



A Case for Expanding Administrative Monetary Penalties

November 23, 2021

Project Scope

Review	Review Administrative Monetary Penalties (AMPs) parking enforcement processes using LEAN Six Sigma methodologies to identify best practices.
Assess	Assess opportunities for using AMPs for non-parking regulatory bylaws currently enforced through provincial offences court
Benchmark	Benchmark against other municipalities that have expanded AMPs
Develop	Develop fully integrated AMP program and strategy with cost/benefit analysis, technological solutions, and policies
Provide	Provide recommended future state business process maps that are LEAN/best approach to adjudication, e-ticketing system in 2021.
Present	Present a business case for a fully integrated AMPs program with recommendations and implementation roadmap

Tipping Point – Provincial Court Crisis



SIGNIFICANT
SCHEDULING
DELAYS FOR
MUNICIPAL
OFFENSES –
WORSE DUE TO
COVID



REDUCED
COURT HOURS
FOR MUNICIPAL
OFFENSES



TEST CASE TO
THROW OUT
ADMINISTRATIVE
OFFENSES,
INCLUDING
MUNICIPAL
OFFENSES, FOR
'UNREASONABLE
DELAY' IN
BRINGING
MATTER TO
COURT

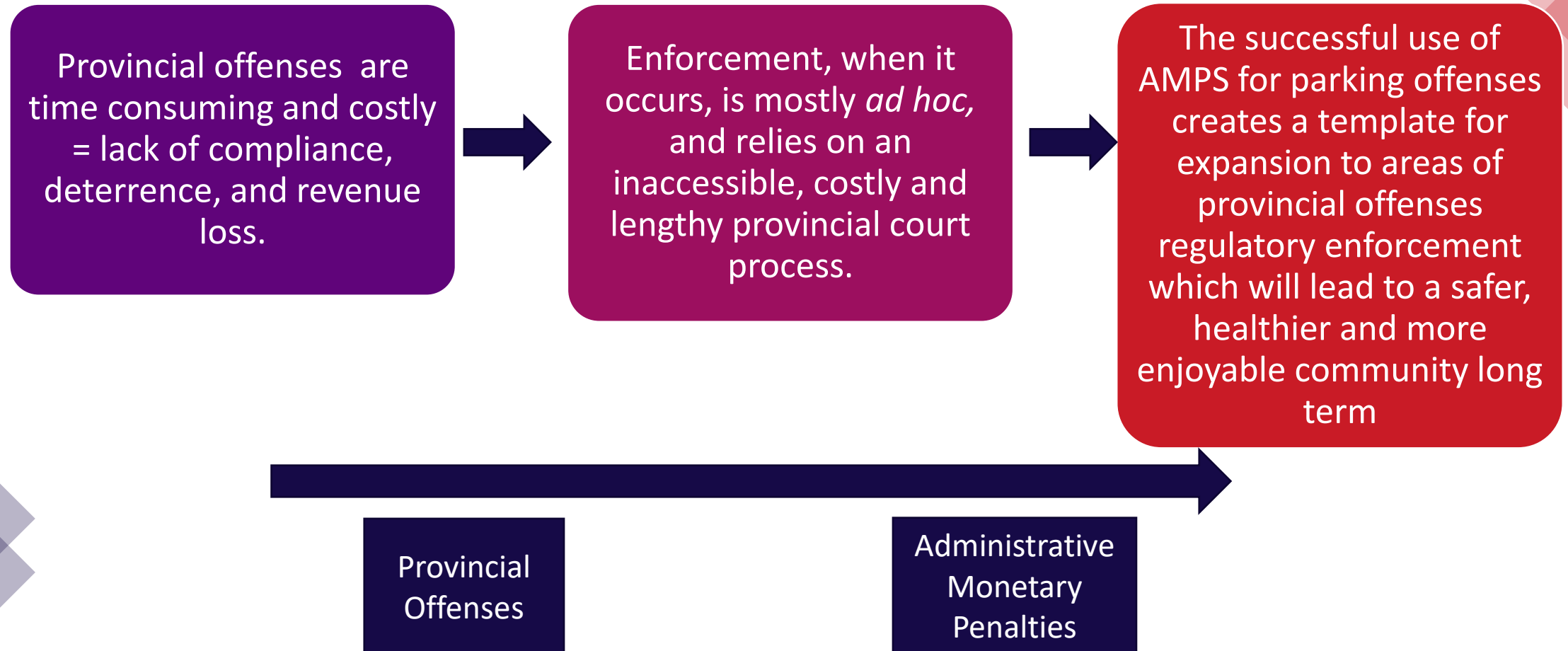


LOSS OF
CONFIDENCE IN
MUNICIPAL
ENFORCEMENT
OF REGULATORY
BYLAWS



COMMUNITY
RISK TO HEALTH,
SAFETY, AND
ENJOYMENT

Problem to Solution





brief history

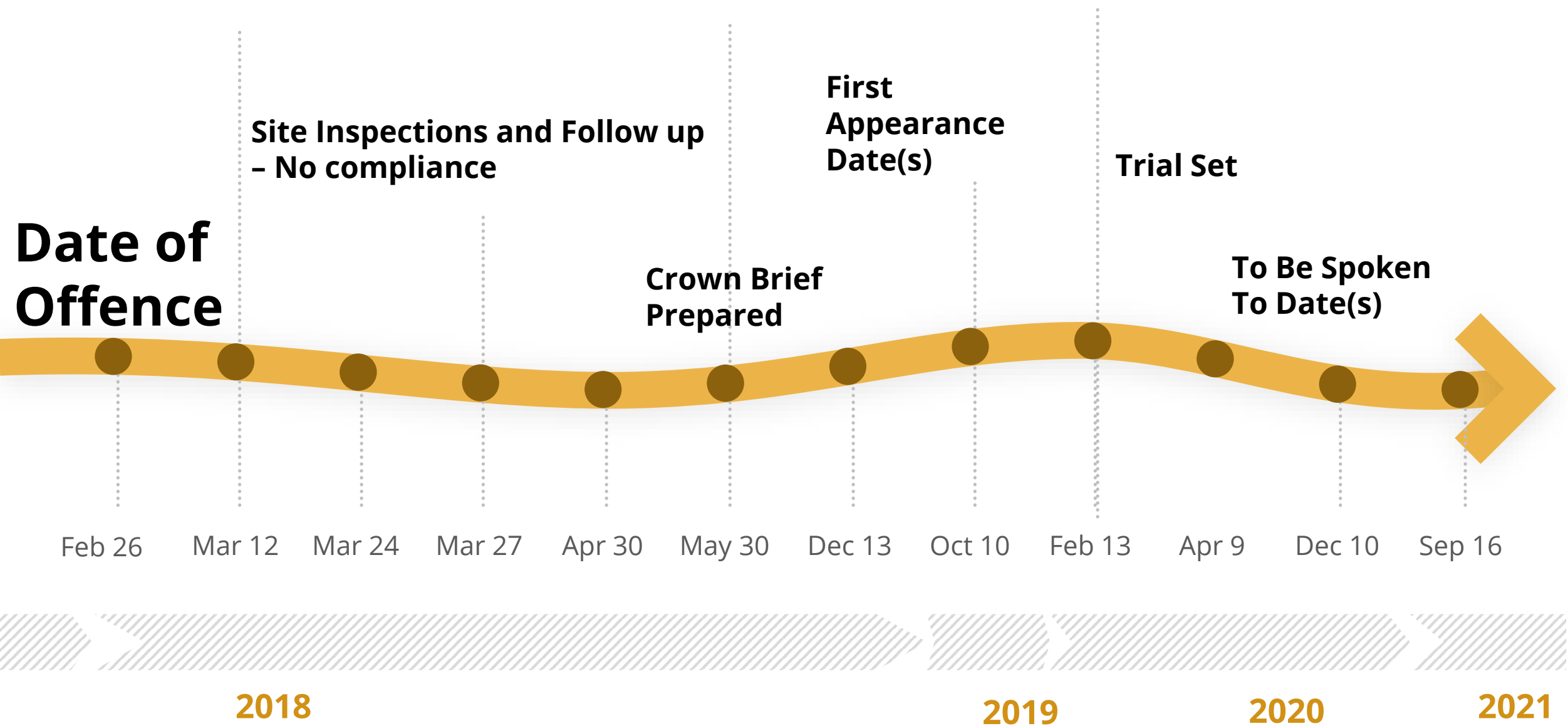
Provincial Offences

All provincial offences in Ontario, including municipal bylaw infractions, heard by Ontario Court of Justice pursuant to the *Provincial Offences Act 1990*

