



# The Municipal Corporation of the Town of Fort Erie

## By-law No. 139-2016

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### Being a By-law to Approve the Execution of a Memorandum of Understanding between The Regional Municipality of Niagara and Crime Stoppers of Niagara Inc. (Illegal Dumping Reward Initiative)

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**Whereas** Report No. PDS-99-2016 was considered at the Council-in-Committee Meeting held on December 5, 2016, and subsequently approved by Council, to approve the Memorandum of Understanding between The Regional Municipality of Niagara and Crime Stoppers of Niagara Inc. for the Illegal Dumping Reward Initiative, and to authorize the Clerk to execute the acknowledgement of Council's review and approval of the Memorandum of Understanding; and

**Whereas** it is deemed desirable to approve the said Memorandum of Understanding;

**Now therefore** the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

1. **That** the Memorandum of Understanding between The Regional Municipality of Niagara and Crime Stoppers of Niagara Inc. for the Illegal Dumping Reward Initiative, is approved.
2. **That** the Clerk is authorized and directed to execute the acknowledgement of Council's review and approval of the Memorandum of Understanding, and to affix the corporate seal thereto.
3. **That** the Clerk of the Town is authorized to effect any minor modifications, corrections or omissions, solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

**Read a first, second and third time and finally passed this 12<sup>th</sup> day of December, 2016.**

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Mayor

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Clerk

I, Laura Bubanko, the Clerk, of The Corporation of the Town of Fort Erie certifies the foregoing to be a true copy of By-law No. 139-2016 of the said Town. Given under my hand and the seal of the said Corporation, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

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## Memorandum

**Date:** October 21, 2016  
**To:** Illegal Dumping Working Group  
**From:** Jessica Blanchard, Contract Supervisor, Waste Management Services  
**Subject:** Memorandum of Understanding: Crime Stoppers of Niagara

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This memorandum is intended to advise the Illegal Dumping Working Group that the Memorandum of Understanding (MOU) between Niagara Region and Crime Stoppers of Niagara (CSN) is complete and is to be circulated to each local area municipality for approval.

The recommendations set forth and approved in staff Report PW 3-2016 as it pertains to the MOU are as follows:

1. Staff **BE AUTHORIZED** to pursue a partnership with Crime Stoppers of Niagara to establish an alternative public reporting mechanism for anonymous illegal dumping tips, subject to approval by all local area municipalities;
2. Staff **BE AUTHORIZED** to execute a Memorandum of Understanding with Crime Stoppers satisfactory with Legal and Court Services and subject to approval by all local area municipalities; and

As your municipality is member of the Illegal Dumping Working Group, it is requested that you review and approve the MOU and return to Niagara Region Waste Management Services by November 21, 2016.

As per the Schedule A of the MOU, the reward system procedure for reports that lead to a By-law Conviction or Compliance are as follows:

- A two hundred dollar (\$200) reward shall be provided to any person reporting information with respect to an illegal dumping incident in Niagara Region where such information leads to a By-law Conviction
- A fifty dollar (\$50) reward shall be provided to any person reporting information about an illegal dumping incident where such information leads to Compliance.
- Niagara Region will remit payment to Crime Stoppers at a rate of 150% the amount of the reward. This amount is to compensate Crime Stoppers for the reward they provide to the informant and to support the Crime Stoppers cause, mandate, purposes, and objects.
- Niagara Region will, in turn, charge back 50% of this payment to the municipality in which the offence occurred.

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Since the launch of the Reward System in the spring of 2014, two conviction rewards and five compliance rewards have been awarded throughout Niagara region, totaling \$650. We would estimate that following the official commencement of the partnership with Crime Stoppers of Niagara, we may see an increased number of illegal dumping reports, resulting in a larger number of rewards. It is anticipated that there will be minimal implications to operating budgets.

As you may recall, Niagara Region circulated letters to each municipalities Public Works Official in November of 2013 that provided a reasonable budget estimate for the reward system for each respective municipality, based on population density and illegal dumping trends. Please do not hesitate to contact if you require a copy of this letter for reference for future budgets.

Following receipt of signatures from each area municipality, the MOU will be circulated back to the Regional Chair and Clerk for signing. A final copy will be sent to you for your files.

Questions or concerns regarding the MOU may be addressed Jessica Blanchard ([jessica.blanchard@niagararegion](mailto:jessica.blanchard@niagararegion)) prior to the November 21, 2016 deadline.

