

City of Mississauga

Corporate Report



<p>Date: March 22, 2021</p> <p>To: Mayor and Members of Council</p> <p>From: Gary Kent, CPA, CGA, ICD.D, Commissioner of Corporate Services and Chief Financial Officer</p>	<p>Originator's files:</p> <hr/> <p>Meeting date: April 21, 2021</p>
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Subject

Virtual Court operations in accordance with directions from Ontario Ministry of the Attorney General

Recommendation

1. That Council approve City staff to run virtual municipal courts utilizing Zoom software, following the provincial mandate issued in January 2021. That eight (8) additional full time contract positions in cost center 22398 Court Administration be approved for a period of two years to support Virtual Court sessions as outlined in the corporate report entitled, "Virtual Court operations in accordance with directions from Ontario Ministry of the Attorney General" dated April 21, 2021 from the Commissioner of Corporate Services and CFO.
2. That the 2021 labour budget for cost center 22398 Court Administration be increased by \$287,000, the Other Operating Expenses budget be increased by \$207,600, and the additional expenses be offset by the increase of POA Revenue budget of \$494,600.
3. That the Purchasing Agent or designate be authorized to execute all contracts and related ancillary documents with respect to the purchase between the City and Zoom Video Communications Inc. for an estimated amount of \$40,000 exclusive of taxes, over 5 year period of 2021 -2025, in accordance with the City's Purchasing By-law 374-06, as amended.
4. That the Purchasing Agent or designate be authorized to execute all contracts and related ancillary documents with respect to the purchase between the City and an audio visual equipment vendor for a total estimated amount of \$390,000 exclusive of taxes, over 2 year period of 2021 -2022, in accordance with the City's Purchasing By-law 374-06, as amended.

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5. That Council approve the single source procurements to support Virtual Courts, including Zoom product licenses and support services from Zoom Video Communications Inc. for a period of five (5) years and AV equipment acquisitions and installations for hardware for up to six (6) courtrooms, as detailed in the corporate report entitled, “Virtual Court operations in accordance with directions from Ontario Ministry of the Attorney General”, dated April 21, 2021, from the Commissioner of Corporate Services and Chief Financial Officer (“Purchase”), File Ref: PRC002930, PRC002953.
6. That the Purchasing Agent or designate be authorized to execute the necessary amendments with respect to the Purchase to increase the value of the contract between the City and Zoom Video Communications Inc. for additional products, professional services, and maintenance and support; including additional features and Zoom modules, for the purpose of successful operation of virtual courts services, if the funding for such contract increase has been approved by Council.
7. That the Purchasing Agent or designate be authorized to execute the necessary amendments with respect to the Purchase to increase the value of the contract between the City and the chosen audio visual equipment vendor for additional products, professional services, and maintenance and support, for the purpose of accommodating growth and maintaining the required service levels of Virtual Courts Services, if the funding for such contract increase has been approved by Council.
8. That all necessary by-laws be enacted.

Executive Summary

- The City of Mississauga operates Provincial Offences Act court services in accordance with the *Provincial Offences Act, 1990 (Ontario)* and the *Municipal Act, 2001 (Ontario)*
- The City’s court services include scheduling of all Court matters, processing and receiving filing of all Court documents and infractions, producing Court transcripts as requested, ensuring the maintenance of all pre and post Court documents as prescribed by applicable retention periods. In a given typical year, the courthouse processes ten’s of thousands of items and generates in the range of \$9 to \$11 Million in revenues for the City.
- Due to COVID-19, the City’s courthouse was closed for most matters during 2020. This has created a backlog and this has limited the revenues able to be collected by the City. In January 2021, the Province mandated municipal courts to run virtual court sessions utilizing on-line meetings software. This is initiated in two steps: 1) audio only (implemented as of February 1); and 2) virtual (to be implemented starting July 2021).
- The Province has directed that either Zoom or Justice Video Network (JVN) be used for the virtual court sessions. JVN has been assessed by City staff and is cost prohibitive and is therefore not an option. Zoom is considered a secure, robust and cost effective

collaboration solution used by Ontario municipalities and the Province for courts operations.