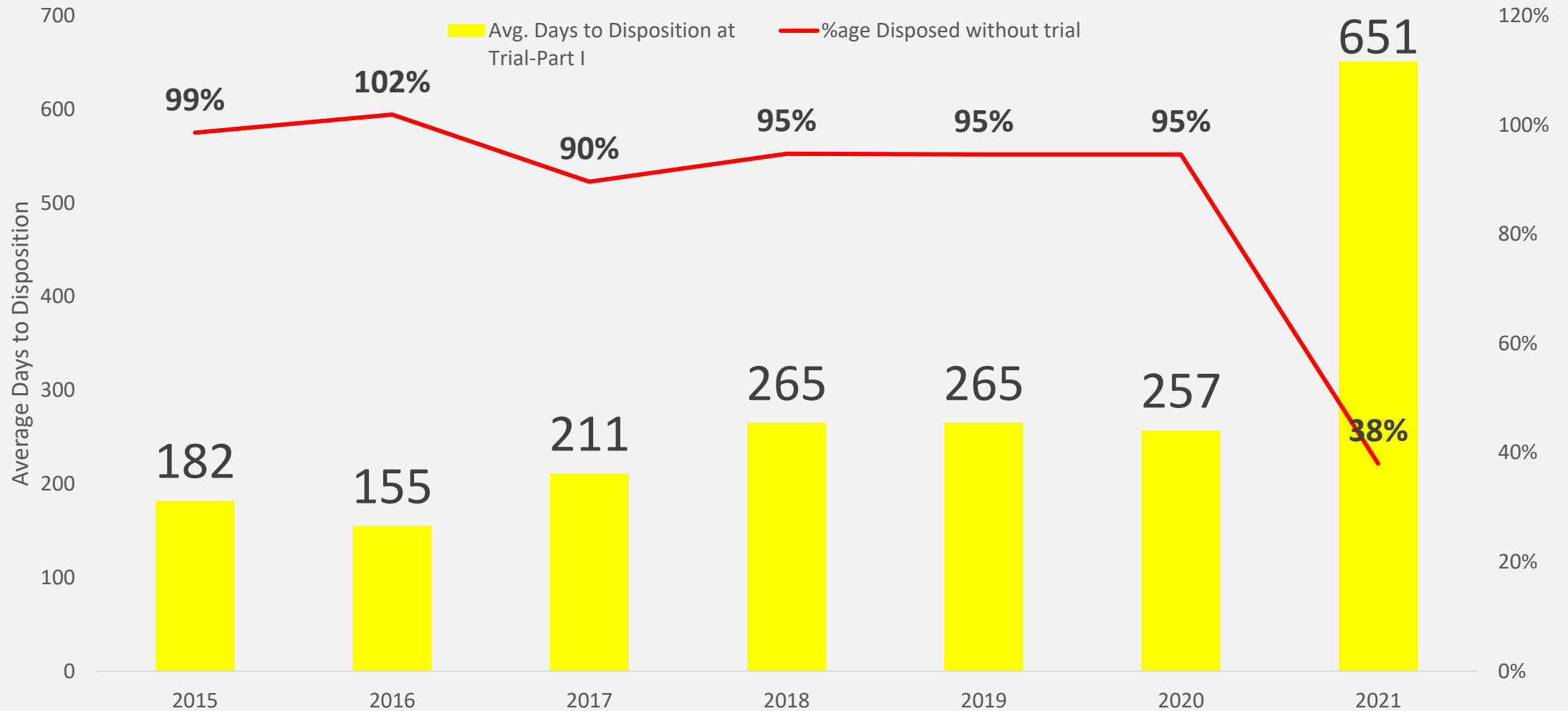
Except for parking offenses, over 230 Markham bylaw offenses rely on the Ontario Court of Justice to ensure enforcement and collection of fines and fees