The following documents are attached for reference:

- o Report PW 3-2016
- o Memorandum of Understanding, Crime Stoppers of Niagara

Respectfully submitted and signed by,



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Jessica Blanchard  
Contract Supervisor, Waste Management Services  
Public Works

**The Memorandum of Understanding between Niagara Region and Crime Stoppers of Niagara has been reviewed and approved for execution by:**

\_\_\_\_\_ (signing officer)

of \_\_\_\_\_ (municipality)

on this \_\_\_\_\_ day of \_\_\_\_\_, 2016

**Memorandum of Understanding**

**1. PARTIES**

This Memorandum of Understanding ("MOU") is made as of the \_\_\_\_\_ day of \_\_\_\_\_, 2016 (the "Effective Date") and entered into by and between:

**CRIME STOPPERS OF NIAGARA INC.**, a corporation incorporated under the laws of the Province of Ontario (the "Crime Stoppers")

- and -

**THE REGIONAL MUNICIPALITY OF NIAGARA**, a regional municipality under the laws of the Province of Ontario ("Niagara Region")

**2. PURPOSE**

- A. The purpose of this MOU is to confirm the intent and understanding of Crime Stoppers and Niagara Region (collectively, the "Parties") to work together to assist in delivering a greater awareness within the Niagara community with respect to illegal dumping issues and assist the Waste Management Services of Niagara Region with its illegal dumping program to foster a cleaner Niagara.
- B. Crime Stoppers desires to assist Niagara Region by donating its services and anonymous tip reporting system to assist in receiving tips related to illegal dumping in Niagara region, in addition to providing Niagara Region with certain advertising and marketing services on Crime Stoppers website and social media outlets and platforms;
- C. Niagara Region desires to assist Crime Stoppers by providing advertising space on its Waste Management Services webpage and social media outlets and platforms and by providing monetary consideration to Crime Stoppers for tips received through Crime Stoppers resulting in convictions and compliances;
- D. The purpose of this MOU is to set forth certain non-binding understandings and certain binding agreements between Crime Stoppers and Niagara Region relating to the proposed commitments by Niagara Region to Crime Stoppers.

### **3. NONBINDING PROVISIONS**

The following sections of this MOU (collectively, the "Non-binding Provisions") reflect the mutual understanding of the matters described in them. Each party acknowledges that the Non-binding Provisions are not intended to create or constitute any legally binding obligation between the parties, and no party shall have any liability to bind any other party with respect to the Non-binding Provisions. No party to this MOU shall have any liability to any other party to this MOU based upon, arising from, or relating to the Non-binding Provisions.

- A. Crime Stoppers shall provide Niagara Region advertising and marketing services and spaces with respect to Niagara Region's illegal dumping program and Waste Management Services on the Crime Stoppers website and social media outlets and platforms only as reviewed and approved by Niagara Region and Crime Stoppers. Such advertisements shall link those individuals who click the advertisement to Niagara Region's Waste Management Services website and online reporting system.
- B. Niagara Region shall provide to Crime Stoppers advertising and marketing services and spaces on Niagara Region's Waste Management Services website and social media outlets and platforms only as reviewed and approved by Niagara Region and Crime Stoppers. Such advertisements shall link those individuals who click the advertisement to Crime Stoppers website and online anonymous tip reporting system.
- C. Crime Stoppers shall receive anonymous tips related to illegal dumping in the region of Niagara using its anonymous reporting systems and shall forward all such tips received to the Waste Management Services Division of Niagara Region. All tips received by Crime Stoppers and forwarded to the Waste Management Services Division of Niagara Region shall be anonymous.
- D. Crime Stoppers shall make all reward payments resulting from all successful tips leading to illegal dumping convictions and compliances received through the Crime Stoppers anonymous reporting systems as per the "Reward System Procedure for Niagara Residents who Report Illegal Dumping Activity Region Wide which Leads to a Conviction or Compliance", attached as Schedule "A".
- E. Where Crime Stoppers makes a reward payment, Niagara Region shall reimburse Crime Stoppers for said reward payment in an amount equal to One Hundred and Fifty Percent (150%) of the reward payment amount.
- F. The Parties may organize and run various other mutually beneficial programs throughout the Agreement: the time, date, and scope of such programs to be mutually determined by the Parties at a later date.
- G. This MOU and the provision of any consideration hereunder by Niagara Region and Crime Stoppers will commence on the Effective Date and will be an ongoing collaboration until terminated earlier in accordance with this MOU (the "Term").

