

# Appointment of Screening and Hearing Officers Policy for the Administration of the Administrative Monetary Penalty (AMPS) System

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## 1 PURPOSE

1.1 The purpose of this policy is to provide a consistent and transparent framework for the selection and appointment of Screening Officers and Hearing Officers and to act as a guide for appointees.

## 2 SCOPE

2.1 This Policy applies to all Screening Officers, Hearing Officers, and Town employees involved in the administration of the Town’s AMPs program.

The following shall apply in addition to this Policy:

- a) For Town employees involved in the administration of the AMPs program: the Staff Code of Conduct shall also apply in regard to the activities of an employee in the

administration of the AMPs program. In the event of a conflict between the provisions of this Policy and the provisions of the Staff Code of Conduct in relation to AMPs, this Policy shall supersede.

- b) For Hearing Officers: the provisions of any agreement governing the retainer between the Town and a Hearing Officer(s) shall also apply in regard to the activities of the Hearing Officer. In the event of a conflict between this Policy and the agreement, the provisions of this Policy shall supersede.

This Policy shall apply in addition to all applicable law (i.e. the *Municipal Conflict of Interest Act*, etc.). A breach of applicable law relevant to any matters set out in this Policy shall be deemed to be a breach of this Policy.

### **3 POLICY STATEMENT**

- 3.1 The Town of Bradford West Gwillimbury values a clear and transparent process for the selection of Screening Officers and Hearing Officers in a fair and equitable manner and in accordance with applicable legislation and Council-approved By-laws.

#### **Communication**

- 3.2 This Policy will be posted on the Town's website.

#### **Appointment of Screening Officers**

- 3.3 In accordance with the Screening and Hearing Officer By-law, Screening Officers shall be appointed by the Clerk. Except where ineligible or where the Clerk, in consultation with the Manager of Enforcement otherwise determines that the person has demonstrated an inability to comply with Town policies or procedures or is unable to carry out the duties related to AMPs in a fair and impartial manner.

#### **Eligibility**

- 3.4 The following persons are not eligible for appointment as Screening Officers:
  - a) A member of Council;
  - b) A Relative of a member of Council;
  - c) A person indebted to the Town, other than:
    - i. In respect of current property taxes; or
    - ii. Pursuant to an agreement with the Town, where the person is in compliance with the terms thereof.

The Clerk, in consultation with the Manager of Enforcement, may revoke the appointment of a Screening Officer if at any time the person becomes ineligible for appointment or continuation as a Screening Officer, or is otherwise determined by the Clerk, in

consultation with the Manager of Enforcement, to be unable to carry out the duties related to AMPs in a fair and impartial manner or to comply with Town policies or procedures.

### **Recruitment of Hearing Officers**

- 3.5 The Town may, from time to time, recruit Hearing Officer(s) as contemplated by the Screening and Hearing Officer By-law, in accordance with the process outlined herein.

### **Joint Panel**

- 3.6 A Joint Panel is hereby established, to carry out the duties of the Joint Panel as contemplated by the Screening and Hearing Officer By-law and in this Policy. The Joint Panel shall be comprised of the following representatives of the Towns of Innisfil and Bradford West Gwillimbury:

- a) Clerk;
- b) Manager of Enforcement; and
- c) Manager of Legal

### **Eligibility**

- 3.7 The following persons are not eligible to be appointed or to remain as Hearing Officer(s)
- a) A member of Council;
  - b) A relative of a member of Council;
  - c) An employee of the Town;
  - d) A person indebted to the Town, other than:
    - i) In respect of current property taxes; or
    - ii) Pursuant to an agreement with the Town, where the person is in compliance with the terms thereof.

### **Application and Review Process**

- 3.8 The recruitment of Hearing Officer(s) will be carried out as a joint initiative of the Towns of Innisfil and Bradford West Gwillimbury. Hearing Officer(s) postings will be published by the Towns of Innisfil and Bradford West Gwillimbury. The posting will outline the role of the Hearing Officer(s) and eligibility criteria.
- 3.9 All applications received by the established deadline will be forwarded to the Joint Panel, which will be responsible for reviewing the applications and recommending appointments to Council.
- 3.10 The Joint Panel will make recommendations to Council. Council will consider the recommendations and appoint Hearing Officer(s) by amendment to Schedule A of the Town's Screening and Hearing Officer By-law.

The Towns of Innisfil and Bradford West Gwillimbury will jointly notify all applicants of the decision of the Councils and will retain all applications according to their applicable data retention policies and By-laws.