A real Markham POA Case Timeline – Yard Maintenance Offence

1298 days (3.5 years)
\$456 fees collected
Estimated hours = 40 or \$4k

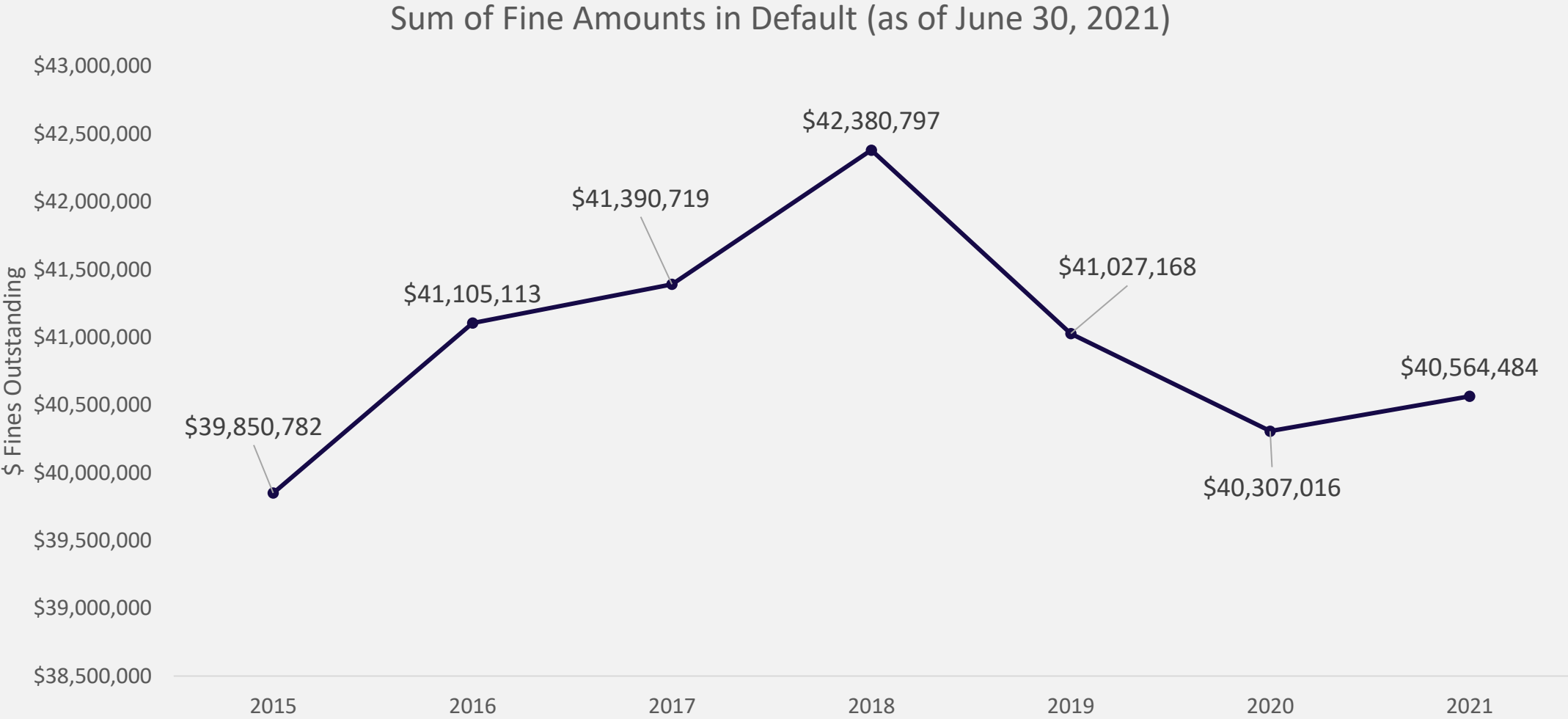


Provincial Court - Current State – York Region



Note: Days to disposition does not include the time from the offence date to filing (approx. 4-6 months)
Due to delays, the disposition may occur in a year after the filing
No cases heard from Jun-Oct 2020

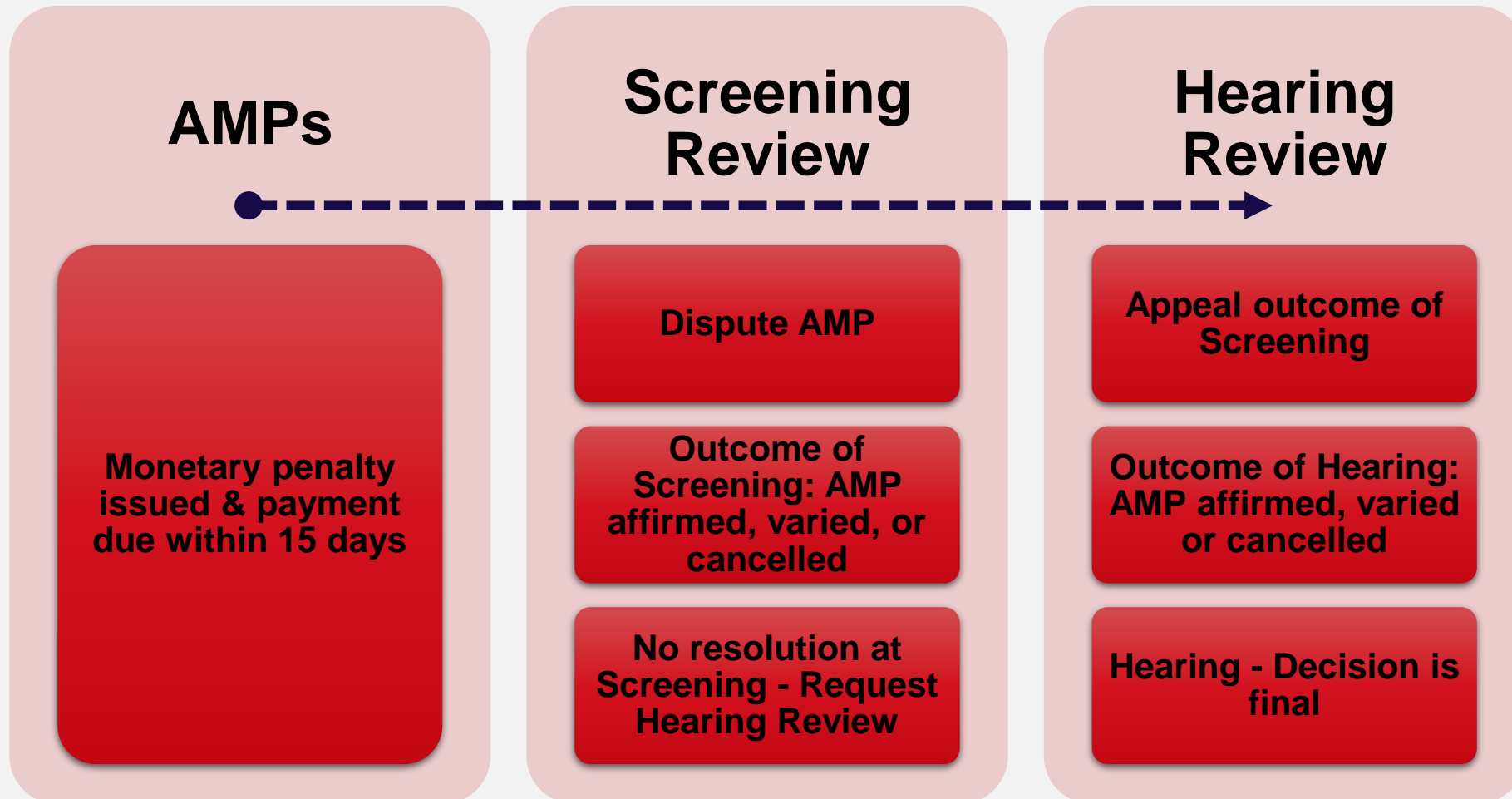
Provincial Court - Current State – Municipal Bylaw Fines outstanding – Provincial wide





What are AMPS and Why Use Them?

City of Markham AMPS



Benefits of Expansion – Supports Strategic Plan

Improves Customer Service:

- More flexibility regarding penalty resolution
- Appeal process is less intimidating than the provincial courts system.
- Less time consuming

Saves Time and Money:

- Less time spent processing infractions = reduced cost
- System closes loopholes that contribute to non-payment of penalties
- Time saved - no longer need to prepare for and attend provincial court.
- Savings in enforcement costs.

Increases Revenues:

- Reduced overall numbers of disputes raised
- Increased revenue
- More timely payment

Heightens Municipal Control:

- Hearings' schedule is within municipal control
- Better manage overtime costs of those that appear at a hearing

Increases Court Capacity:

- Reduces backlog and congestion in provincial courts = increased capacity for more serious provincial offences



MARKHAM PARKING AMPS LAUNCHED

AMPs considered to be very successful in streamlining the process and reduced related Provincial Offences Court workload.

2015

MARKHAM AMPS EXPANSION BYLAW PASSED

By-law 2016-84 to allow for the expansion of the application of AMPs to all City regulatory by-laws.

2016

MARKHAM AMPS EXPANSION PROJECT

Municipal Modernization Funding – Project to review expansion of AMPs to other by-law infractions and develop business case.

