

THE MUNICIPALITY OF CENTRAL MANITOULIN

BY-LAW NUMBER 2024-24

BEING A BY-LAW OF THE MUNICIPALITY OF CENTRAL MANITOULIN TO ESTABLISH POLICIES FOR THE ADMINISTRATIVE MONETARY PENALTY SYSTEM

WHEREAS the Municipal Act, S.O. 2001, c. 25. S. 5 (3) requires a Municipal Council to exercise its powers by by-law, except where otherwise provided;

AND WHEREAS Council of the Municipality of Central Manitoulin deems it expedient to establish Administrative Monetary Penalty System Policies;

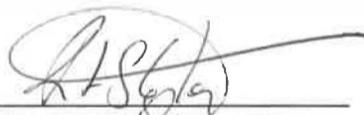
NOW THEREFORE THE COUNCIL OF THE MUNICIPALITY OF CENTRAL MANITOULIN HEREBY ENACTS as follows:

1. **THAT** this Council does hereby adopt the “AMPS POLICIES” attached hereto as Schedule ‘A’ through to Schedule ‘G’;
2. **THAT** Schedule ‘A’ , ‘B’ , ‘C’ , ‘D’ , ‘E’ , ‘F’ & ‘G’ forms part of this by-law;

Administrative Monetary Penalty – Conflict of Interest and Code of Conduct (Schedule A)
Administrative Monetary Penalty – Undue Hardship (Schedule B)
Administrative Monetary Penalty – Extension of Time to Request a Review (Schedule C)
Administrative Monetary Penalty – Public Complaints (Schedule D)
Administrative Monetary Penalty – Appointment of Screening and Hearing Officers (Schedule E)
Administrative Monetary Penalty – Preventing Political Interference (Schedule F)
Administrative Monetary Penalty – Financial Management and Reporting (Schedule G)

3. **THAT** this by-law shall come into force and take effect upon receiving the final reading thereof.

READ A FIRST, SECOND AND THIRD TIME, AND FINALLY PASSED THIS DAY OF August 22nd , 2024.


Richard Stephens, Mayor


Denise Deforge, CAO/Clerk

I, _____, Clerk of the Municipality of Central Manitoulin, do hereby certify that this is a true copy of By-law 2024-24 as passed in open Council the 22nd day of August, 2024.

Clerk

SCHEDULE A

Policy: Municipality of Central Manitoulin Administrative Monetary Penalties System- Conflict of Interest and Code of Conduct

Contact: By-law department

Approval Authority: Chief Administrative Officer

Effective: September 1, 2024

Revised:

Purpose

The Municipal Act, 2001 requires a municipality establishing an Administrative Monetary Penalty System (AMPS) to have a policy relating to conflicts of interest. In accordance with the Regulation, the Policy must define what constitutes a conflict of interest in relation to AMPS, contain provisions to prevent such conflicts and to address such conflicts should they occur.

This Policy addresses conflict of interest provisions in relation to the administration of AMPS. The Policy set out requirements relating to Screening Officers, Hearing Officers and Municipal staff in order to prevent actual, potential and perceived conflicts of interest, and to ensure that AMPS responsibilities are conducted in accordance with fundamental principles of justice, which include independent decision making, natural justice, fair justice, impartiality, competence and integrity.

Scope

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

The following shall apply in addition to this Policy:

- For Municipal employees involved in the administration of the AMPS program: the Employee Code of Conduct Policy, shall also apply regarding 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 Employee Code of Conduct Policy, in relation to AMPS, this Policy shall supersede.
- For Hearing Officers: the provisions of any agreement governing the retainer between the Municipality of Central Manitoulin 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.

This Policy shall apply in addition to all applicable Municipal policies (i.e., Employee Code of Conduct, etc.). A breach of Municipal policy relevant to any matters set out in this Policy shall be deemed to be a breach of this Policy.