- The implementation of virtual court proceedings will require installations of AV equipment in each of the six (6) courtrooms located at 950 Burnhamthorpe Road. The City will obtain designs and advice from Zoom for retrofitting and updating courtrooms. Based on the recommendations, a vendor will be engaged for the purchase of required audiovisual equipment and associated support services.
- City staff recommends the single source procurement of the Zoom software for a period of five (5) years and the associated AV equipment to support the City's compliance to Ministry of Attorney General direction for Virtual courts.
- Staff also recommend approval of eight (8) additional staff to operate the court procedure events. Six of the staff are required for recording and facilitating the sessions. Two of the staff are required for AV and technical support during the sessions. The staff are identified as contract for two years.

Background

The City manages approximately 70,000 (2019 amount) court matters in a given year with associated revenues of approximately \$9 to \$11 Million per year (\$9.6M in 2019, \$8.48M in 2018, \$11.2M in 2017).

Since March 2020, court proceedings were closed throughout Ontario, including Mississauga. On March 23, 2020, the Government of Ontario made an order pursuant to s. 7.1 of the Emergency Management and Civil Protection Act (EMPCA), suspending any limitation periods in statutes and regulations for the duration of the State of Emergency. This had a significant impact on the timelines for the Provincial Offences Act and related proceedings for all municipalities.

The closure created a backlog with POA cases in Mississauga and this had significant revenue implications for the City.

To address the availability of Court operations, the Ontario Legislature amended the POA to enable the enhanced use of remote appearances in POA proceedings. Since August 2020 the POA court office has conducted non-trial matters (early resolution and guilty plea court).

For remote proceedings, the Province provided the direction that only JVN and Zoom Pro are approved for use. City staff confirm that Zoom Pro is the only feasible and cost effective of these solutions given the City's infrastructure.

A preliminary implementation of audio-only Zoom was put in place successfully on February 1, 2021 for non-trial matters (case management court). Courts staff utilise Zoom audio to address matters through the telephone. This involves some additional roles for staff including facilitation

of the sessions, ensuring proper recording and identification speakers, managing “rooms” within the Zoom calls, moving defendants through various stages of the proceedings, and addressing connectivity issues given the large range of devices utilised by participants.

Implementation of audiovisual remote proceedings for City courtrooms will include a design consultation to assess all six (6) courtrooms, designs and retrofit construction plans, advice for construction to accommodate electrical, millwork, hardware mounting, maintaining sound-proof walls and providing a fully automated design and installations to ensure effective use of staff resources to support each courtroom and court session. Designs would include all recommendations for required equipment, time and materials for each courtroom.

Subsequent single source procurement for hardware, construction and retrofitting will follow incorporating advice from Zoom to accommodate technical compatibility needs of the Zoom product.

Comments

COVID-19 and the temporary closures of municipal operations have large and far-reaching impacts for how services are expected to be delivered in municipal courts. There is an expectation that the utilization of virtual court services will extend into future years. The court closure has underscored the importance of modernizing the courts by strengthening the technology available in the court system. Future staffing and technology requirements will be assessed on an ongoing basis.

Across Ontario, the use of technology for virtual meetings has exploded in 2020 due to pandemic-related office closures and resulting workplace policies enacted to support business continuity in remote work settings.

Technology Considerations

Vendors in this market segment reported unprecedented demand for technology for meeting solutions as businesses, municipal services and court operations looked for effective ways for residents to continue to receive services. Public service organizations, including Ontario courts, utilized various meeting tools to keep operations running.

The City of Mississauga currently has a standard use of Cisco WebEx across business areas. In the context of Ontario Courts, only Zoom and Justice Video Network were approved for use for on-line court proceedings.

Justice Video Network, a provincially owned and operated meeting technology, was assessed by the City IT staff. The assessment found poor alignment to other City technologies. Court operations confirmed that only Zoom would be feasible given the directions of the Ministry of the Attorney General.

Zoom is a leader in the Canadian and Ontario markets and it offers a range of product functionality for on-line meetings and webinar solutions that meet a wide variety of court operation scenarios. It also has the flexibility to be used with multiple devices. Recent investments by Zoom in its products include successfully addressing security vulnerabilities and City IT security staff have reviewed the use of Zoom for courts and it's alignment to the terms within the City's SaaS Checklist and security requirements.

Staff have evaluated the Zoom pricing and assessed that the solution offered will be beneficial for the City and enable the City to comply with Ontario Government directions. IT staff has vetted the solution and note that privacy and security and data location best practices are being followed. The solution will be reviewed through the Information Technology Architecture Review Board prior to being allowed to be put fully into production. Staff are recommending a single source implementation for the next five (5) years.