2021

ADMINISTRATIVE MONETARY PENALTIES



**Animal Protection and
Services**



**Mobile Business
Licensing**



Public Nuisances



**Stationary Business
Licensing**



Water Meters



Rapid Key Boxes



Prescribed Times for Setting Fires

**AMPS
BYLAW FOR
NON-
PARKING
OFFENCES**



benchmarking analysis

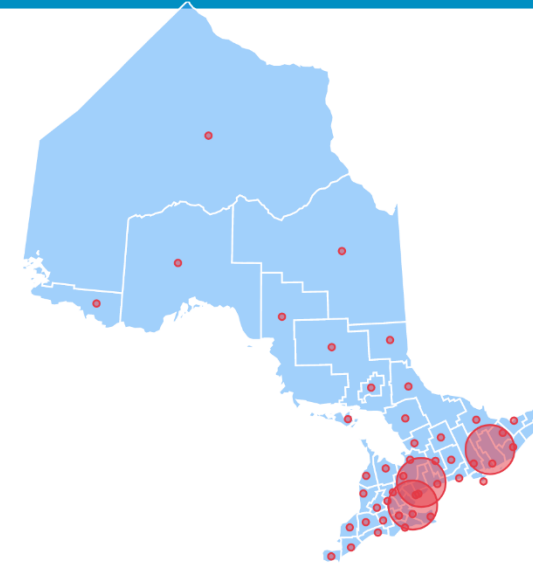
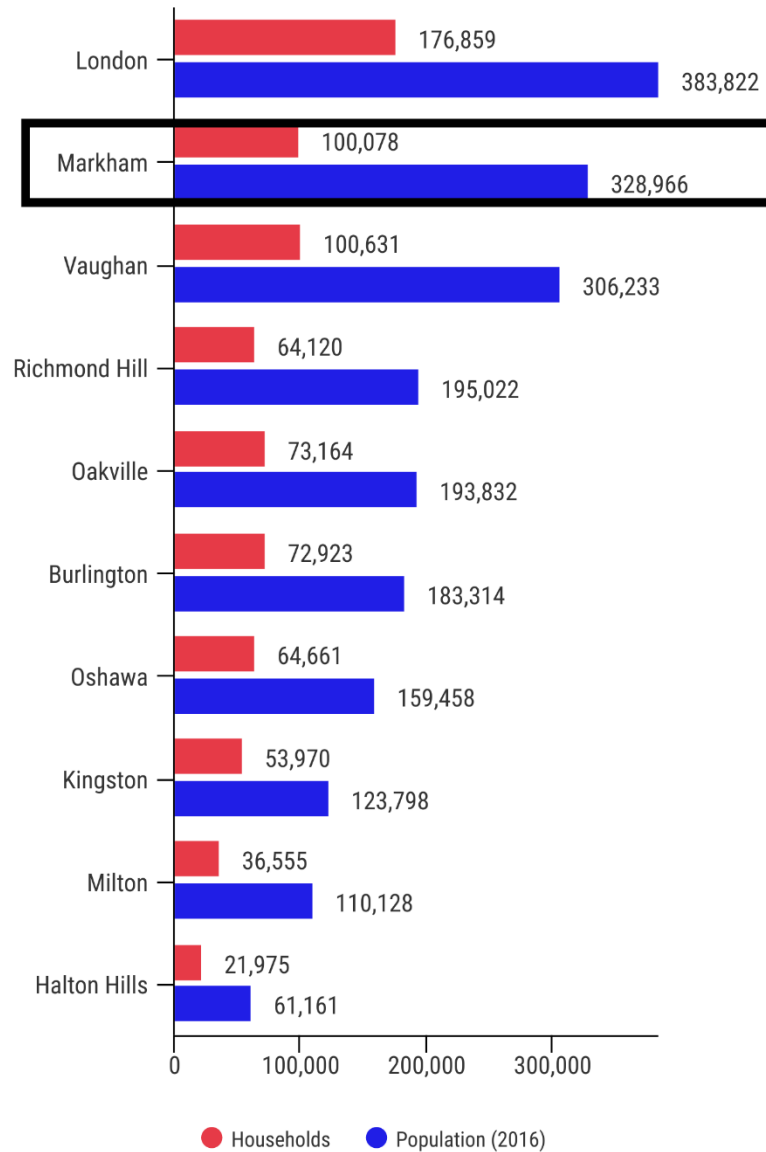


MK BENCHMARKS

B
E
N
C
H
M
A
R
K
I
N
G

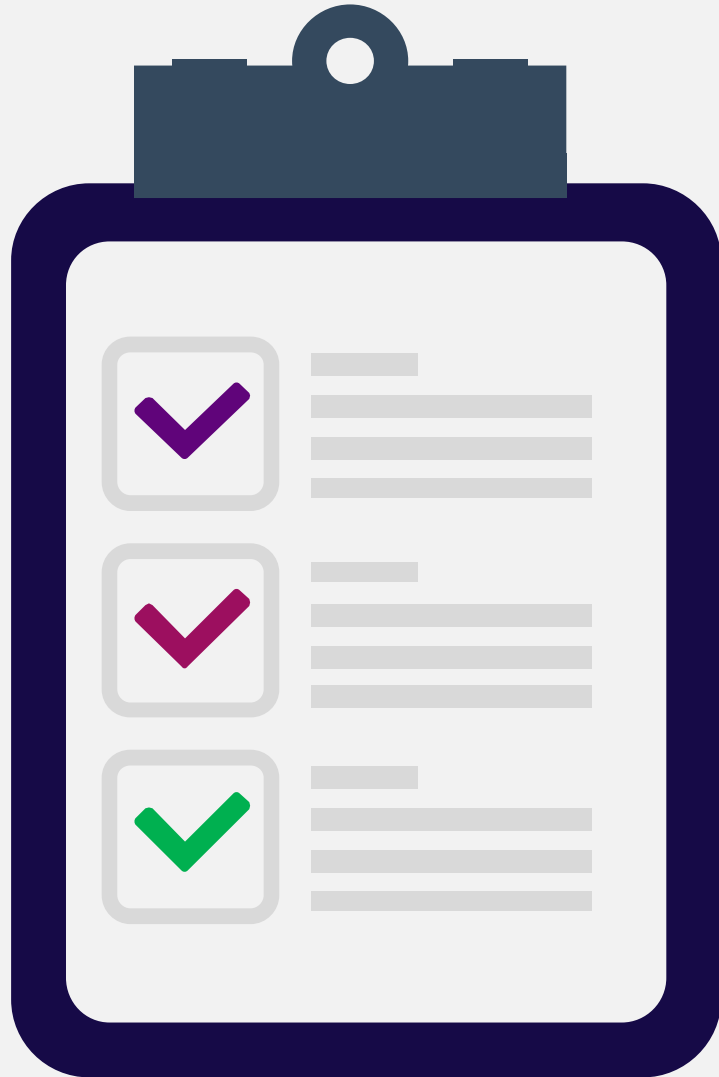
S
U
R
V
E
Y

Population & Households



Municipality	Population % (2016-2011) Change	Land area	Population density Km 2
London	4.80%	420.35	913.10
Markham	9.00%	212.35	1,549.17
Vaughan	6.20%	273.56	1,119.44
Richmond Hill	5.10%	101.11	1,928.81
Oakville	6.20%	138.89	1,395.58
Burlington	4.30%	185.66	987.36
Oshawa	6.60%	145.64	1,094.88
Kingston	0.40%	451.19	274.38
Milton	30.50%	363.22	303.20
Halton Hills	3.60%	276.27	221.38

Benchmarking Survey Results



Staff Model - 80% of the municipalities have a separate Bylaw Enforcement Unit responsible for more than 76% of all bylaws



Hours of Service – all but Oakville (24/7) and Kingston (12 hr shifts) operate standard hours except for parking



AMPS Penalty Revenues – Experience varies and not fully tracked but Oakville and Vaughan seeing non-parking AMPS between \$1.3 – 2.3 million