Definitions

Administrative Penalty By-law shall mean the by-law passed by the Municipality of Central Manitoulin to establish administrative penalties for contravention of Municipal By-laws as amended from time to time, or any successor thereof;

AMPS shall mean Administrative Monetary Penalty System, established pursuant to the Administrative Penalty By-law;

Clerk shall mean the Municipal Clerk, or anyone designated by the Municipal Clerk to perform their duties relating to AMPS;

Council shall mean the Council of the Municipality of Central Manitoulin;

Employee Code of Conduct Policy shall mean the policy adopted by the Municipality to govern employee conduct, provide ethical standards and conflict of interest, as amended from time to time, or any successor thereof;

Hearing Officer shall mean any person appointed by the Municipality 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 shall mean the process related to review of a Screening Decision, as set out in Section 5.0 of the Administrative Penalty By-law;

Municipality shall mean the Municipality of Central Manitoulin;

Penalty Notice shall mean a penalty notice as described in Section 3.0 of the Administrative Penalty By-law;

Person shall mean an individual or a corporation;

Policy for Appointment of Screening and Hearing Officers shall mean the policy adopted by the Municipality of Central Manitoulin to govern the Appointment of Screening and Hearing Officers, as amended from time to time, or any successor thereof;

Power of Decision shall mean a power or right, conferred by or under this By-law, the Municipal Act Ontario Reg. 333/07, 2001, and the Administrative Penalty By-law, to make a decision deciding or prescribing the legal rights, powers, privileges, immunities, duties or liabilities of any Person;

Relative shall mean any of the following persons:

- spouse, common-law partner, or any person with whom the person is living as a spouse outside of marriage;
- parent or legal guardian;
- child, including a stepchild and grandchild;
- siblings and children of siblings;
- siblings of parents and their children (typically known as aunt, uncle, niece and nephew);
- in-laws, including parents, siblings, and children; or;
- any person who lives with the person on a permanent basis.

Screening and Hearing Officer By-law shall mean the by-law passed by the Municipality 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 Decision shall mean the decision of a Screening Officer, as set out in Section 4.7; of the Administrative Penalty By-law;

Screening Officer shall mean any person appointed by the Municipality 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 shall mean the process related to review of a Penalty Notice, as set out in Section 4.0 of the Administrative Penalty By-law; and

Statutory Powers Procedure Act shall mean the Statutory Powers Procedure Act, R.S.O. 1990, c. S. 22, as amended from time to time, or any successor thereof;

Policy

Appointment of Screening Officers and Hearing Officers

The Screening and Hearing Officer By-law and Policy for Appointment of Screening and Hearing Officers establishes the rules regarding the appointment of Screening Officers and Hearing Officers. Screening and Hearing Officers shall be appointed and recruited in accordance with the Policy for Appointment of Screening and Hearing Officers.

The following persons shall not be eligible for appointment as or to remain as a Screening Officer or Hearing Officer:

- a member of Council;
- a relative of member of Council;
- an individual indebted to the Municipality other than;
 - o in respect of current real property taxes; or
 - o pursuant to an agreement with the Municipality of Central Manitoulin, where the individual is in compliance with the terms thereof; and
- in the case of a Hearing Officer, an employee of the Municipality of Central Manitoulin.

Conflict of Interest: Administration

A conflict of interest arises where a Screening Officer, Hearing Officer or Municipal employee involved in the administration of AMPS, or any relative of same, has a direct or indirect personal or financial interest:

- such that they could influence a decision made in relation to AMPS;
- that may affect the performance of their job duties in relation to AMPS;
- that conflicts, might conflict, or may be perceived to conflict with the interests of the proper administration of AMPS; or
- that may adversely affect the reputation of the Municipality as a public authority in relation to AMPS.

Additional Conflict of Interest

A conflict of interest includes a pecuniary or non-pecuniary interest, actual, perceived, or potential conflict, that could arise in relation to personal or financial matters, including but not limited to:

- directorships or employment;
- interests in business enterprises or professional practices;
- share ownership or beneficial interests in trusts;
- professional or personal associations with a Person;
- professional associations or relationships with other organizations;
- personal associations with other groups or organizations;
- or family relationships, including Relatives.

Conduct of Screening Officers and Hearing Officers

Screening Officer

Screening Officers are employees of the Municipality of Central Manitoulin and therefore must also abide by the Municipality's Employee Code of Conduct and Ethics.

Screening Officers must be and appear to be impartial at all times. Screening Officers shall not review a Penalty Notice for a personal or business acquaintance or Relative.

Screening Officers shall not review a penalty notice that they have issued.

Hearing Officer

Hearing Officers, in conducting a Hearing Review, are bound by and shall comply with the Statutory Powers Procedures Act, as well as general administrative common law principles (i.e., procedural fairness, natural justice, impartial and unbiased decision making, etc.).

Hearing Officers must be and appear to be impartial at all times. A Hearing Officer shall not review a Screening Decision for a personal or business acquaintance or Relative.

