



Conflicts of Interest – Administrative Monetary Penalty System

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Policy Statement

This policy is intended to set guidelines to define what constitutes as a conflict of interest in relation to the administration of the Administrative Monetary Penalty System (AMPS).

Legislative Authority

- Ontario Regulation 333/07
- Municipal Act, 2001
- Municipality of Northern Bruce Peninsula AMPS By-law

Purpose

The conflict of interest guidelines are to ensure that the AMPS program is conducted in accordance with fundamental principles of justice. These principles include judicial and prosecutorial independence, fairness, impartiality, competence, and integrity.

In accordance with Ontario Regulation 333/07, the Municipality is required to define what constitutes a conflict of interest in relation to AMPS.

This policy applies to all Screening Officers, Hearing Officers and all Municipal staff involved in the administration of the AMPS program.

The keys to preventing any real or perceived conflicts of interest are: identification, disclosure and the withdrawal from position of decision making for a Screening Review or Hearing Review.

Definitions

For the purpose of this Policy:

Administrative Monetary Penalty System (AMPS)

The administrative process established by the Municipality under its AMPS By-law and in accordance with Ontario Regulation 333/07 and the Municipal Act, 2001 for the enforcement of designated municipal by-law offences through the issuance of Administrative Penalty Notices.

Administrative Penalty / Penalty Notice

A monetary penalty issued to a Person for a contravention of a designated municipal by-law, in accordance with the Municipality's AMPS By-law.

Conflict of Interest

A situation in which a Screening Officer, Hearing Officer, Municipal Clerk, or Municipal employee involved in the administration of AMPS has a direct pecuniary interest, indirect pecuniary interest, deemed pecuniary interest, or any personal interest that may influence, or be perceived to influence, the impartial performance of their duties.

Deemed Pecuniary Interest

An interest that a Screening Officer, Hearing Officer, or Municipal employee is

considered to have under applicable legislation due to the financial interest of a spouse, child, parent, or business partner.

Direct Pecuniary Interest

A financial interest that is personal and immediate to the Screening Officer, Hearing Officer, or Municipal employee and that could be affected by a decision made in the administration of AMPS.

Hearing Officer

An individual appointed by the Municipality to conduct Hearing Reviews of Screening Decisions and to make final determinations in accordance with the AMPS By-law and applicable legislation.

Hearing Review

A review conducted by a Hearing Officer following a Screening Decision, where a Person disputes the outcome of a Screening Review.

Indirect Pecuniary Interest

A financial interest that is not directly personal but arises through a relationship, employment, business connection, or association that could benefit from a decision related to AMPS.

Municipal Clerk

The Clerk of the Municipality of Northern Bruce Peninsula, or their designate, responsible for overseeing the administration of the AMPS program.

Person

An individual, corporation, partnership, or other legal entity.

Screening Officer

An individual appointed by the Municipality to conduct Screening Reviews of Administrative Penalty Notices and make decisions in accordance with the AMPS By-law.

Screening Review

A review conducted by a Screening Officer at the request of a Person who has received a Penalty Notice and wishes to dispute it.

Perceived Conflict of Interest

A situation in which a reasonable and informed person could believe that a Screening Officer, Hearing Officer, or Municipal employee's private interests could improperly influence the performance of their duties, regardless of whether an actual conflict exists.

Potential Conflict of Interest

A situation in which a private interest could reasonably foreseeably develop into an actual conflict of interest in relation to AMPS duties.

Procedure

Conflict of Interest

A conflict of interest arises where a Screening Officer, Hearing Officer or Municipality staff involved in the administration of the AMPS program has a direct pecuniary interest, indirect pecuniary interest, or a deemed pecuniary interest.

In making this determination, the Municipal Clerk, may consult with the Municipal Solicitor.

Every Screening Officer, Hearing Officer, and Municipal employee involved in the administration of AMPS, must disclose to the Municipal Clerk any conflict of interest that they may have. This includes potential or any conflict of interest that might be perceived as conflicting with their duties to or interests in the administration of the AMPS program.

If the Municipal Clerk has a conflict, they shall address that conflict with the Chief Administrative Officer or designate.

Additionally, a Screening Officer or Hearing Officer shall not represent any person at a screening review or hearing review.

In the case of a scheduled review of a Penalty Notice or a Screening Decision that has or has not yet commenced, the Municipal Clerk can request an alternate Screening Officer or Hearing Officer to conduct the review to avoid actual, potential, or perceived conflicts of interest.

Screening Officers and Hearing Officers are not permitted to dispute their own Penalty Notices and are expected to pay the administrative penalty for by-law and parking infractions in a timely manner.