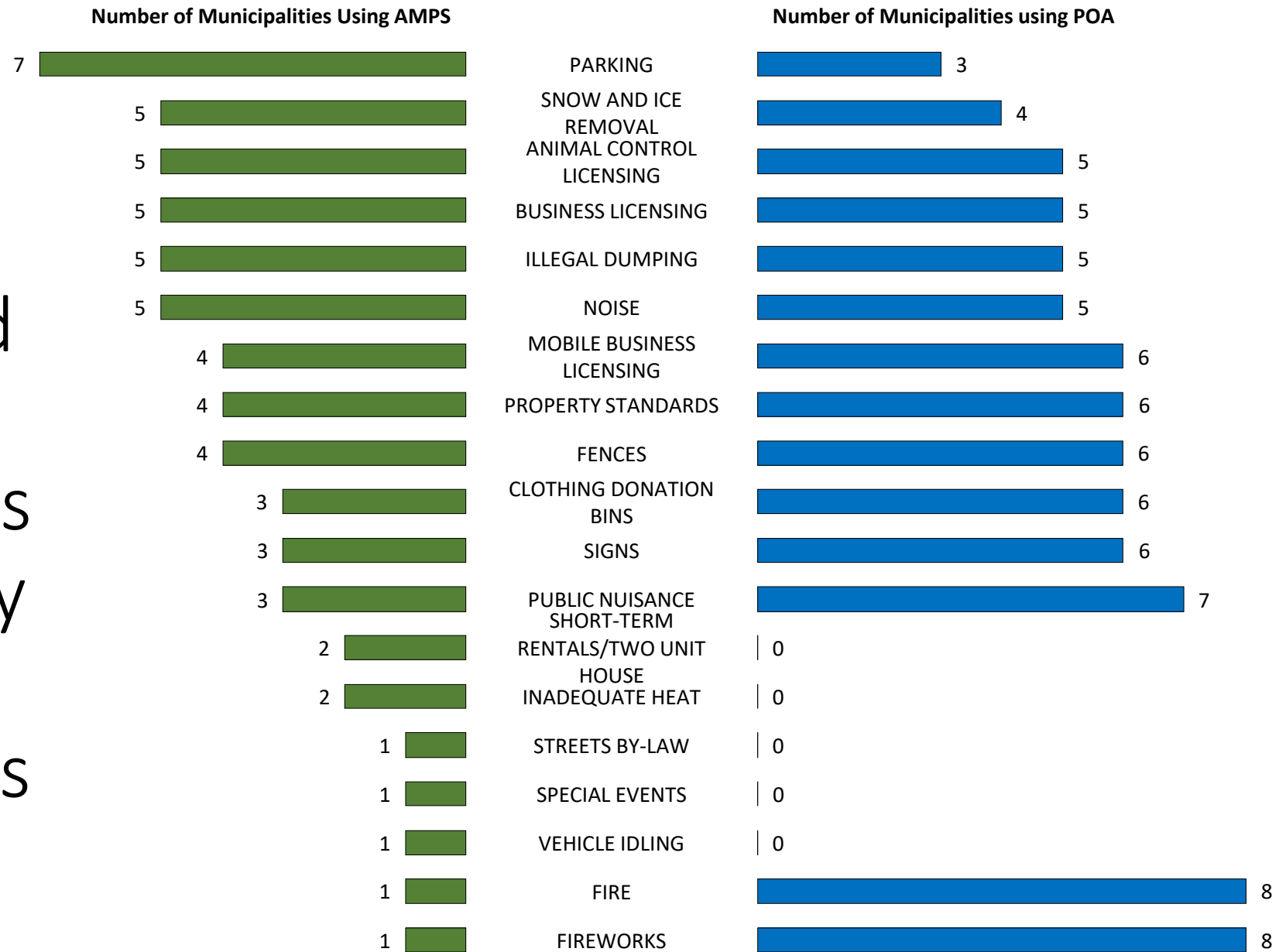


AMPS Resolution – 51% Reduction in time to resolve, less than 15% Screenings, <1% Hearing Requests, Less than 2 cases to Court in past 3 years.

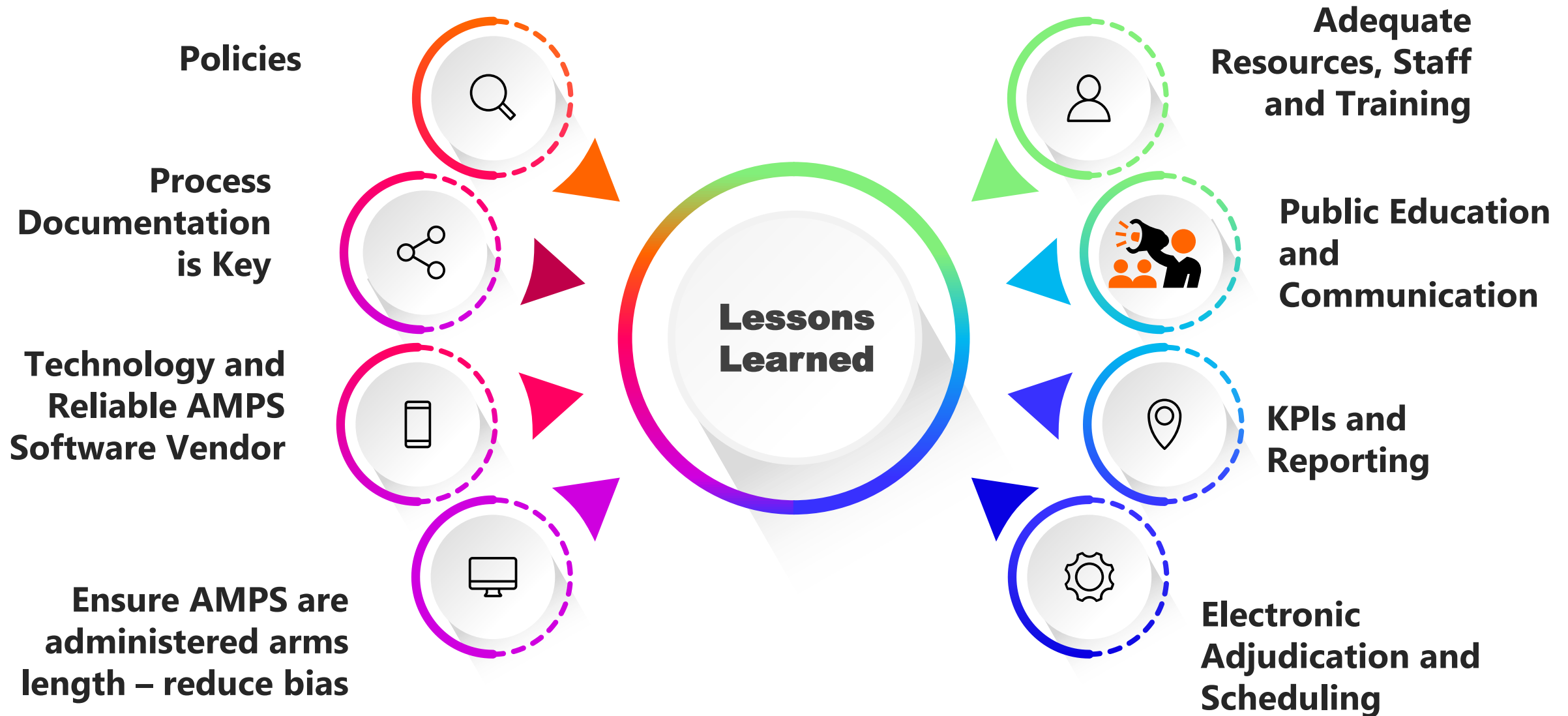


Technology– Most using AMANDA and Gtechna – like Markham ~ \$50-100k implementation

Key Findings:
AMPS is used
across
municipalities
for regulatory
enforcement
in many areas



