

Financial Management and Reporting Policy for the Administration of the Administrative Monetary Penalty (AMPs) System

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1 PURPOSE

1.1 Ontario Regulation 333/07 made under the Municipal Act, 2001 requires a municipality establishing an AMPs system to have a policy to address financial management and reporting of AMPs. The purpose of this Policy is to provide guidance and establish financial management and the reporting and tracking of Administrative Penalties and fees. This policy affirms that the Town shall follow the existing corporate policies and procedures related to financial management and reporting.

2 SCOPE

2.1 This Policy applies to all financial management and reporting responsibilities and accountabilities regarding AMPs. All persons responsible for administering the AMPs program, as well as Screening Officers and Hearing Officers, shall comply with this Policy.

- 2.2 The Town has established a number of financial management policies and procedures, which along with proactive financial planning processes, provide a framework for the Town's overall fiscal planning and management. The Town continues to display financial accountability through regular, thorough, and transparent financial performance reporting and analysis. This will be reflected in routine reporting on AMPs financial results, as well as efficiency and effectiveness measures of the AMPs program and services.

3 POLICY STATEMENT

- 3.1 This policy is to establish financial management and reporting responsibilities related to the Administrative Monetary Penalty System ("AMPs").
- 3.2 This policy will be posted on the Town's website.
- 3.3 This Policy shall form part of the orientation for all Screening Officers, Hearing Officers and AMPs enforcement and administration staff.
- 3.4 All current and new Town officials and Staff with the potential for interaction with the AMPs program shall receive training in relation to this Policy.

General Financial Management and Reporting

- 3.5 Staff must maintain all records relevant to administering this policy in a recognized Town recordkeeping system and in accordance with Town Records Management policies and procedures.
- 3.6 Preparation of the Town's budget revolves around priority setting that reflects the Town's Strategic Plan, Council priorities, service delivery objectives and standards and historical financial performance, all balanced with the need for prudent financial management. Priority setting and budgeting with respect to AMPs shall be the responsibility of Manager of Enforcement.
- 3.7 Through the process of current and capital financial management and reporting for AMPs, The Manager of Enforcement shall:
- a) review and monitor current year actual, budgeted and projected financial performance and operating results;
 - b) proactively compare program financial activity with past performance to identify trends, issues and opportunities;
 - c) determine priorities for maintaining and improving AMPs program services levels;
 - d) review and develop long-term plans for AMPs including a multi-year operating and capital budget analysis and projections;
 - e) identify and mitigate factors impacting the AMPs budget and financial performance, such as inflation, fixed costs and legislative requirements that are beyond the control of Town's decision-makers;

- f) comply with all corporate reporting standards and requirements as part of the Town's financial management and reporting processes;
- g) ensure all necessary financial signing authorities are in place and followed by all staff involved in AMPs administration; and
- h) comply with all Town procurement policies and procedures in regard to AMPs.

Payment of Penalty and Notice

- 3.8 Any person issuing a Penalty Notice for an infraction of a Designated By-Law is not permitted to accept payment for an Administrative Penalty.
- 3.9 Hearing Officers are prohibited from directly accepting any payment from any Person in respect of a Penalty Notice.
- 3.10 Town employees shall ensure compliance with corporate and/or departmental cash/payment handling procedures for financial stewardship.

Methods of Payment

- 3.11 Following the issuance of a Penalty Notice or a Notice of Decision, the Person shall make a payment by using one of the following methods:
 - a) Online (subject to a nominal processing fee);
 - b) In person at the Administration Offices (100 Dissette Street) or Finance Offices (61 Holland Street East), during regular business hours (Monday – Friday from 8:30am-4:30pm) or outside of regular business hours in the designated drop box.
 - c) By mailing a cheque to the Town at:

The Corporation of the Town of Bradford West Gwillimbury
Enforcement Division
100 Dissette Street, Units 7 & 8
Bradford, ON
L3Z 2A7
Attention: AMPs Program
- 3.12 The Penalty Notice number must be written on the front of the cheque or money order and shall be made payable to "The Corporation of the Town of Bradford West Gwillimbury".
- 3.13 Payment is not considered made until received and processed by the Town. Persons must allow sufficient mailing time for payments and should not send cash by mail. Post-dated cheques or payment by installments (unless otherwise agreed by the Manager of Enforcement) are not accepted. A fee will be applied for any Non-Sufficient Funds, cancelled, or reversed payment, in accordance with the Town's Fees and Charges By-law.

Processing Payments

3.14 Payments will be processed as follows:

a) Online

The Person enters their Penalty Notice and related information into the online system and makes a payment with their credit card information. Once the transaction is processed and approved, the Person may print a receipt of payment as proof of payment for their records.

b) In Person

Apply the appropriate method of payment to the Penalty Notice. The Person is provided with a receipt of payment for their records.

c) By Mail

Apply the cheque or money order payment to the Penalty Notice. A receipt is not provided when using this method of payment.

3.15 Upon receipt of a Penalty Notice payment, a Town employee will apply the payment to a specific Penalty Notice in the Town's AMPs management system connected to the Town's Point-of-Sale terminals. Unless otherwise agreed by the Manager of Enforcement, partial payments will not be accepted. The Penalty Notice will reflect "paid" status.

3.16 A Person's credit card information is not kept by the Town's system, in accordance with the Municipal Freedom of Information and Protection of Privacy Act.

Refund of Payment

3.17 If a Person has paid any Administrative Fee in respect of a Penalty Notice, and the Administrative Fee or part thereof is later cancelled or reduced by a Screening Officer or Hearing Officer, the Town shall refund the Administrative Fee or part thereof cancelled or reduced, to the Person.

Administrative Fees

3.18 Various Administrative Fees may be payable by a Person with a Penalty Notice as set out in the Town's Fees and Charges By-Law and the Administrative Monetary Penalty By-Law. Where applicable, such fees shall be paid in addition to the Administrative Penalty.

4 RESPONSIBILITIES

Compliance, monitoring and review

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

4.2 In cases of policy violation, the Town may investigate and determine appropriate corrective action.

Reporting

4.3 No additional reporting is required.

Records management

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

5 DEFINITIONS

“Administrative Fee” means any fee specified for AMPs in the Town’s Fees and Charges By-Law;

“Administrative Penalty” means an administrative penalty established by the Administrative Monetary Penalty By-Law for a contravention of a Designated By-Law, as defined therein;

“Administrative Monetary Penalty By-Law” means the by-law passed by the Town to establish administrative penalties (“AMPs”) for parking, 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;

“Council” means the Council of the Town;

“Designated By-Law” has the same meaning as in the Administrative Monetary Penalty By-Law;

“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 Penalty By-Law;

“Manager of Enforcement” means the Enforcement Division leader, or anyone designated by the Manager of Enforcement to perform his or her duties relating to AMPs;

“Municipal Freedom of Information and Protection of Privacy Act” means the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M. 56, as amended from time to time, or any successor thereof;

“Penalty Notice” means a penalty notice as described in section 2.2 of the Administrative Monetary Penalty By-Law;

“Person” includes an individual or a corporation;

“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 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 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

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Administrator	Manager of Enforcement
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Document Approval

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