine: means a POA fine imposed against an offender in respect of a charge administered within the City's court area and includes the set fine amount, and all applicable costs, surcharges and fees associated with such fine.

2.3. ICON: means the Province of Ontario's Integrated Court Offences Network, which is a provincial database containing all POA Fines and disposition information.

2.4. LSA: means an agreement executed between the Her Majesty the Queen in Right of Ontario, as represented by the Attorney General and the City, pursuant to the Streamlining of the Administration of the POA with respect to the transfer of POA functions to the City, dated March 13, 2000.

2.5. MOU: means the memorandum of understanding between Her Majesty the Queen in Right of Ontario, as represented as the Attorney General, and the City, pursuant to the Streamlining of the Administration of the POA, with respect to the transfer of POA functions to the City, dated March 13, 2000.

2.6. POA: means the Ontario Provincial Offences Act R.S.O. 1990, Chapter P.33

2.7. Write-Off: means the removal of a Fine from the City's accounts receivables and from ICON. Written-off shall have a corresponding meaning.

Policy Name: Write-Off of Uncollectable Defaulted Provincial Offence Fines

3. Persons Affected

- 3.1. City Solicitor
- 3.2. Treasurer
- 3.3. City Council

4. Policy Statement

- 4.1. It is the policy of the City to ensure that:
 - 4.1.1. a Fine shall be subject to write-off once it is deemed uncollectable;
 - 4.1.2. the subsequent write-off of aging and defaulted Fines under which the POA accounts receivable shall be deemed uncollectable and eligible for write-off are in accordance with the write-off directive and operating guidelines established by the MOU and the LSA;
 - 4.1.3. a detailed accounting of the total number of Fines owing to the City and the associated monetary value to be written off are provided to City Council annually for review and approval.

5. Responsibilities

- 5.1. The City Solicitor shall ensure:
 - 5.1.1. the City's POA court is operated in accordance with the MOU and the LSA;
 - 5.1.2. court imposed Fines are enforced and collected, in consultation with the Treasurer.
- 5.2. The Treasurer shall review and approve overdue POA Fines and make recommendations to City Council for amounts to be written off annually.
- 5.3. City Council shall review and consider recommendations from the Treasurer regarding the write-off of Fines and approve the amount to be written off by the City.

Policy Name: Write-Off of Uncollectable Defaulted Provincial Offence Fines

6. Procedures

6.1. The City Solicitor, in consultation with the Treasurer, shall deem a Fine uncollectible when:

- 6.1.1. it has not been paid in full; payment is overdue for at least six years and it is not the subject of current civil enforcement action, or if the Fine is less than six years overdue for payment and one of the following conditions exist:
 - i. the person owing the Fine is deceased and collection from the estate is impractical or has been unsuccessful;
 - ii. the entity owing the Fine is a business or organization that has claimed bankruptcy and collection efforts are unsuccessful or are impractical given that such efforts would not likely result in payment of the Fine;
 - iii. the entity owing the Fine is a business or organization that is no longer in operation and has no assets against which the City can pursue a claim, making collection from the defunct entity impractical;
 - iv. the person or entity owing the Fine cannot be located;
 - v. the amount owed is \$25 or less;
 - vi. collection of the Fine is required to be discontinued due to a legislative requirement, a court order or a provincial or federal government directive.

6.2. The City Solicitor shall provide to City Council, annually, a summary of the total number of Fines and the associated monetary value to be written off that year and shall:

- 6.2.1. ensure that ICON is coded to write-off the Fines contained within the accounting provided for write-off;
- 6.2.2. retain on file documentation of each case identified for write-off including:
 - i. a copy of the original Certificate of Offence or Part III Information;
 - ii. a record of the costs and fees included in the outstanding Fine amount;
 - iii. documentation as to all collection activities undertaken with respect to the Fine; and
 - iv. the reason for the fine being written-off.

6.3. The City Solicitor will retain an itemized list from the City's POA Court and ICON detailing each Fine written-off once the Fines are removed from ICON for the purposes of any potential future collection.

BY-LAW NUMBER 2015-

**A BY-LAW TO ADOPT A POLICY FOR THE WRITE-OFF OF UNCOLLECTABLE
DEFAULTED PROVINCIAL OFFENCE FINES**

Passed:

Whereas the City of Kingston administers the Provincial Offences Court on behalf of the Province of Ontario, Ministry of Attorney General; and

Whereas the Province has established a "Write-Off Directive and Operating Guideline" which allows for a municipality to create a write-off policy establishing protocols under which certain Provincial Offences Act accounts receivables may be deemed uncollectable and eligible for write-off; and

Whereas there are some fines which are uncollectable by the municipality and it is in the best interest of the municipality to write them off as such;

Therefore be it resolved that the Council of the Corporation of the City of Kingston hereby enacts as follows:

1. The policy for the Write-Off of Uncollectable Defaulted Provincial Offences Fines, attached hereto and marked as Schedule "A", is hereby adopted.
2. This By-Law shall come into force and take effect on the date of its passing.

Given all Three Readings and Passed:

**JOHN BOLOGNONE
CITY CLERK**

**BRYAN PATERSON
MAYOR**