

## CP.1.1.15

**Section:** Administration

**Subsection:** General

**Subject:** Preventing Political Interference in Relation to the Administration of the Administrative Monetary Penalty (“AMPs”) System

**Approval Authority:** 2022.06.08-CR-02

**Effective Date:** June 08, 2022

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### 1. Policy Statement

The Town of Innisfil is committed to ensuring that the Administrative Monetary Penalty System (“AMPs”) system is conducted in a fair and independent manner and preventing political interference in the administration of **AMPs**.

### 2. Purpose

Ontario Regulation 333/07 made under the *Municipal Act, 2001* requires a municipality establishing an **AMPs** system to have a policy for the prevention of political interference in **AMPs**. This Policy is intended to address this requirement, to define what constitutes political interference in relation to **AMPs**, and to ensure that the responsibilities of individuals involved in **AMPs** are conducted in accordance with the principles of fundamental justice, which include decision making and procedural independence, fairness, impartiality, and integrity, without any political interference.

### 3. Definitions

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

“**Administrative 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 Penalty By-Law**;

“**CDSB Leader**” means the Community Standards Leader, or anyone designated by the Community Standards Leader to perform his or her duties relating to **AMPs**;

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

“**Code of Conduct for Members of Council and Local Boards**” means the policy adopted by the **Town** to govern **Council** conduct, provide ethical standards and conflict of interest, as amended from time to time, or any successor thereof;

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

“**Director**” means the Director of Growth for the **Town**, or anyone designated by the Director to perform his or her duties related to **AMPs**;

“**Hearing Officer**” means any person appointed from time to time 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**;

“**Hearing Review**” means the process related to review of a Screening Decision, as set out in section 5 of the Administrative 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;

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

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

“**Power of Decision**” means a power or right, conferred by or under the **Administrative Penalty By-Law**, to make a decision about or prescribing the legal rights, powers, privileges, immunities, duties or liability of any **Person**;

“**Reprisal**” means any measure taken or threatened as a direct result of disclosing or being suspected of disclosing an allegation of wrongdoing, initiating or cooperating in an investigation into an alleged wrongdoing, and includes but is not limited to:

- a) Disciplinary measures;
- b) Demotion of the employee or individual;
- c) Termination of the employee or individual;
- d) Intimidation or harassment of the employee or individual;
- e) Any measure that adversely affects the employment or working conditions of the employee or individual; and
- f) Directing or counselling someone to commit a reprisal;

“**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 Penalty By-Law**;

“**Screening Review**” means the process related to the review of a **Penalty Notice**, as set out in section 6 of the **Administrative Penalty By-Law**;

“**Staff Code of Conduct**” means the policy adopted by the Town to govern employee conduct, provide ethical standards and conflict of interest, as amended from time to time, or any successor thereof;

“**Town**” means The Corporation of the Town of Innisfil; and

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

#### **4. Responsibility**

The Community Development Services Branch – Municipal Law (“**CDSB**”) shall be responsible for the development, approval, implementation, training, monitoring and compliance of and with the policy.

#### **5. Application**

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

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.
- c) For members of **Council**: The **Code of Conduct for Members of Council and Local Boards** shall also apply in regard to the activities of members of **Council**. In the event of conflict between the provisions of this Policy and the provisions of the **Code of Conduct for Members of Council and Local Boards** in relation to **AMPs**, this policy shall supersede.

This Policy shall apply in addition to all applicable law (ie. 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.

#### **6. Administration**

##### **6.1 Communication**

- 6.1.1 This Policy will be posted on the **Town’s** website.
- 6.1.2 Staff will be advised of the new Policy via distribution to the Senior Leadership Team.
- 6.1.3 All members of **Council** shall be provided with a copy of this Policy and the Policy shall form part of the **Council** orientation package.

6.1.4 This Policy shall form part of the orientation for all **Screening Officers, Hearing Officers** and **AMPs** enforcement and administration staff.

6.1.5 Without limiting 6.1.4, 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.

## **6.2 Principles of Preventing Political Interference**

6.2.1 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**;

6.2.2 No **Person** shall attempt, directly or indirectly, to communicate with a **Screening Officer** or **Hearing Officer** for the purpose of influencing or interfering, financially, politically or otherwise, the **Screening Officer** or **Hearing Officer** respecting a **Penalty Notice** and/or respecting a **Power of Decision** in a proceeding that is or will be pending before a **Screening Officer** or **Hearing Officer**, except:

- i. A **Person** who is entitled to be heard in the proceeding or the **Person's** lawyer, licensed paralegal, or authorized representative; and
- ii. Only by that **Person** or the **Person's** lawyer, licensed paralegal or authorized representative during the hearing of the proceeding in which the issues arises.

This paragraph shall not prohibit the giving of receiving of legal advice.

6.2.3 In addition to this Policy, the **Administrative Penalty By-Law** sets out a prohibition on attempting to influence a **Screening Officer** or **Hearing Officer** and creates an offence for any contravention of the provisions of the **Administrative Penalty By-Law**. Such penalty is in addition to any action taken pursuant to this Policy.

6.2.4 All individuals involved with the enforcement and administrative functions of **AMPs** shall carry out such duties in a manner which upholds the integrity of the administration of justice

## **6.3 Accountability**

6.3.1 A **Screening Officer** or **Hearing Officer**, **Town** employee or any other individual performing duties related to **AMPs** shall report any attempt at influence or interference, financial, political, or otherwise, by any **Person**, to the **CDSB Leader** as soon as possible. No action shall be taken against the **Screening Officer**, **Hearing Officer**, employee or other person(s) for making any such report in good faith;

6.3.2 Where any employee, **Screening Officer**, **Hearing Officer**, or other person performing duties related to **AMPs**, is contacted by a member of **Council** with respect to the administration of **AMPs** or a specific **Penalty Notice**, he or she shall immediately disclose such contact to the **CDSB Leader** in order to maintain the integrity of the **AMPs** system.

6.3.3 Any interference with or attempt to interfere with **AMPs** by any **Person** may result in charges under the Criminal Code of Canada, as applicable, or any other applicable law, in addition to any disciplinary action; and

6.3.4 Any interference with **AMPs** or attempt to interfere with **AMPs** by a member of **Council** will be addressed pursuant to the **Code of Conduct for Members of Council and Local Boards**.

#### 6.4 Reprisal

In addition to and without limiting 7.2(a), 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:

- i. Has sought information or advice about making a disclosure about wrongdoing contrary to this policy;
- ii. Has made a disclosure about wrongdoing contrary to this policy in good faith;
- iii. Has initiated or cooperated in an investigation or other process related to a disclosure of wrongdoing contrary to this policy;
- iv. 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;
- v. Has alleged or reported a **Reprisal**; or
- vi. 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 he or she has suffered **Reprisal**, this should be reported immediately to the **CDSB Leader**, or where appropriate, to the **Director**.

#### 6.5 Compliance

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

#### 7. Exceptions

*None.*

#### 8. References

By-Law No. 053-22, being the Town's Administrative Monetary Penalty By-Law;  
 By-Law No. 054-22, being the Town's Screening and Hearing Officer By-Law;  
 CP.3.1.3 Code of Conduct for Members of Council and Local Boards; and  
*Municipal Act, 2001*

#### 9. Revision History

Revision No.	Date	Summary of Changes	Approval Authority
V1	2022.06.08	Adoption	2022.06.08-CR-02