The hardware required for the virtual courts sessions includes cameras, microphones, wall mounted displays for evidence, connections to the City's recording device (called Liberty). These hardware components need to be compatible with the Zoom solution in order to avoid outages, interruptions and poor intermittent reception. Zoom and the AV Consult will provide the specific hardware products required including specifications to best serve the room sizes and layout.

City staff note that the timelines for enabling the virtual courts are challenging for Ontario municipalities and this may impact the availability of technical and audiovisual supplies.

Staffing Considerations

There is a requirement for additional staffing and audiovisual hardware to implement virtual courts at the City. Virtual court sessions include BOTH in-person and virtual access and involve a large number of additional connections and access points to manage. This includes on-line camera presence of all participants, sharing visual displays of evidence, associating audio identification with the appropriate speaker – some of whom would be online. Each session will involve ongoing management of Zoom “waiting rooms”, technical management of mute functions, interpreters, switching to display devices, recording into the digital recording device known as “Liberty”, and technical customer service support for access/call-in issues.

The additional temporary staffing resources required for the six virtual courts include:

3 Court Clerks Grade C	Facilitate the court sessions including managing “rooms” and moving proceedings through the docket of court matters
3 Court Monitors Grade C	To ensure recording devices operate and participants and times are identified for the records
2 IT Support Admin Grade B	Address ongoing (expected) access and connectivity issues with session participants

The implementation of Virtual court proceedings will require updated audiovisual technologies. The audiovisual hardware currently in the City's courthouse are mostly 25 years old, obsolete, with out-of-service date of more than 10 years. The current hardware includes a television (portable on wheels) that is used to display some evidence, a projector, two laptops, and a portable non-standard screen that cannot be integrated with other City technologies. Through a technology needs assessment the City will identify specific required hardware for each courtroom. City staff estimates for the audiovisual equipment costs are based on experience in the Brampton courthouse, other City locations including Council chamber and recreation sites. Estimates include consultation work, retrofitting, mounting devices, and required equipment that is not already owned by the City.

Purchasing By-law Authorization

The recommendation in this report is made in accordance with Schedule "A" of the Purchasing By-law 374-06, Criteria for non-competitive acquisitions 1. Pursuant to Section 12 Non-competitive (Medium Value Acquisitions and High Value Acquisitions), Acquisitions may be conducted using a Single/Sole Source supplier only if one or more of the conditions listed in either (a) or (b) below apply, the Purchasing Agent or Manager having the right of final determination, and a process is undertaken to obtain the Best Value under the circumstances for the City: (a) The Goods and/or Services are only available from one supplier by reason of: (i) a statutory or market based monopoly; or (ii) scarcity of supply in the market.

Given the requirement for services to be available within the timelines outlined from the Ministry of the Attorney General, the scarcity of supply in the market applies.

Legislative Services, Information Technology staff will collaborate with Legal Services and Materiel Management to establish the detailed requirements, negotiate the final arrangements and prepare the agreements.

Financial Impact

Funding is required for the procurement of Zoom Licences, professional services, consultant services and AV equipment and associated remediation to enable virtual court services in alignment with directions from the Ontario Ministry of the Attorney General. Costs are summarized in Appendix 2.

The Virtual Courts total software costs are approximately \$40,000 for Zoom licences for five (5) years. The AV equipment, related consulting and retrofitting costs are approximately \$390,000 based on estimates from similar projects.

The estimated total cost, as detailed in Appendix 2 – Summary of Costs Table, are to be covered by the revenue following the resumption of the municipal courts in this and subsequent years.

Conclusion

Initial pricing that represents good value for money has been received from Zoom Video Communications and is currently under negotiation for software for approximately five (5) years. Cost estimates have been developed to prepare for acquisitions for consultations and hardware required for courtroom technologies to enable virtual court proceedings. The cost estimates are based on best practices and experience in Brampton and in Mississauga and taking factors such as room size into account.

This report recommends that Council approve the purchase of Zoom licences and support, on a single source basis, and authorize the Purchasing Agent to execute and issue all necessary contract documents and amendments in accordance with Purchasing By-law 374-06.

This report recommends that Council approve the purchase of audiovisual services and supplies on a single source basis based on recommendations from the consultations and authorize the Purchasing Agent to execute and issue all necessary contract documents and amendments in accordance with Purchasing By-law 374-06.

Attachments

Appendix 1: Statement of Work

Appendix 2: Summary of Costs Table

Appendix 3: Memorandum from Ministry of Attorney General



Gary Kent, CPA, CGA, ICD.D, Commissioner of Corporate Services and Chief Financial Officer

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