
TO: **GENERAL COMMITTEE**

SUBJECT: **AUTHORIZED REQUESTER AGREEMENT WITH MINISTRY OF TRANSPORTATION**

WARD: **ALL**

PREPARED BY AND KEY CONTACT: **R. BATES, MANAGER OF COURT SERVICES, EXT. 4432**

SUBMITTED BY: **D. MCALPINE, CITY CLERK/GENERAL MANAGER OF COMMUNITY AND CORPORATE SERVICES**

GENERAL MANAGER APPROVAL: **D. MCALPINE, CITY CLERK/GENERAL MANAGER OF COMMUNITY AND CORPORATE SERVICES**

CHIEF ADMINISTRATIVE OFFICER APPROVAL: **M. PROWSE, CHIEF ADMINISTRATIVE OFFICER**

RECOMMENDED MOTION

1. That the Manager of Court Services be authorized to execute a Authorized Requester Agreement with the Ministry of Transportation for Court Services for Collection Purposes, to assist in locating new addresses for defendants with outstanding Provincial Offences Fines.
2. That the Manager of Court Services be authorized to execute amendments to any Authorized Requester Agreement with the Ministry of Transportation where the amendments are in keeping with the general intent and purpose of the original agreement.

PURPOSE & BACKGROUND

3. The Ministry of Transportation maintains a computer database containing information pertaining to driver, vehicle and commercial motor carrier records. The Authorized Requester Information System (ARIS) is an electronic system used by the Ministry of Transportation to receive licensed information requests and send responses to authorized requesters as well as maintain client profiles.
4. An Authorized Requester Agreement is non-exclusive, non-assignable and non-transferable licence to access and use driver abstract information. Over the years, the City of Barrie has entered into several such agreements for the purpose of verifying employee driving records and maintaining driver safety program, motor vehicle accident invoicing and enforcement of various by-laws. The agreement would have a provision for automatic renewal for subsequent terms of twelve months each, provided that:
 - Neither party advises the other in writing of its intent not to renew, at least 30 days before the expiry date.
 - If requested by the Ministry, the City signs any subsequent form of authorized requester agreement.
 - The City reviews and re-verifies information contained in its application for electronic data transfer including the list of authorized staff permitted to access driver abstract information.
 - The City satisfies any conditions stipulated by the Ministry of Transportation for the renewal of the agreement.

ANALYSIS

5. In early 2016, City Council approved a Provincial Offences Act Fine Collection Policy that contained Schedule "A" - Provincial Offences Fines Collection Protocols. The Protocol outlines ten types of activities that may be undertaken to collect outstanding fine amounts dependent upon the amount of the outstanding fine, as well as the particulars and the timelines associated with an action. Actions one through five include a legislated notice of fine and due date, driver's licence suspension if applicable and first, second and third collection agency placement. These actions are currently undertaken as part of the standard Court Services' collection processes.
6. The actions identified as six through ten, are activities that may be implemented for higher value outstanding fines, when it has been determined that the individual circumstances warrant the resources required to undertake such action. At the time the Policy was adopted, staff in Court Services, in conjunction with staff in the Legal Services and Finance Departments had implemented these activities on a pilot basis when the outstanding fine amount and likelihood of collection are deemed sufficient after a cost/benefit analysis.
7. Staff in Court Services are implementing a more comprehensive pilot utilizing actions six through ten, and more particularly action seven, applying a "Writ" of seizure or sale to a property as a basic guarantee of accessing the outstanding fine amount, when the property is sold or re-mortgaged. In order to facilitate these additional collection steps such as applying a writ, current address information of drivers who have past due court ordered fines is required in order to send follow-up notifications to defendants to assist in fine collection.
8. The Ministry standard ARIS agreement for court ordered fine enforcement provides requesters with current address information for persons who are registered as drivers. It is recommended that the ARIS agreement be executed to provide staff with another tool to access current address information.
9. The Ministry may make future amendments to the City of Barrie's ARIS agreement to provide access driver address information. Paragraph 2 of the recommended motion would authorize the Manager of Court Services to sign such amended agreements, should they be offered without the requirement for a separate staff report.
10. Paragraph 2 of the recommended motion would also authorize the Manager of Court Services to sign amendments to the agreement where the amendments are in keeping with the general intent of the agreement, without the requirement for a separate staff report each time. This authorization could include amendments related to the availability of additional products, specified terms regarding the authorized use of the products, maintaining confidentiality and security of information received from the Ministry, privacy provisions, security provisions, requirements of authorized users, auditing by the Ministry, etc.

ENVIRONMENTAL MATTERS

11. There are no environmental matters related to the recommended motion.

ALTERNATIVES

12. The following alternatives are available for consideration by General Committee:

Alternative #1

General Committee could recommend that this specific agreement not be executed.

This alternative is not recommended as the City would not be able to receive current address information for fine enforcement purposes unless the agreement was executed.

Alternative #2

General Committee could recommend that this agreement be executed but not provide authority for the Clerk to execute any other amending agreements.

Although this alternative is available, it would require a separate staff report to be presented whenever the Ministry made a minor change to the ARIS agreement.

FINANCIAL

13. There are no direct financial implications for the Corporation resulting authorizing the City Clerk to execute an amended agreement.

LINKAGE TO 2014-2018 STRATEGIC PLAN

14. The recommendation(s) included in this Staff Report are not directly related to the goals identified in the 2014-2018 Strategic Plan.