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# HALDIMAND COUNTY

## Report CS-PSB-02-2018 User Fees and Charges for Policing Related Activities

For Consideration by the Police Services Board on October 24, 2018

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### OBJECTIVE:

To present Haldimand County's Police Services Board with recommendations to update and revise the user fees that should be charged for certain policing related activities.

### RECOMMENDATIONS:

1. THAT Report CS-PSB-02-2018 User Fees and Charges for Policing Related Activities be received;
2. AND THAT, for the reasons outlined in Report CS-PSB-02-2018, the Police User Fees and Service Charges PSB By-law #16/13 be rescinded, effective immediately;
3. AND THAT the amended False Alarm Response user fees, as reflected in Attachment #4 to Report CS-PSB-02-2018, be approved and recommended to Haldimand County Council for adoption by resolution, effective January 1, 2019;
4. AND THAT the appropriate By-law be passed, conditional on Haldimand County Council approval.

**Respectfully submitted:** Karen General, CPA, CGA, General Manager of Corporate Services

### EXECUTIVE SUMMARY:

User fees and service charges help generate revenue to offset some of the burden on the general property taxpayer for policing services. Haldimand County's policing user fees were last reviewed four years ago. In recent years, the Haldimand Ontario Provincial Police (OPP) Detachment has stopped adhering to some of the fees outlined in the Haldimand County By-laws and, instead, have been applying the OPP's Provincial standard charges.

County staff have reviewed the inconsistencies and recommend repealing the conflicting Haldimand by-law. As the Haldimand OPP are continuing to comply with the False Alarm Response Fee program, that By-law is recommended to remain in effect but with updates for easier administration.

The Police Services Board recommendations and by-laws will not take effect until Haldimand County Council passes a resolution of support. Staff's intent is to take a report to the Council in Committee meeting on October 30, 2018 so that the updated schedule(s) can be in place on January 1, 2019 and remain in effect until other future cost or tax adjustments become applicable.

### BACKGROUND:

Since 2006, the Haldimand County Police Services Board (PSB) and Haldimand County Council have enacted By-laws to impose user fees and charges for various services and activities provided by the Ontario Provincial Police. Authority to impose these fees came from Section 391 of *The Municipal Act*, S.O. 2001, c.25. In 2010 and 2012, these user fees underwent significant review in comparison to other

municipalities' policing charges, with resulting amendments to the by-laws. The Haldimand County fees were last increased in 2014, a year prior to implementation of the new OPP Municipal Policing Billing Model. No changes have been made to Haldimand PSB By-laws 16/13 and 17/13 (Attachments #1 and #2, respectively) in the past four years.

In recent years, County staff have noticed an inconsistency in the user fees charged by Haldimand OPP, in comparison to our approved By-laws. Discussions with local detachment personnel have led to the conclusion that the OPP has been directed to follow the Provincial schedule of fees and charges (Attachment #3) in order to maintain consistency from one OPP detachment to another. An exception to this approach relates to Haldimand's False Alarm Response program, which the local detachment is partially adhering to in terms of the By-law.

The recommendations in this report have not been reviewed with the local OPP Detachment given challenges in scheduling such discussions. County staff briefly discussed this issue with the County solicitor, in terms of the authority to set local user fees for policing services, and advise that the time and expense needed to pursue further is not justified given the overall revenue collected to offset some of the local policing services.

## **ANALYSIS:**

### **Police User Fees & Charges (By-law 16/13)**

Staff propose that Police Services Board (PSB) By-law 16/13 be repealed given that the Haldimand OPP Detachment is applying user fees based on the Provincial OPP Schedule. In making this recommendation, staff have compared the Provincial OPP fee schedule with the County's by-law and identified the following:

- The OPP's 2018 fees, for the same services, are lower than the County's charges (based on 2014 policing costs and comparison to other municipal police forces), meaning that less of the cost is being absorbed by the user resulting in more taxpayer subsidy, as follows:
  - Technical traffic collision & reconstructionist reports (generally paid for by insurance companies): OPP fee is 12% lower
  - Occurrence/Incident reports & statements: OPP fee is 33% lower
  - Criminal record checks for employment purposes: OPP fee is 33% lower except, due to a recent complaint, the County has learned that the OPP applies this fee to College/University students who are needing such a check for a co-op placement.
  - Criminal record checks for volunteers: both are the same at no charge (with the exception of the note above for co-op placements.). Given the number of volunteers in Haldimand County, it is of prime local importance that individuals not be charged for this service.
  - Paid Duty: this is not the charge for the officer's time (which is to be fully cost recovered) but is an administrative and vehicle usage fee. The current OPP fees are significantly lower than the County's 2015 calculation, meaning the costs are likely being subsidized.
- Since January 2015, Criminal Record Checks have been mailed out by the detachment, which has eliminated the requirement to charge the \$35 fee associated with unclaimed documents (a fee which the local OPP had previously requested be imposed due to the high volume of unclaimed reports).
- Fingerprint charges have been affected by recent years' changes related to RCMP scans; as a result, the comparison to past fees is not relevant.