**4. GENERAL PROVISIONS**

- A. Termination. This MOU may be terminated upon either party providing sixty (60) days written notice to the other party.
- B. Not a Partnership. Nothing contained herein shall create or be construed as creating a partnership, joint venture, agency, or any similar relationship between Crime Stoppers and Niagara Region.
- C. Legal. This MOU will be interpreted and enforced in accordance with the laws of the Province of Ontario. This MOU may be executed in any number of counterparts, and all such counterparts taken together shall be deemed to constitute one and the same instrument.
- D. Currency. All dollar amounts in this MOU are expressed in Canadian funds.

IN WITNESS WHEREOF, this MOU has been executed by the parties hereto on this \_\_\_\_ day of \_\_\_\_\_, 2016.

**CRIME STOPPERS OF NIAGARA INC.**

Per:

\_\_\_\_\_  
Authorized Signing Officer  
*I have authority to bind the corporation*

**THE REGIONAL MUNICIPALITY OF  
NIAGARA**

Per: \_\_\_\_\_  
Name: Alan Caslin  
Title: Regional Chair

Per: \_\_\_\_\_  
Name: Ralph Walton  
Title: Regional Clerk

*We have authority to bind the Corporation.*

## **SCHEDULE A**

### **REWARD SYSTEM PROCEDURE**

for

**NIAGARA RESIDENTS WHO REPORT ILLEGAL DUMPING ACTIVITY REGION WIDE WHICH LEADS TO A CONVICTION or COMPLIANCE**

#### **1. Reward Amount**

- a. A two hundred dollar (\$200.00) reward shall be provided to any person reporting information with respect to an illegal dumping incident in Niagara Region where such information leads to a By-law Conviction. A fifty dollar (\$50.00) reward shall be provided to any person reporting information about an illegal dumping incident where such information leads to Compliance.
- b. A By-law Conviction is defined as when either:
  - i. A fine paid by the offender.
  - ii. An offender challenges the notice received by Niagara Region with respect to the alleged illegal dumping and that offender is found guilty in court.
- c. Compliance is defined as when the offender cleans up the illegally dumped material in lieu of charges.

#### **2. Eligibility**

- a. Illegal dumping reports can be received by Niagara Region or Crime Stoppers.
- b. Where an individual reports an illegal dumping infraction through the Crime Stoppers reporting system, that individual must provide sufficient information about the illegal dumping infraction.
- c. Any individual reporting an illegal dumping infraction through the Crime Stoppers reporting system shall have all their personal information kept confidential and shall not be called upon to provide testimony on the infraction.
- d. An individual reporting an illegal dumping infraction shall only be provided a reward where the illegal dumping occurrence is situated on public land or public rights of way in accordance with the related By-laws.
- e. Niagara Region can initiate and issue an offence notice to a potential offender.

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- f. A reward for providing information with respect to an illegal dumping infraction shall only be available to an individual where said infraction occurs within Niagara region, and only on Municipal and Regional property/roads.
- g. Rewards are only to be paid to an individual providing information on an illegal dumping infraction where such information leads to a successful Conviction or Compliance. The Conviction and Compliance process may take several months and as such, an individual providing information may not receive a reward for many months, until a Conviction or Compliance is reached.
- h. Where multiple individuals file multiple reports with respect to the same illegal dumping incident, only one reward shall be available. The individual who reports the incident first, and provides sufficient information to build a case for Conviction or Compliance, will be eligible for the reward.

### **3. Process for Reward**

- a. An illegal dumping report may be received by Niagara Region or Crime Stoppers, through on-line tools, e-mail or phone call.
- b. Once a report is received by either Niagara Region or Crime Stoppers, an investigation will commence to verify such information which may potentially lead to the issuance of an Offence Notice or a request to the offender to clean up the illegally dumped material.
- c. Once an investigation has been completed, an Offence Notice is issued or a request is made of the offender to clean up the illegally dumped materials. An Occurrence is recorded in the Illegal Dumping tracking database by appropriate staff at Niagara Region. Once offender clean-up is confirmed, proceed to step (g).
- d. The By-law Officer or designate from the authority issuing the Offence Notice will follow up with the Provincial Offences Office as to the outcome of the Notice to confirm whether the Notice was paid, the charges dropped, or is proceeding to court. This will be done immediately after the required time for an Offender to act on the Notice.
- e. The By-law Officer or designate from the authority issuing the Offence Notice will record the outcome in the Illegal Dumping tracking database.
- f. The Local Area Municipality will inform Niagara Region of any successful convictions issued at their level.
- g. Upon confirmation of successful Conviction/Compliance and such Conviction/Compliance is a result of information provided by an individual through the Crime Stoppers reporting system, Niagara Region will contact Crime Stoppers informing them that the abovementioned individual's