Hearing Officers must also abide by the terms of any agreement governing the retainer between the Hearing Officer and the Municipality of Central Manitoulin.

All Screening Officer(s) and Hearing Officer(s) shall:

- both be and appear to be independent, impartial, and unbiased;
- avoid all conflicts of interest, whether real, potential or perceived, and promptly take appropriate steps to disclose, resolve, or obtain advice with respect to any such conflict should it arise;
- not represent any Person at a Screening Review or Hearing Review;
- not dispute their own Penalty Notices and are expected to pay the Penalty Notice in a timely manner;
- not be influenced by partisan interests, public opinion, or by fear of criticism;
- not use their title and position to promote their own interests or the interests of others;
- discharge their duties in accordance with Municipal by-laws and AMPS policies, procedures and guidelines in effect from time to time;
- maintain and upgrade their knowledge and competence through their work, by participating in training, and by seeking guidance from their colleagues and the Municipality, as necessary;
- remain up to date on changes of Municipal by-laws, policies and procedures relevant to their function;
- act with integrity, as they are subject to ongoing public scrutiny;
- respect and comply with the Municipal by-laws and conduct themselves at all times in a manner that promotes public confidence in the integrity and impartiality of AMPS;
- approach their duties in a calm and courteous manner when dealing with the public and others and present and conduct themselves in a manner consistent with the integrity of AMPS and with their appointment;
- convey their decisions in plain language, including the reasons therefore where such are required;
- safeguard the confidentiality of information that comes to them by virtue of their work and not disclose that information except as required by, and in accordance with, the law;
- in discharging their duties, treat those with whom they deal with in a respectful and tolerant manner regardless of the gender, sexual orientation, race, religion, culture, language, mental abilities, or physical abilities of those Persons, and without limiting the foregoing, comply in all respects with the Ontario Human Rights Code;

- refrain from openly and publicly criticizing the administration of AMPS or the conduct of others, including Municipal employees or members of Council. Screening Officers and Hearing Officers shall acknowledge that only the Clerk or Manager of AMPS may speak publicly on behalf of the Municipality's AMPS program. Any criticisms, suggestions or concerns related to AMPS shall be communicated through appropriate channels to the CAO;
- deal with the matters that come before them in a timely manner and make themselves accessible to those requiring their services;
- not knowingly exercise a power or function for which they have not been trained or designated.

Without limiting the foregoing, Screening Officers, Hearing Officers, and all persons involved in the administration of AMPS shall avoid activities or circumstances that create conflicts, whether real, potential or perceived, between their personal interests and their responsibilities in relation to AMPS, including situations where their personal interests or the perception that their personal interests could influence any decisions they make on behalf of the Municipality of Central Manitoulin.

Any obligation, interest, or participation, which would or could interfere with the fair and impartial administration of AMPS or the exercise of judgment in relation to AMPS, constitutes conflict of interest.

Every Screening Officer, Hearing Officer or Municipality of Central Manitoulin employee involved in the administration of AMPS, must disclose, in accordance with this Policy, any obligation, commitment, relationship or interest that poses a real, potential or perceived conflict with his or her duties in relation to or interests in the administration of AMPS.

Preventing Conflict of Interest

The keys to preventing conflicts of interest are identification, disclosure, and withdrawal from the power of decision with respect to a Screening Review or Hearing Review.

The need for identification, disclosure and withdrawal from a Power of Decision or administrative role in relation to AMPS applies to any real, potential, or perceived conflict of interest.

Assignment of Alternate Screening Officer or Hearing Officer

Where a real, potential, or perceived conflict of interest is reported by a Screening Officer or Hearing Officer, as set out in this Policy:

- in the case of a review of a Screening Review or Hearing Review that has not yet commenced, the Manager of Amps shall assign another Screening Officer or Hearing Officer to conduct the review to avoid actual, potential, or perceived conflict of interest; or
- in the case of a review of a Screening Review or Hearing Review that has commenced:
 - o the Screening Officer or Hearing Officer, as the case may be, shall adjourn the review and withdraw from the Power of Decision; and
 - o the Manager of AMPS shall cause the Screening Review or Hearing Review to be recommenced and rescheduled with another Screening Officer or Hearing

If all appointed Screening Officers and/or Hearing Officers have a conflict of interest with a matter, the Manager of AMPS shall retain another Screening Officer or Hearing Officer to handle the matter that is the subject of the conflict of interest.