It should be noted that the OPP have indicated a provincial review of their fees is being undertaken. If and when that occurs, the local detachment will be charging the revised Provincial OPP fees and charges. County staff stress that the messaging related to the policing user fees, outlined on Attachment #3, needs to be clear from the Detachment personnel – these are not charges that have been locally determined but are Provincial OPP directives.

### **False Alarm Response (By-law 17/13)**

On the other hand, the False Alarm Response program (By-law 17/13) is a local policing program that was first initiated at the request of the Detachment. However, over time, parts of this by-law have either not been administered or have proven challenging from a workload perspective. As per the current by-law, the OPP were to maintain an “Alarm Registry” for the purpose of providing officers with contact information related to a premise in order to assist the response to alarm calls. Due to changes in software, OPP processes, and the limitation of officers’ access to the information while on the road, the Alarm Registry is no longer used by the detachment. Given the administrative time and costs required to collect the registration forms and fees, as well as the fact that the registration information is not useful for the OPP, staff are recommending removing the alarm registration process from the by-law.

County staff contacted other local OPP Detachments to determine if the False Alarm Response Program was in place in those municipalities, with the following results:

- Brant County:
  - No registration process
  - “At Fault” False Alarm:
    - First response per calendar year = no charge
    - Second and subsequent response per calendar year = \$100 each
- Norfolk County:
  - Registration fee: \$45 per annum
  - “At Fault” False Alarm:
    - First response per calendar year = no charge
    - Second response per calendar year = \$75 registered; \$100 unregistered
    - Third response per calendar year = \$150 if registered; \$200 unregistered
    - Fourth response per calendar year = \$200 if registered; \$300 unregistered
    - Fifth and subsequent response per calendar year = \$400 registered; \$500 unregistered
  - Notice of Appeal Application to the Police Services Board: \$45

It is recommended that Haldimand County’s False Alarm Response program mirror that of Brant County’s given its simplicity and ease of administration. The only recommended change is that the fee be set at \$125 for second and subsequent responses. This is more reflective of the actual cost of \$127 per call for this policing service, based on the 2019 OPP Billing Estimate - Operational Type 2 Calls for Service (as outlined in report CS-PSB-03-2018). The 2019 Billing Estimate documents also identifies the actual 2014 to 2017 calls for service for false alarms in Haldimand County.

Consistent with past practice, the PSB user fees should be ratified by resolution of County Council. Staff propose that the recommendations outlined in this report be presented to the October 30, 2018 Council in Committee meeting. By including a clause allowing the by-law to only come into effect after ratification by Haldimand County Council, the revised policing related user fees may be implemented without having to be further approved by the PSB at a subsequent meeting.

## **FINANCIAL/LEGAL IMPLICATIONS:**

The County's approved 2018 Policing Budget reflects total user fee revenues of \$57,000. This represents less than 1% of the contracted OPP Policing costs budgeted for 2018 (\$7.4 M). This user fee revenue has decreased over time given the OPP's use of the Provincial Schedule of Fees which does not reflect full cost recovery. As a result, the general taxpayer is subsidizing more of the costs of these user specific services.

It should be noted that the County directly bills and collects the False Alarm Response Program fees while some of the OPP user fees are remitted to the policing related user fees and charges are collected by the OPP and remitted to the County on a monthly basis, while others are part of the annual billing reconciliation process.

## **STAKEHOLDER IMPACTS:**

Using information supplied by the OPP, County staff will process the billing and collect the fees for false alarm responses.

## **ATTACHMENTS:**

1. Haldimand County Police Services Board By-law #16/13
2. Haldimand County Police Services Board By-law #17/13
3. OPP Schedule of Fees, effective July 1, 2018
4. Amended False Alarm Response Program By-law