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- information regarding illegal dumping lead to a successful Conviction/Compliance.
- h. A Niagara Region By-law Officer will complete Niagara Region's billing request form to request the reward be paid out to Crime Stoppers. A joint letter from Niagara Region and participating Local Area Municipality will accompany the reward payment, co-signed by the Regional Chair, and the *Mayor of the Local Area Municipality*. Crime Stoppers will then provide the reward to the individual based on Crime Stoppers reward policies.
- i. Niagara Region will remit payment to Crime Stoppers at a rate of 150% the amount of the reward. This amount is to compensate Crime Stoppers for the reward they provide to the informant and to support the Crime Stoppers cause, mandate, purposes, and objects. Niagara Region will, in turn, charge back 50% of this payment to the municipality in which the offence occurred.

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**REPORT TO:** Public Works Committee

**MEETING DATE:** Tuesday, January 05, 2016

**SUBJECT:** Illegal Dumping Working Group Terms of Reference and Crime Stoppers

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### RECOMMENDATIONS

1. That the Illegal Dumping Working Group Terms of Reference **BE AMENDED** to reflect a semi-annual meeting schedule;
2. That Staff **BE AUTHORIZED** to pursue a partnership with Crime Stoppers of Niagara to establish an alternative public reporting mechanism for anonymous illegal dumping tips, subject to approval by all local area municipalities;
3. Staff **BE AUTHORIZED** to execute a Memorandum of Understanding with Crime Stoppers satisfactory with Legal and Court Services and subject to approval by all local area municipalities; and
4. That this report **BE CIRCULATED** to local area municipalities for information or approval by their Council, as required.

### KEY FACTS

- The Illegal Dumping Working Group (IDWG) has been conducting quarterly meetings over the past two years. At the last meeting on March 24, 2015, it was determined by the members that semi-annual meetings are sufficient to meet the Terms of Reference.
- Public Works Committee received a request from Crime Stoppers of Niagara to consider using their anonymous tipster reporting system to enhance the existing Illegal Dumping reporting tools.
- Staff supports the partnership with Crime Stoppers of Niagara as it is anticipated the program will increase the number of illegal dumping reports and allow staff to react to dumping issues with minimal impact to cost or operations.

### CONSIDERATIONS

#### Financial

There is no cost implication by changing the IDWG Terms of Reference from quarterly to semi-annual meetings.

Under the current model approved by Regional Council and agreed upon by the local area municipalities, Niagara Region and applicable municipality pay \$200 and \$50 for reports received directly from the public that lead to a successful conviction or compliance, respectively. The proposed partnership with Crime Stoppers would result in an additional one hundred dollar (\$100) cost for conviction and twenty-five dollar (\$25) cost for compliance associated with reports received through the Crime Stoppers program. However, staff anticipate minimal increase in payouts, and therefore the associated costs with this partnership could be managed within the approved waste management operating budget.

#### **Corporate**

There is no anticipated impact on staffing as a result of these recommendations. It is expected existing staff will be able to handle any additional illegal dumping calls.

#### **Governmental Partners**

The proposed program is in partnership with an external party that will allow anonymous tips related to illegal dumping to be reported and investigated. Crime Stoppers indicates they normally maintain partnerships with law enforcement agencies. This partnership would be the first of its kind for Crime Stoppers.

Staff has consulted with the members of the IDWG. All the IDWG members support the partnership with Crime Stoppers. However, two municipalities have indicated they will take this report to their respective Council for approval.

#### **Public and/or Service Users**

There is no impact on the public by altering the IDWG Terms of Reference to semi-annual meetings.

Although the public was previously able to report through existing mechanisms anonymously, the partnership with Crime Stoppers of Niagara will allow another option for reporting and improve public service. The public may feel more secure with anonymous reporting through the Crime Stoppers organization. Crime Stoppers has an existing mechanism to pay rewards for successful conviction or compliance related to anonymous tips.

#### **ANALYSIS**

The IDWG has been meeting since October 2012 on a regular basis. The IDWG has maintained consistent participation from the group members and made progress in the fight against illegal dumping since that time. At the last meeting on March 24, 2015 it was determined that quarterly meetings were no longer required. As such, the IDWG recommended adjusting the Terms of Reference to semi-annual meetings. Semi-annual meetings are sufficient to maintain the required level of participation as well as to avoid

the potential loss of interest that may result with conducting meetings with repetitive agendas. The IDWG members support the transition to semi-annual meetings.