The CAO may consult with the Municipal Solicitor, or their designate, for further guidance in regard to this Policy.

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 AMPS within 5 business days of the charge being laid, and appropriate action will be taken by the Municipality of Central Manitoulin, 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.

Responsibilities

Screening Officers and Municipal Employees

In reporting conflicts of interest, Screening Officers and Municipal employees involved in the administration of AMPS shall notify the CAO of any conflict of interest, real, potential, or perceived, that they may have in relation to a matter.

Hearing Officers

In reporting conflicts of interest, if a Hearing Officer becomes aware of any real, potential, or perceived conflict of interest, the Hearing Officer shall notify the Manager of AMPS.

Monitoring and Compliance

In accordance with the Municipality of Central Manitoulin's policies, collective agreement and applicable legislation and policies any employee found to be demonstrating actions / behaviours that are not consistent with the terms of this policy will result in an investigation. Any employee found to be disrespecting the terms of this policy other than under exceptional circumstances, emergencies or operational requirement is subject to possible discipline up to and including termination. CAO / Managers / supervisors and employees should work collaboratively to resolve issues related to this policy. Employees can escalate issues to Human Resources where difficulties continue.

References

- Municipal Act, 2001, S.O. 2001, c. 25
- O. Reg. 333/07: Administrative Penalties
- 2023-13 Administrative Penalty Bylaw
- 2024-15 Screening and Hearing Officer Bylaw
- AMPS Policy - Appointment of Screening and Hearing Officers
- AMPS Policy - Financial Management Policy
- AMPS Policy - Preventing Political Interference
- AMPS Policy - Public Complaints
- AMPS Policy - Undue Hardship

Review Timeline

This policy will be reviewed two years after the initial approval date.

SCHEDULE B

Policy: Municipality of Central Manitoulin -Administrative Monetary Penalties System- Undue Hardship

Contact: By-law Services

Approval Authority: Chief Administrative Officer-Denise Deforge

Effective: September 1, 2024

Revised:

Purpose

The Municipality wishes to establish a Policy to assist Screening Officers and Hearing Officers in responding to requests by persons with a Penalty Notice for relief from paying all, or part, of an Administrative Penalty, including any Administrative Fees, on the basis that they would suffer undue hardship if required to pay the penalty or fee.

Ontario Regulation 333/07 made under the Municipal Act, 2001 requires a municipality establishing an Administrative Monetary Penalty System (AMPS) to have procedures that permit persons to be excused from paying all or part of the administrative penalty, including any administrative fees, if requiring them to do so would cause undue hardship.

The Administrative Penalty By-law provides discretion to Screening Officers and Hearing Officers to cancel, reduce or extend time for payment of Administrative Penalties and Administrative Fees where the Officer determines it is necessary in order to reduce undue hardship. This Policy is intended to provide guidelines to Screening Officers and Hearing Officers in exercising their discretion in accordance with the By-law No.2023-13, as amended. It is not intended to provide criteria for establishing undue hardship in respect of other Municipality of Central Manitoulin programs or services.

Scope

This Policy applies to Screening Officers and Hearing Officers in the conduct of a Screening Review and a Hearing Review, respectively, pursuant to the Municipality's Administrative Penalty By-law.

Definitions

Administrative Fee shall mean any fee specified in the Administrative Penalty By-law;

Administrative Penalty shall mean 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 shall mean the by-law passed by the Municipality to establish administrative penalties, as amended from time to time, or any successor thereof;

AMPS shall mean Administrative Monetary Penalty System;

Financial Hardship shall mean a significant financial difficulty or expense and focuses on the resources and circumstances of the Person owing an Administrative Penalty or Administrative Fee, in relation to the cost or difficulty of paying the Administrative Penalty or Administrative Fee;

Hearing Officer shall mean any person who is appointed by the Municipality of Central Manitoulin 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 Decision shall mean a notice which contains the decision of a Hearing Officer, as set out in Section 6.14 of the Administrative Penalty By-law;

Hearing Review shall mean the process related to review of a screening decision, as set out in section 5.0 of the Administrative Penalty By-law;

Municipal Freedom of Information and Protection of Privacy Act shall mean 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;

Municipality shall mean the Municipality of Central Manitoulin;

Penalty Notice shall mean a penalty notice as described in Section 3.0 of the Administrative Penalty By-law;

Person shall mean an individual or a corporation;

Records Retention By-law shall mean the by-law, passed by the Municipality providing for the classification, retention and disposition of records in the Municipality of Central Manitoulin, as amended from time to time, or any successor thereof;

Screening Review shall mean the process related to review of a Penalty Notice, as set out in section 4.0 of the Administrative Penalty By-law;

Screening Decision shall mean a notice which contains the decision of a Screening Officer, as set out in Section 5.8 of the Administrative Penalty By-law;

Screening Officer shall mean any person appointed by the Municipality 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;

Undue Hardship shall mean Financial hardship, or other extenuating circumstances based on compassionate grounds.