- 3.11 Should the Town decide to expand the AMPs program(s) to matters other than parking, Council may, but is not required to, expand the duties of any existing Hearing Officer(s) and/or appoint new Hearing Officer(s) for that purpose.

### **Position and Term**

- 3.12 Hearing Officer(s) are independent and are not Town employees. Hearing Officer(s) may be required to enter into a contract with the Town outlining the terms of service.

Unless revoked, Hearing Officer(s) shall be appointed for the term of Council (or remainder thereof, where appointed mid-term), and thereafter until reappointed or until a successor is appointed.

- 3.13 Council may revoke the appointment of a Hearing Officer at any time, on the recommendation of the Joint Panel, in accordance with the Screening and Hearing Officer By-law.
- 3.14 Where a Screening Officer or Hearing Officer is charged with any offence under the Criminal Code of Canada, or under any other Federal or Provincial statute or Regulation where continuing to perform duties may erode public confidence in the administration of justice, the Screening Officer or Hearing Officer shall disclose same to the Manager of Enforcement within (five) 5 business days of the charge being laid, and appropriate action will be taken by the Town, which, if determined appropriate, may include suspension from duties until the final disposition of the charge and, upon final disposition, may include, but is not limited to, termination of duties related to AMPs and/or revocation of appointment.

## **4 RESPONSIBILITY**

### **Compliance, monitoring and review**

- 4.1 The Enforcement Division shall be responsible for the development, approval, implementation, training, monitoring and compliance of and with the policy.

### **Reporting**

- 4.2 No additional reporting is required.

### **Records management**

- 4.3 Staff must maintain all records relevant to administering this policy in a recognized Town recordkeeping system in accordance with the Town Records Management policies and procedures.

## 5 DEFINITIONS

**“Administrative Monetary Penalty By-law”** means the By-law passed by the Town to establish administrative penalties (“AMPs”), as amended from time to time, or any successor thereof;

**“AMPs”** means the Administrative Monetary Penalty system, established pursuant to the Town’s Administrative Monetary Penalty By-law;

**“Clerk”** means the Town Clerk, or anyone designated by the Clerk to perform his or her duties relating to AMPs;

**“Council”** means the Council of the Town;

**“Hearing Officer”** means any person appointed pursuant to the Screening and Hearing Officer By-law, to perform the functions of a hearing officer in accordance with the Screening and Hearing Officer By-law and the Administrative Monetary Penalty By-law;

**“Joint Panel”** means a joint panel as set out herein, established to provide advice and recommendations to Council pursuant to the Screening and Hearing Officer By-law, regarding the appointment of Hearing Officers;

**“Parent”** means a person who has demonstrated a settled intention to treat a child as a member of his or her family, whether or not that person is the natural parent of the child;

**“Person”** includes an individual or a corporation;

**“Relative”** includes any of the following persons:

- a) spouse, common-law partner, or any person with whom the person is living as a spouse outside of marriage;
- b) Parent or legal guardian;
- c) child, including a step child and grandchild;
- d) siblings and children of siblings;
- e) aunt, uncle, niece and nephew;
- f) in-laws, including mother, father, sister, brother, daughter and son; or
- g) any person who lives with the person on a permanent basis

**“Screening and Hearing Officer By-law”** means the By-law passed by the Town to establish the positions of Screening and Hearing Officers and to provide for the appointment of Screening and Hearing Officers, in relation to administrative penalties, as amended from time to time, or any successor thereof;

**“Screening Officer”** means any person appointed from time to time pursuant to the Screening and Hearing Officer By-law, to perform the functions of a screening officer in accordance with the Screening and Hearing Officer By-law and the Administrative Monetary Penalty By-law; and

“Town” means The Corporation of the Town of Bradford West Gwillimbury.

## 6 RELATED DOCUMENTS AND LEGISLATION

- AMPs Financial Management Policy
- AMPs Political Interference Policy
- AMPs Public Complaints Policy
- AMPs Screening and Hearing Officer Policy
- AMPs Undue Hardship Policy
- Statutory Powers and Procedures Act (Ontario)
- Administrative Monetary Penalties By-law (Bradford West Gwillimbury)
- Appointing Screening and Hearing Officers By-law (Bradford West Gwillimbury)
- By-law 2022-73 – Amendment to Traffic By-law (Bradford West Gwillimbury)

## 7 FEEDBACK

7.1 Feedback about this document may be provided by emailing the Manager of Enforcement.

## 8 APPROVAL AND REVIEW DETAILS

<b>Approval and Review</b>	<b>Details</b>
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Administrator	Manager of Enforcement
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## **Document Approval**

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Clerk  
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Chief Administrative Officer  
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