On February 7, 2000 the former Regional Municipality of Hamilton-Wentworth assumed the responsibility for Provincial Offences Administration from the Province’s Ministry of the Attorney General.

This function resides in Corporate Services and reports to the Clerk’s Division.

Currently located in the John Sopinka Court House (JSCH) on 45 Main Street East, Fourth Floor, Suite 408.

Home to a total of 30 FTE’s (22 in Clerks and 8 in Legal Services).
JOHN SOPENKA COURT HOUSE
On August 13, 2012 – lease renewal discussions began with the Ontario Realty Corp. re: John Sopenka Court House (JSCH)

City staff were informed by ORC that the 5 year lease renewal for POA from September 1, 2012 to August 31, 2017 would be our last

In 2017, ORC will require all of the JSCH for provincial and federal purposes

Consequently, the POA had to find a permanent location somewhere in the same vicinity
The Road Ahead

- Demand for Services - an increasing number of charges are being filed *(Highway Traffic Act, Liquor License Act, Compulsory Automobile Act and Trespass to Property Act)* and the implementation of the new Early Resolution process.

- Additional court rooms and staff will be required in order to avoid trials being dismissed due to length of time to get to court.

- The consequence is a loss in revenue for the City if the POA is unable to function properly.
• Determine a new location for POA in the Downtown Core close to the JSCH, Police headquarters and with access to Public transit.

• In February 2013, Public Works staff were directed by Council to:
  1. investigate the feasibility of part-time, temporary space for POA;
  2. examine potential locations for long term use by POA by 2017.

• The overwhelming majority of municipally administered POA functions in Ontario are located in “stand-alone” facilities.
Public Works retains *MHPM Project Leaders* to conduct feasibility/sensitivity analysis on the Council direction of short and long term accommodations for the POA.

Short Term Feasibility Analysis considered the *Dundas, Glanbrook and Stoney Creek Municipal Service Centres* as potential sites.

Stoney Creek was the only site (though with reduced space standards) that could accommodate a court room. The financial analysis revealed this would be a “throw away” cost for the City.
MHPM’s Long Term Accommodation Feasibility Study focused on 4 options:

1. Renovation of 50 Main Street East
2. Construction of a new building to house the POA function
3. A design-build lease back option for a new building for the POA function
4. A shared facility at 50 Main Street East with Hamilton Police Services (HPS) and their new forensics centre

Option #4 was eliminated when senior HPS reps informed senior staff that they require a stand alone facility with specific requirements on underground parking and storage.
MHPM consultants determined that retrofitting 50 Main Street East was the least costly option at $20.28 M and offered the following major advantages:

- City owned eliminates delays from negotiations and dependency on third parties (timelines)
- The building location near the JSCH and Transit
- The efficiencies in combined POA, Legal Services, OMB and JPs functions in same building
- Cost savings of relocating City divisions
- HCE conversion of the facility to District Energy
MHPM consultants and staff have identified the “Risks” of retrofitting 50 Main Street East as:

- At 112,000 sf, the building has more space than POA requires (Solution: relocation of two City divisions currently leasing)
- Difficult to estimate cost of retrofitting with an older building (1958)
- Building listed on inventory of Architectural & Historical Interest (potential cost increase)
- Potential loss of McMaster Continuing Education Program outside the core or the municipality
# 2 – NEW BUILDING OPTION

- MHPM consultants did NOT recommend this option for the following reasons:
  - Net Present Project Costs of $33.5 M (+$13.2M more than #1)
  - The availability of a suitable land parcel in the vicinity of JSCH, transit and Police Headquarters
  - Availability of the new building by August 31, 2017
  - Potential significant delays from negotiations, dependency on third parties, and the fact that building design and construction cannot commence until a suitable site is secured
# 3 – Design/Build/Lease Option

- MHPM consultants sensitivity analysis determined that this was the most expensive option with a Net Present Project Costs total of $47.5 M. The following concerns were raised by MHPM Consultants:
  - A partnership agreement would have to be negotiated and entered into with a private sector partner (RFP process)
  - Like Option #2 – this is conditional on identifying and securing a suitable site in the vicinity of the POA current location
  - Like Option #2 there are concerns regarding the ability to have the POA facility available for August 31, 2017
  - This option would have a significant impact on the availability of the City’s capital funding
## Table 1.5.1 - Summary of Option Evaluation (POA Perspective)