Policy

Process

In accordance with the Administrative Penalty By-law, a Screening Officer or Hearing Officer:

- May cancel, reduce or extend the time for payment of an Administrative Penalty and/or any Administrative Fee, where the Screening Officer or Hearing Officer is satisfied, on a balance of probabilities, that the cancellation, reduction or extension of time for payment is necessary to reduce Undue Hardship; and
- Will consider and satisfy themselves at the Screening Review or Hearing Review as to the authenticity/credibility of any oral or documentary evidence provided, in respect of Undue Hardship, and will include an assessment of such evidence in their decision.

Documentation to Support Financial Hardship/ Undue Hardship

A Person who wishes to seek relief pursuant to the Administrative Penalty By-law based on Financial Hardship and/or Undue Hardship should bring documentation to support their claim to the Screening Review or Hearing Review. Examples of documents that may be considered in relation to Financial Hardship and/or Undue Hardship include, but are not limited to:

- Old Age Security;
- Canada Pension;
- Guaranteed Income Supplement;
- Disability Pension;
- Ontario Student Assistance Program; or
- Any other form of social assistance

A Screening Officer or Hearing Officer may also consider the oral evidence provided by the Person in relation to Financial Hardship.

Records Retention

All information and documentation provided in support of financial or undue hardship shall be treated in a confidential manner, in accordance with the Municipal Freedom of Information and Protection of Privacy Act. Photocopies of the documentation may be required and attached to the Screening Decision and/or Hearing Decision record and will be retained according to the Municipality's Records Retention By-Law.

Policy Communication

- This Policy will be posted on the Municipal website;
- Employees will be advised of the new Policy via distribution to the Municipal departments;
- This Policy shall form part of the orientation for all Screening Officers, Hearing Officers and AMPS enforcement and administration employees.

Monitoring and Compliance

In accordance with the Municipality of Central Manitoulin policies, collective agreement and applicable legislation and policies, any employee found to be demonstrating actions / behaviours that are not consistent with the terms of this policy will result in an investigation. Any employee found to be disrespecting the terms of this policy other than under exceptional circumstances, emergencies or operational requirement is subject to possible discipline up to and including termination. CAO /

Director / Managers / supervisors and employees should work collaboratively to resolve issues related to this policy. Employees can escalate issues to Human Resources where difficulties continue.

References

- Municipal Act, 2001, S.O. 2001, c. 25
- Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56
- O. Reg. 333/07: Administrative Penalties
- 2023-13 Administrative Penalty Bylaw
- 2024-15 Screening and Hearing Officer Bylaw
- AMPS Policy - Appointment of Screening and Hearing Officers
- AMPS Policy - Conflict of Interest and Code of Conduct
- AMPS Policy - Financial Management Policy
- AMPS Policy - Preventing Political Interference
- AMPS Policy - Public Complaints
- Code of Conduct Policy
- Council-Staff Relations Policy

Review Timeline

This policy will be reviewed two years after the initial approval date.

SCHEDULE C

Policy: Municipality of Central Manitoulin -Administrative Monetary Penalties System- Extension of Time to Request a Screening Review or Hearing Review

Contact: By-law Department

Approval Authority: Chief Administrative Officer; Denise Deforge

Effective: September 1, 2024

Revised:

Purpose

To provide a policy to respond to a Person's request for an extension of time to request a review of a Penalty Notice by a Screening Officer or a Screening Decision by a Hearing Officer.

In accordance with Ontario Regulation 333/07, the Municipality must provide a process for a Person to request an extension of time to request a Screening Review or a Hearing Review.

