



Administrative Monetary Penalty Policy

POL.COR.21.02

Prevention of Political Interference in the Administrative Monetary Penalty System

Policy Type:	Corporate Policy (Approved by Council)
Date Approved:	September 20, 2021
Department:	Legal Services
Staff Report:	FAF.21.153 Policy and Implementation of the Administrative Monetary Penalty System (“AMPS”) Program
By-Law No.:	2021-71

Policy Statement

This policy is to prevent political interference in the administration of the Administrative Monetary Penalty System (AMPS).

Purpose

To prevent political interference of any kind in the administration of the AMPS program, and to minimize and restrict opportunities for political interference, intentionally or unintentionally.

This policy defines what constitutes political interference in relation to the AMPS program, to ensure the responsibilities of the Screening and Hearing Officers are conducted in accordance with fundamental principles of justice, which include decision making and procedural independence, fairness, impartiality, and integrity, without any political interference.

Application

This policy applies to all elected Members of the Council of the Corporation of the Town of The Blue Mountains, as well as other Town officials and staff.

Regarding Members of Blue Mountains Council, this policy should be read and interpreted within the context of prevailing provincial legislation (i.e., Municipal Conflict of Interest Act) and the Code of Conduct, including its related policies, procedures, and guidelines.

Procedures

Principles of Preventing Political Interference

No person shall attempt, directly or indirectly, to communicate for the purpose of influencing or interfering, financially, politically, or otherwise, with employees or other persons performing duties related to the administration of AMPS.

No person shall attempt, directly or indirectly, to communicate for the purpose of influencing or interfering, financially, politically, or otherwise, a Screening Officer or Hearing Officer respecting the determination of an administrative penalty matter and/or respecting a delegated power of decision in a proceeding that is or will be pending before the Screening Officer or Hearing Officer, except a person who is entitled to be heard in a Screening Review or Hearing Review.

All persons involved with the enforcement and administration functions of the AMPS program shall endeavor to carry out such duties in a manner, which upholds the integrity of the administration of justice.

If someone attempts to influence a Screening Officer, Hearing Officer or Town employee engaged in the administration of the AMPS program, contrary to the rules above, the Screening Officer, Hearing Officer or Town employee shall report the incident to the Director of Legal Services as soon as possible. No action will be taken against a Screening Officer or Hearing Officer for making any such report in good faith.

Procedures may be defined by the Director of Legal Services to address specific implementation of this policy.

Implementation

All Members of Council shall be provided with a copy of this policy and the policy shall form part of the Code of Conduct.

This policy shall form part of the orientation for all Members of Council at the start of new term of Council, as well as all current and new municipal officials and staff, with the potential for interaction with the AMPS program

This policy shall form part of the orientation for all current and new Screening and Hearing Officers and AMPS administration staff.

Accountability

Attention is brought to the fact that any interference with the AMPS program may result in charges under the Criminal Code of Canada, Provincial statute, or other disciplinary action

Prevention of Political Interference in the Administrative Monetary Penalty System

A Screening or Hearing Officer, employee or other person performing duties related to the AMPS program under this policy shall report any attempt at political influence or interference, financial, political, or otherwise, to the Director of Legal Services. No action shall be taken against the employee or other person(s) for making any such report in good faith.

Where any employee, Screening Officer, Hearing Officer, or other person performing duties related to the AMPS program, is contacted by a Member of Council or City official with respect to the administration of the AMPS program, he or she shall immediately disclose such contact to the Director of Legal Services and Chief Administrative Officer in order to maintain the integrity of the AMPS program

A Screening Officer or Hearing Officer shall disclose any actual or perceived political interference as soon as possible to the Director of Legal Services and Chief Administrative Officer.

References and Related Policies

Municipal Act, 2001
Ontario Regulation 333/07 (Administrative Penalties)
Applicable Town financial policies and procedures

Consequences of Non-Compliance

In accordance with the Municipal Act.

Review Cycle

In conjunction with the review of the Administrative Monetary Penalties By-law.