Key Findings Lessons Learned in AMPS Expansion




**Current
State**



**Target
State**

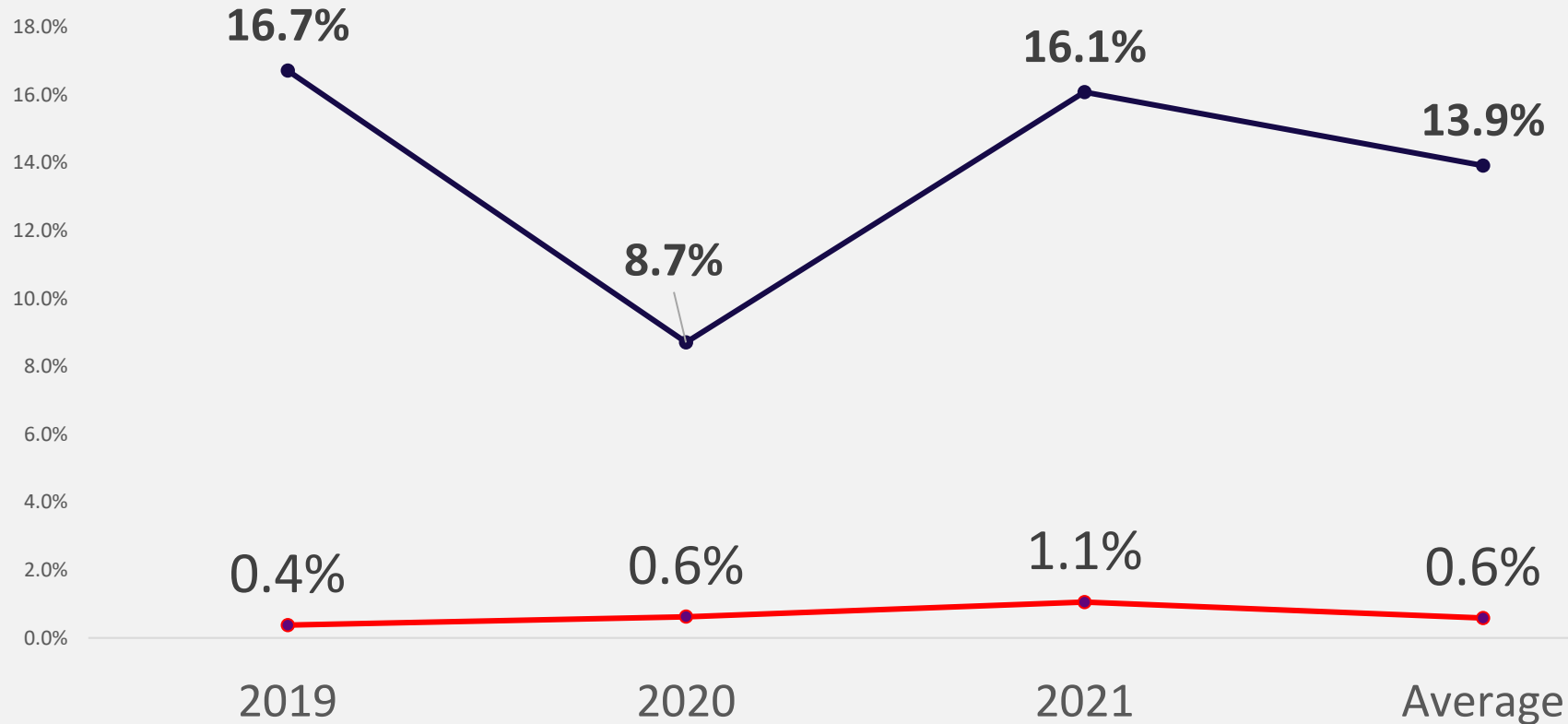
City of Markham
Current State

Markham AMPS Parking Bylaw Enforcement 2015

- AMPS parking enforcement functions well
 - Opportunities for improvement include:
 1. Streamlining business processes for ticket issuance, screening, and adjudication;
 2. Greater use of digital tools (eg. digital e-ticketing)
 3. Better performance management through measures
- 

MARKHAM PARKING AMPS – PARKING RESULTS

%age of Parking Tickets Disputed under AMPS



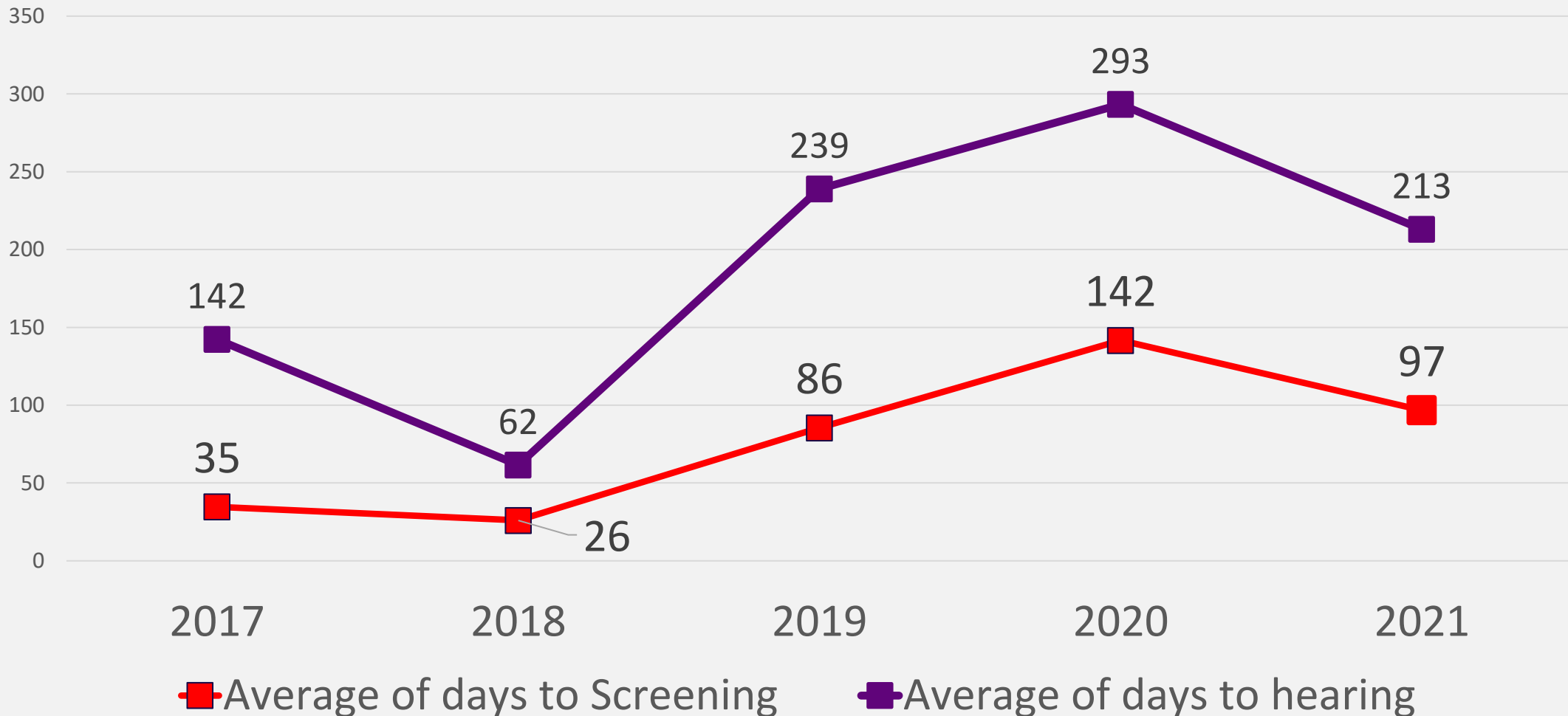
**114,440 TICKETS
ISSUED OVER 3 YEARS (15,930 SCREENINGS
AND 670 HEARINGS
REQUESTED)**