Definitions

Administrative Fee shall mean any fee specified in By-law 2023-13;

AMPS shall mean Administrative Monetary Penalty System;

Hearing Officer shall mean any person who is appointed by the Municipality of Central Manitoulin from time to time pursuant to the Screening and Hearing Officer By-law 2024-15, 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 the AMPS System shall mean the person or persons responsible for the overseeing of the AMPS system for the Municipality of Central Manitoulin;

Mitigating or Extenuating Circumstances shall mean situations that do not provide an excuse or justify the infraction, but which in fairness and mercy may be considered as reducing the degree of responsibility. These are very special circumstances, and if proven that the existence of such special circumstances warrants a reduction of the Penalty Notice, the Screening Officer may take this into consideration when adjudicating the matter. The Person claiming mitigating or extenuating circumstances shall provide proof of their claim with oral evidence and documented proof (i.e. medical records, birth announcement), if available;

Municipality shall mean the Municipality of Central Manitoulin;

Penalty Notice shall mean a notice given to a Person pursuant to section 3 of By-law 2023-13;

Person shall include an individual or a business name, sole proprietorship, corporation, partnership, or limited partnership, or an authorized representative thereof;

Hearing Review shall mean the process set out in section 5 of By-law 2023-13;

Screening Review shall mean the process set out in section 4 of By-law 2023-13;

Screening Decision shall mean a notice which contains the decision of a Screening Officer;

Screening Officer shall mean a person who performs the functions of a Screening Officer in accordance with By-law 2023-13;

Provisions

1. Application

This Policy applies to Screening Reviews and Hearing Reviews conducted by a Screening Officer or Hearing Officer, in accordance with AMPS By-law 2023-13.

2. Screening Review

(a) Within 15 days of receipt of the Penalty Notice the Person will have the option to:

(i) make the early payment amount; or

(ii) request a review of the Penalty Notice by a Screening Officer.

(b) A Person has 15 days to request a Screening Review with a Screening Officer to dispute their Penalty Notice. If the Person has not requested a Screening Review of their Penalty Notice on or before the 15th

day after the Penalty Notice was issued, they may request an extension of time to request a Screening Extension of Time to Request a Screening Review or Hearing Review in the Administrative Monetary Penalty System (AMPS). The Person shall make this request no later than 45 days after the issued date on the Penalty Notice.

2.1 Granting a Request for an Extension of Time to Request a Screening Review

- (a) The request may be granted if the Person requesting the extension demonstrates the existence of Mitigating or Extenuating Circumstances that prevented them from requesting a Screening Review within the original 15 day timeframe set out on the Penalty Notice.
- (b) A Person may provide supporting written documentation and other information to the Screening and/or Hearing Officer to justify the Mitigating or Extenuating Circumstances.
- (c) The decision to grant the request for a Screening Review will be at the sole discretion of the Manager of the AMPS System.

3. Hearing Review

- (a) Following the receipt of a Screening Decision the person will have the option to:
 - (i) pay the total amount due listed on the Screening Decision; or
 - (ii) request a review of the Screening Decision by a Hearing Officer.
- (b) If a Person would like to request a Hearing Review of the Screening Decision they must do so on or before the payment due date listed on their Screening Decision. If the person has not requested a Hearing Review of their Screening Decision on or before the payment due date listed on their Screening Decision, they may request an extension of time to request a Hearing Review. The Person may request an extension of time to request a Hearing Review no later than 15 days after the date the Screening Decision letter was issued.

3.1 Granting a Request for an Extension of Time to Request a Hearing Review

- (a) The request may be granted if the person requesting the extension demonstrates the existence of Mitigating or Extenuating Circumstances that prevented them from requesting a Hearing Review on or before the payment due date on the Screening Decision.
- (b) A Person may provide supporting written documentation and other information to the Manager of AMPS System to justify the Mitigating or Extenuating Circumstances.
- (c) The decision to grant the request for a Hearing Review will be at the sole discretion of the Manager of AMPS System.

Cross-References

Municipal Act, 2001
Ontario Regulation 333/07 (Administrative Penalties)
Municipality of Central Manitoulin AMPS By-law 2023-13

SCHEDULE D

Policy: Municipality of Central Manitoulin -Administrative Monetary Penalties System- Public Complaints

Contact: By-law Services

Approval Authority: Chief Administrative Officer-Denise Deforge

Effective: September 1, 2024

Revised:

Purpose

This Policy is to address any public complaint regarding the administration of the Administrative Monetary Penalty System (AMPS).

The Municipal Act, 2001 requires a municipality establishing an Administrative Monetary Penalty System (AMPS) to develop a policy to address public complaints regarding the administration of AMPS.

