

# Corporate Procedure

## **Subject: Administrative Monetary Penalty System (AMPS) – Prevention of Political Interference**

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### **Purpose Statement:**

The Town of Caledon has implemented an Administrative Monetary Penalty System (AMPS) for the administration of designated by-laws, and camera detected offences.

Ontario Regulation 333/07 requires that a Municipality establishing Administrative Monetary Penalties (AMPS) develop standards relating to the system of administrative penalties which shall include policies and procedures to prevent political interference in the administration of the AMPS system.

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.

### **Scope:**

This Policy applies to all members of Council, Hearing Officers, Screening Officers, and Town of Caledon employees involved in the enforcement and administration of AMPS, and to all other Town of Caledon employees in relation to their interaction with AMPS and members of Council.

In regard to Members of Town of Caledon Council, this policy should be read and interpreted within the context of prevailing provincial legislation, such as Municipal Conflict of Interest Act and the Code of Conduct for Members of Council and Designated Boards policy, including its related policies, procedures and guidelines.

For Hearing Officers: the provisions of any agreement governing the retainer between the Town and a Hearing Officer(s), shall also apply regarding 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.

### **Procedure:**

#### ***Principals of Preventing Political Interference***

No Person shall attempt, directly or indirectly, to communicate with any Town employee or other person performing duties related to the administration of AMPS for the purpose of influencing or interfering, financially, politically or otherwise, with the administration of AMPS or with any particular Penalty Notice.



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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.

## **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 for Members of Council and Designated Boards policy.

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.

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 Commissioner, Corporate 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 Town official with respect to the administration of the AMPS program, he or she shall immediately disclose such contact to the Commissioner, Corporate Services. 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 Commissioner, Corporate Services.



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## Reprisal

In addition to and without limiting the “Accountability” section of this policy, no person shall take any Reprisal against a Town employee or other individual performing duties related to the administration of the AMPS because the employee or individual, in good faith:

- Has sought information or advice about making a disclosure about wrongdoing contrary to this policy;
- has made a disclosure about wrongdoing contrary to this policy in good faith;
- has initiated or cooperated in an investigation or other process related to a disclosure of wrongdoing contrary to this policy;
- has appeared as a witness, given evidence or participated in any proceeding relating to the wrongdoing contrary to this policy, or is required to do so;
- has alleged or reported a Reprisal; or
- is suspected or any of the above actions.

The identity of employees or other individuals performing duties related to the administration of AMPS involved in an investigation, including the identity of an individual alleging political influence contrary to this policy, will be protected to the fullest extent possible.

If an employee believes that they have suffered Reprisal, this should be reported immediately to the Commissioner, Corporate Services, or where appropriate, to the CAO.

## Reference and Related Documents:

*Municipal Act, 2001;*

*Ontario Regulation 333/07 (Administrative Penalties);*

*Town of Caledon AMPS By-law #2024-086;*

*Town of Caledon Corporate Policy and Procedure relating to Employee Conduct and Conflict of Interest;*

*Town of Caledon Public Complaints Procedure;*

*Town of Caledon Code of Conduct for Members of Council and Designated Boards policy*