Per Public Works Committee request "That staff examine how illegal dumping initiative could be incorporated as part of Crime Stoppers in cooperation with the Illegal Dumping Working Group". The IDWG reviewed the request during the March 24, 2015 meeting and requested further information from Crime Stoppers about the program and financial commitment. Region staff has investigated a potential partnership with Crime Stoppers for illegal dumping activities. Staff met with Crime Stoppers about receiving anonymous calls from the public for illegal dumping in Niagara. Crime Stoppers also submitted a proposal for consideration. The following summarizes the offer from Crime Stoppers:

- Crime Stoppers would like to receive anonymous tips related to illegal dumping in Niagara and will forward the information to Waste Management Services Division to investigate using established procedures.
- The Region will post the Crime Stoppers logo with a link to their anonymous reporting system on the on-line Illegal Dumping reporting page. This would allow the public to have the option to choose to use Crime Stoppers for anonymous reporting.
- Crime Stoppers is not asking for any other changes to existing illegal dumping signs or communication methods.
- Any rewards paid to the public through Crime Stoppers would be the same as the current reward system of \$200 and \$50 for successful conviction and compliance respectively. The Region and applicable municipality would share the payments as per the current practice. Crime Stoppers has an existing system for anonymous payment.
- Crime Stoppers is asking for a 150% reimbursement on reports originating through Crime Stoppers and approved (i.e., the Niagara Region and applicable municipality would share payment of \$300 to Crime Stoppers of Niagara for any \$200 conviction reward or \$75 to Crime Stoppers for any \$50 compliance reward that is approved).
- The extra amount paid to Crime Stoppers is used to support their programs.
- There would be a Memorandum of Understanding to ensure a smooth and timely transition of any "tipster" information from Crime Stoppers to the appropriate party.
- The Region would confirm with Crime Stoppers if the information provided through their tipster line was "good" and led to conviction or compliance. If so, a reward would be approved.
- All reports from Crime Stoppers would be 100% anonymous.

Positive aspects of partnering with Crime Stoppers are:

- The potential to receive more reports of illegal dumping, as individuals may be more comfortable to report under the anonymity of the Crime Stoppers organization.
- Crime Stoppers would aid in the promotion of the Illegal Dumping Campaign/program on their social media platforms.
- The efforts and progress to date surrounding the appearance and function of Illegal Dumping Campaign/program would not require alterations. All current reporting options (calls to the Waste Information Line, smart phone application, the on-line Reporting Tool) would co-exist with this additional means of receiving reports through Crime Stoppers.

Although the reimbursement to Crime Stoppers for approved rewards has the potential to be a greater cost for the Niagara Region and the municipalities, based on data from our reward system to date, the risk of this becoming a budget issue is minimal. Illegal dumping reports from the public have led to two \$50 compliance rewards being paid out to date. Staff believes this is a good partnership for continued improvement to promote Illegal Dumping awareness in Niagara.

At its December 7, 2015 meeting, the Waste Management Planning Steering Committee supported the recommendations in this report.

## **ALTERNATIVES REVIEWED**

The alternate reviewed was to leave the IDWG meetings at quarterly. As the IDWG has matured and the issues have been covered, it was determined to be appropriate to reduce the meeting frequency as not to make the meetings redundant and lose potential future participation.

The alternative was not to partner with Crime Stoppers of Niagara. Given the minimal impact to the existing program, the opportunity to partner with an external group and the potential to receive more illegal dumping reports, staff believe it was important to expand the mechanisms to receive illegal dumping reports.

## **ORIGIN OF REPORT**

This report has been brought forward by staff to respond to Public Works Committee request to consider partnership with Crime Stoppers for illegal dumping. The change in to the Terms of Reference is being brought forward by the Illegal Dumping Working Group.

**OTHER PERTINENT REPORTS**

WMPSC-C 32-2015:                      Illegal Dumping Working Group Update

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**SUBMITTED & SIGNED BY:**

Ron Tripp, P.Eng, Commissioner  
Public Works Department

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**APPROVED & SIGNED BY:**

Harry Schlange  
Chief Administrative Officer

*This report was prepared by Bob Vanyo, Contract Supervisor, Waste Management Services and reviewed by Cathy DeLuca, Program Financial Analyst, Corporate Services, Allison Tyldesley, Associate Director, Waste Management Services and Catherine Habermehl, Director, Waste Management Services*

**APPENDICES**

N/A