<table>
<thead>
<tr>
<th></th>
<th>Option 1 - 50 Main St E Capital Funding</th>
<th>Option 2 - New Building</th>
<th>Option 3 - Design-Build/Lease-Back</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Project Capital Cost/lease payment</td>
<td>$32.38 M</td>
<td>$39.2 M</td>
<td>$5.8 M</td>
</tr>
<tr>
<td>Gross Floor Area</td>
<td>112,000</td>
<td>49,200</td>
<td>49,200</td>
</tr>
<tr>
<td>Project Capital Cost/sq.ft.</td>
<td>$242</td>
<td>$798</td>
<td>$118</td>
</tr>
<tr>
<td>Lease Savings at JSCH</td>
<td>($0.2 M)</td>
<td>($0.1 M)</td>
<td>($0.1 M)</td>
</tr>
<tr>
<td>Proceeds from sale of Main Street E</td>
<td>$0</td>
<td>($5.6 M)</td>
<td>($5.6 M)</td>
</tr>
<tr>
<td>Net Present Value of Lease Savings (other Depts)</td>
<td>($7.0 M)</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>HCE Contributions</td>
<td>($4.9 M)</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Net Present Project Costs</td>
<td>$20.28 M</td>
<td>$33.5 M</td>
<td>$47.5 M</td>
</tr>
<tr>
<td>Earliest Available</td>
<td>Mar-16</td>
<td>Sep-16</td>
<td>Sep-16</td>
</tr>
</tbody>
</table>
• Additional Revenue/Capital:
  – Additional courtroom space = $1.425M in POA revenue
  – $4.9M contribution from HCE District Energy

• Finance Costs:
  – Net capital Levy impact of $1.0M per year for 15 Years

• Lease savings:
  – Annual savings from $180K lease costs at JSCH
  – Annual lease savings costs from other City divisions is approximately $575K
### Staffing Analysis: All Options

<table>
<thead>
<tr>
<th>2.5 Courts – (Current)</th>
<th>4 Courts</th>
<th>5 Courts</th>
<th>6 Courts</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Legal/POA Staffing</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1 Supervisor /Prosecutor</td>
<td>1 Supervisor /Prosecutor</td>
<td>1 Supervisor /Prosecutor</td>
<td>1 Supervisor /Prosecutor</td>
</tr>
<tr>
<td>5 Municipal Prosecutors</td>
<td>7 Municipal Prosecutors</td>
<td>8 Municipal Prosecutors</td>
<td>10 Municipal Prosecutors</td>
</tr>
<tr>
<td>2 Prosecutors Assistants</td>
<td>3 Prosecutors Assistants</td>
<td>4 Prosecutors Assistants</td>
<td>4 Prosecutors Assistants</td>
</tr>
<tr>
<td><strong>City Clerk/POA Staffing</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4 Court Reporters</td>
<td>6 Court Reporters</td>
<td>8 Court Reporters</td>
<td>9 Court Reporters</td>
</tr>
<tr>
<td>1 Manager</td>
<td>1 Manager</td>
<td>1 Manager</td>
<td>1 Manager</td>
</tr>
<tr>
<td>1 Supervisor</td>
<td>1 Supervisor</td>
<td>1 Supervisor</td>
<td>1 Supervisor</td>
</tr>
<tr>
<td>1 Senior Court Admin.</td>
<td>1 Senior Court Admin.</td>
<td>1 Senior Court Admin.</td>
<td>1 Senior Court Admin.</td>
</tr>
<tr>
<td>1 Financial Assistant I</td>
<td>1 Financial Assistant I</td>
<td>1 Financial Assistant I</td>
<td>1 Financial Assistant I</td>
</tr>
<tr>
<td>4 Collections</td>
<td>4 Collections</td>
<td>4 Collections</td>
<td>4 Collections</td>
</tr>
<tr>
<td>13 Court Administration</td>
<td>13 Court Administration</td>
<td>13 Court Administration</td>
<td>13 Court Administration</td>
</tr>
<tr>
<td><strong>Note</strong> – one additional court administration</td>
<td><strong>Note</strong> – one additional court administration</td>
<td><strong>Note</strong> – one additional court administration</td>
<td><strong>Note</strong> – one additional court administration</td>
</tr>
</tbody>
</table>

* Co-operative Student (6 months per year)
* Summer Student (4 months per year)

Clerk to be requested in the 2014 budget - 3
LEGAL ANALYSIS

• If retrofitted 50 Main Street Courthouse beats timelines – City could give early notice to ORC and thus savings

• Additional court space will enhance customer service by accommodating increased demand for POA

• Inability to meet the August 31, 2017 timelines would substantially interfere with City obligations and revenues under the MOU