The purpose of this Policy is to provide a process for public complaints regarding the administration of AMPS and to ensure that AMPS remains an open, transparent, accessible, responsive, accountable, efficient, and effective system for enforcement in the Municipality of Central Manitoulin, and that any public complaints are addressed in a timely and responsible manner.

Scope

This Policy applies to all public complaints regarding the administration of the AMPS program and applies to all administrative actions and functions of all Municipality of Central Manitoulin employees and other individuals responsible for the administration of AMPS, and to all public complaints regarding Screening Officers or Hearing Officers. All individuals responsible for administering the AMPS program shall be responsible for adherence to this Policy.

Any public complaint filed pursuant to this Policy regarding the administrative actions of a Municipal employee, Screening Officer or Hearing Officer under AMPS shall be referred to the CAO in writing, signed and dated.

This Policy is not intended to:

- Operate as an appeal mechanism to reverse or alter any decision of a Screening Officer or Hearing Officer; or
- Replace other specific Municipal programs, policies/procedures, legislative processes, or legal processes available to the public to address public concerns with AMPS or with the outcome of a Screening Review or Hearing Review.

Definitions

Administrative Fee shall mean any fee specified in the Administrative Penalty by-law;

Administrative Penalty shall mean 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 shall mean the by-law passed by the Municipality of Central Manitoulin to establish administrative penalties, as amended from time to time, or any successor thereof;

AMPS shall mean Administrative Monetary Penalty System;

CAO shall mean the Chief Administration Officer of the Municipality, or anyone designated by the CAO to perform their duties relating to AMPS;

Council shall mean the Council of the Municipality of Central Manitoulin;

Hearing Officer shall mean any person who is appointed by the Municipality 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 Administrative Penalty By-law;

Hearing Review shall mean the process related to review of a screening decision, as set out in Section 5.0 of the Administrative Penalty By-law;

Integrity Commissioner shall mean the Integrity Commissioner as appointed by Municipal Council from time to time;

Municipality shall mean the Municipality of Central Manitoulin;

Municipal Freedom of Information and Protection of Privacy Act shall mean 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 shall mean a penalty notice issued pursuant to Section 3.0 of the Administrative Penalty By-law;

Screening and Hearing Officer By-law shall mean the by-law passed by the Municipality 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 for parking, as amended from time to time, or any successor thereof;

Screening Officer shall mean any person who is appointed by the Municipality 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 Administrative Penalty By-law;

Screening Review shall mean the process related to review of a Penalty Notice, as set out in Section 3.0 of the Administrative Penalty By-law.

Policy

General Provisions

A public complaint shall be processed using the following framework:

- Unless otherwise set out in this Policy, all public complaints regarding the administration of AMPS shall be submitted to the CAO in writing only, who may investigate and, if applicable, determine appropriate corrective action;
- Any complaint regarding a member of Council in respect of the administration of AMPS shall be submitted and processed in accordance with the Council Code of Conduct and sent to the Municipality's Integrity Commissioner;
- Any complaint regarding a Hearing Officer shall be referred to the CAO;
- A public complaint submitted pursuant to this Policy must be in writing, using the form(s), complete with all required information, including the full name and full contact information of the complainant, and be sent to the CAO within 30 calendar days of the date of the event for which the complaint is being made. Incomplete complaint forms or forms submitted after the 30-calendar day period may not be processed, at the discretion of the CAO;
- All complaints shall be treated as confidential by the Municipality and shared only as required to investigate the complaint, respecting personal information privacy and confidentiality in accordance with the Municipal Freedom of Information and Protection of Privacy Act;
- The CAO may refuse to address or process any public complaint that is deemed by the CAO to be frivolous, vexatious, trivial or made in bad faith, or not within the scope of this Policy. The CAO shall notify the complainant in writing and provide the complainant with a reasonable opportunity to make written submissions, prior to determining a complaint to be frivolous, vexatious, trivial or made in bad faith. Any such decision shall be communicated to the complainant in writing with reasons;
- Where possible, at the discretion of the CAO, attempts will be made to address public complaints through an informal resolution process before proceeding to a formal resolution process;
- Any resolution, formal or informal, of a public complaint will be addressed by a written response from the CAO to the person filing the complaint;
- A public complaint sustained through a review cannot be used as the basis to change or void a decision of a Screening Officer or Hearing Officer, including any Administrative Penalties and Administrative Fees due or paid.