**TOTAL OF 8%
REDUCTION IN TICKET
FINES FROM
SCREENINGS AND
HEARINGS**

—●— %age Parking Violations requesting Screening

—●— % Hearings Requested

AMPS – PARKING – AVG DAYS TO RESOLVE SCREENING & HEARINGS

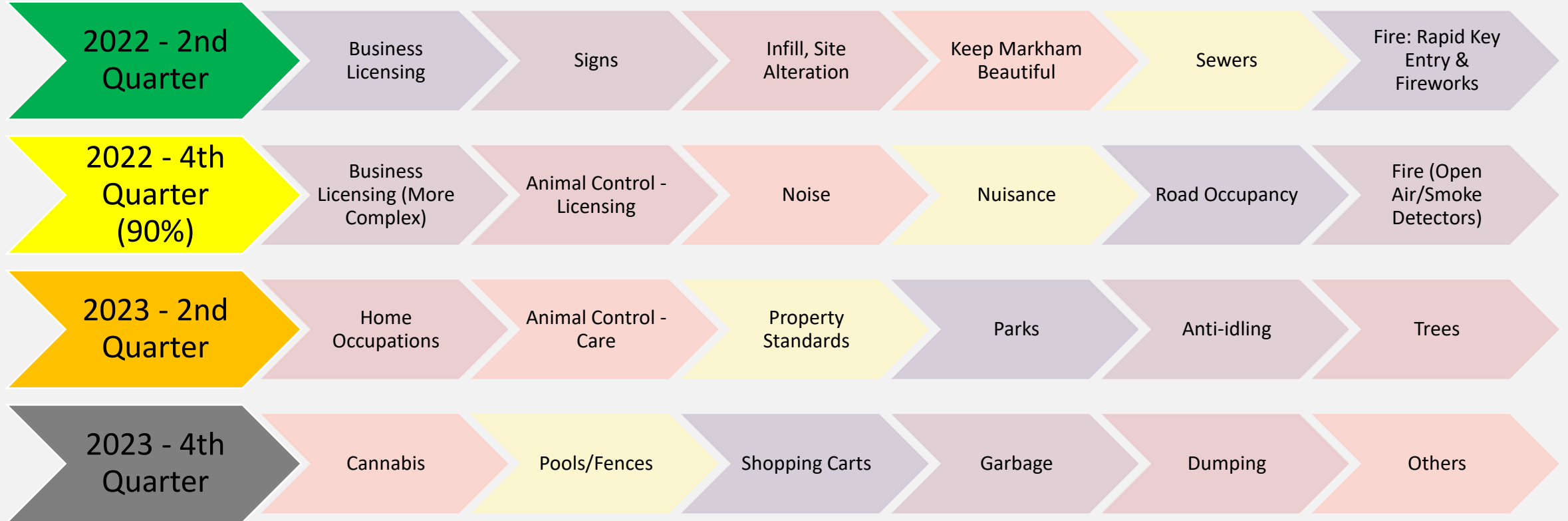


RECOMMENDATIONS



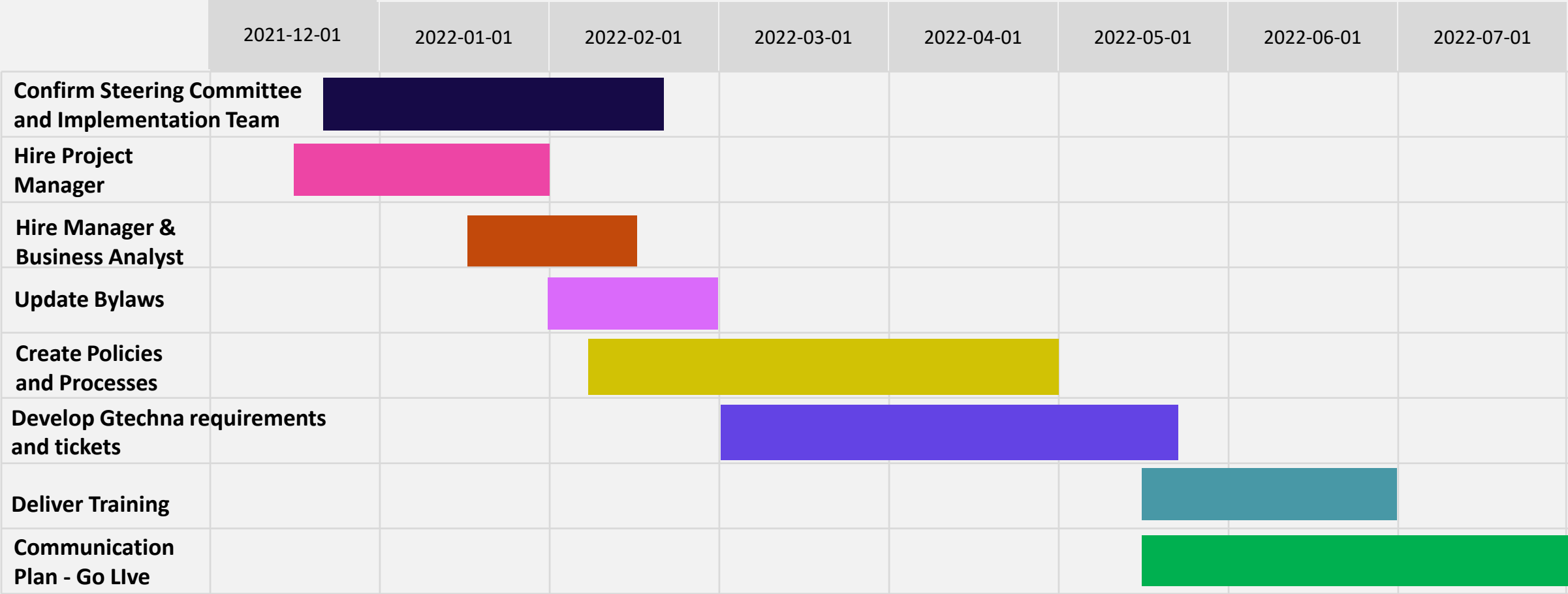


RECOMMENDED PHASING OF AMPS – OPTION 1

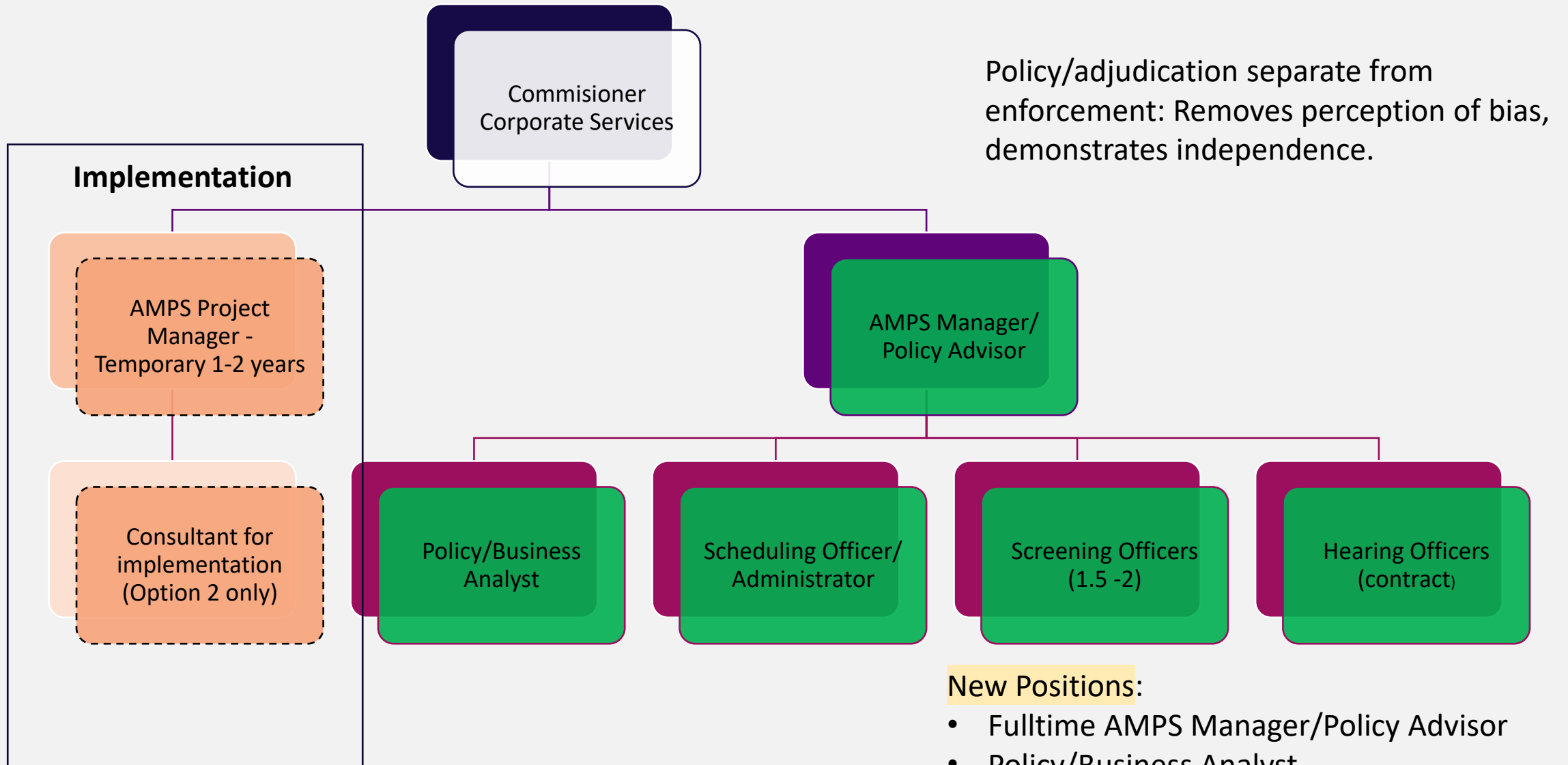


OPTION 2: IMPLEMENT ALL AMPS BY 2Q 2022

IMPLEMENTATION PLAN



Organization Structure - Policy, Adjudication



Performance Metrics and Reporting



Reinforce the requirement to capture time worked on enforcement applications in AMANDA before and after AMPS implementation



Develop, track, and publish performance measures specifically to monitor the progress and return on investment of the AMPS implementation and other process improvements



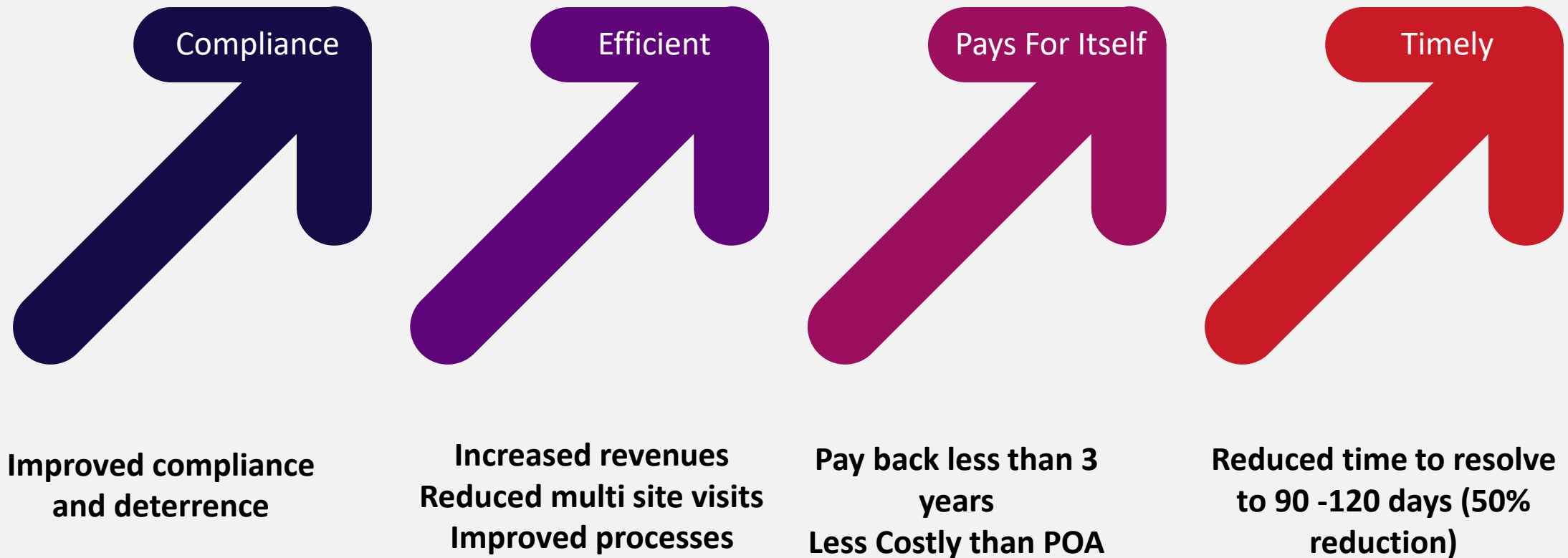
Develop a stakeholder feedback mechanism to assess the degree to which customer expectations are met. This should be both ongoing and point in time.

Financial Implications - AMPS

	Year			Estimated Savings/Costs Avoidance - 10 years	
Description of Revenues and Costs	2022	2023	2024	Low	High
Total Estimated Revenues by year	-\$94,000	-\$440,000	-\$860,000	-\$3,998,000	-\$7,414,000
Staffing Expenses	\$353,148	\$433,548	\$433,548	\$3,531,475	\$4,255,075
One Time Expenses (implmentation costs)	\$350,000	\$170,000	\$20,000	\$400,000	\$680,000
Total Estimated Expenses by year	\$703,148	\$603,548	\$453,548	\$3,931,475	\$4,935,075
Total Cost/Revenues by year	\$609,148	\$163,548	-\$406,452	-\$66,525	-\$2,478,925
Total Estimated Savings/Increased Capacity by year	-\$122,235	-\$244,470	-\$266,470	-\$1,222,351	-\$2,498,468
Total Costs (Savings) by year - Option 1 - PAYBACK JULY 2024	\$486,912	-\$80,923	-\$672,923	-\$1,288,876	-\$4,977,392
Total Costs (Savings) by year - Option 2 - PAYBACK JAN 2024	\$713,312	-\$430,923	-\$672,923	-\$1,440,876	-\$5,100,992

Note: Option 2 has higher implementation costs in 2022 BUT will result in earlier AMPS and increased revenues/savings.

Expected Outcomes – AMPS Implementation



QUESTIONS?





WSCS Consulting

Think Beyond

Tammy Carruthers
Principal & CEO

BA CPA, CGA CFE CICA PMP CLSSBB CCA MCITP CISA CCP

(T) 613-267-7521
(F) 613-267-7826
(C) 613-812-0776

RR3
Perth, ON
K7H 3C5

wscsconsulting.com