Anonymous Complaints

Complaints that are anonymous will not be accepted.

Withdrawing a Complaint

A complainant may withdraw their complaint by so requesting in writing to the CAO at any time.

Policy Communication

- This Policy will be posted on the Municipality's website.
- Employees will be advised of the new Policy.
- All members of Council shall be provided with a copy of this Policy;

- This Policy shall form part of the orientation for all Screening Officers, Hearing Officers and Municipal employees involved in the enforcement and administration of AMPS; and
- Without limiting, all current and new employees, with the potential for interaction with the AMPS program, shall receive training in relation to this Policy.

Monitoring and Compliance

In accordance with the Municipality of Central Manitoulin policies, collective agreement and applicable legislation and policies any employee found to be demonstrating actions / behaviours that are not consistent with the terms of this policy will result in an investigation. Any employee found to be disrespecting the terms of this policy other than under exceptional circumstances, emergencies or operational requirement is subject to possible discipline up to and including termination. CAO / Director / Managers / supervisors and employees should work collaboratively to resolve issues related to this policy. Employees can escalate issues to Human Resources where difficulties continue.

References

- Municipal Act, 2001, S.O. 2001, c. 25
- Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56
- O. Reg. 333/07: Administrative Penalties
- 2023-13 Administrative Penalty Bylaw
- 2024-15 Screening and Hearing Officer Bylaw
- AMPS Policy - Appointment of Screening and Hearing Officers
- AMPS Policy - Conflict of Interest and Code of Conduct
- AMPS Policy - Financial Management Policy
- AMPS Policy - Preventing Political Interference
- AMPS Policy - Undue Hardship
- Employee Code of Conduct
- Council and Staff Relations Policy
- Council Code of Conduct

Review Timeline

This policy will be reviewed two years after the initial approval date

SCHEDULE E

Policy: Municipality of Central Manitoulin -Administrative Monetary Penalties System - Appointment of Screening and Hearing Officers

Contact: By-law department

Approval Authority: Chief Administrative Officer

Effective: September 1, 2024

Revised:

Purpose

The purpose of the 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.

The Municipality of Central Manitoulin 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.

Scope

This Policy applies to the selection and appointment of Screening Officers and Hearing Officers for the purposes of AMPS.

Definitions

Administrative Penalty By-law shall mean the by-law passed by the Municipality to establish administrative penalties, as amended from time to time, or any successor thereof;

CAO shall mean the Municipal CAO, or anyone designated by the CAO to perform their duties relating to AMPS;

Council shall mean the Council of the Municipality of Central Manitoulin;

Hearing Officer shall mean 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;

Relative Includes any of the following persons:

- spouse, common-law partner, or any person with whom the person is living as a spouse outside of marriage;
- parent or legal guardian;
- child, including a stepchild and grandchild;
- siblings and children of siblings;
- siblings of parents and their children (typically known as aunt, uncle, niece and nephew);
- in-laws, including parents, siblings, and children; or
- any person who lives with the person on a permanent basis

Screening and Hearing Officer By-law By-law No. 2025-15 passed by the Municipality of Central Manitoulin 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 shall mean 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; .

Policy

Appointment of Screening Officers

In accordance with the Screening and Hearing Officer By-law, Screening Officers shall be appointed by the Municipal CAO, except where ineligible or where the CAO, otherwise determines that the person has demonstrated an inability to comply with Municipal Policies or procedures, or is unable to carry out the duties related to AMPS in a fair and impartial manner. Any person(s) holding the position of an office staff member of the Municipality of Central Manitoulin may be designated by the CAO as Screening Officers provided such positions only

facilitate payment of penalty notices but do not accept or process payments related to penalty notices.

The following persons are not eligible for appointment as Screening Officers:

- Issuing officer
- A member of Council;
- A Relative of a member of Council;
- A person indebted to the Municipality other than:
 - In respect of current property taxes; or
 - Pursuant to an agreement with the Municipality, where the person is in compliance with the terms thereof

The CAO 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 CAO, to be unable to carry out the duties related to AMPS in a fair and impartial manner or to comply with the Municipality of Central Manitoulin policies or procedures.

Recruitment of Hearing Officer(s)

The Municipality may, from time to time, recruit Hearing Officer(s) as contemplated by the Screening and Hearing Officer By-law, in accordance with the following process:

Eligibility

The following persons are not eligible to be appointed or to remain as Hearing Officer(s):

- A member of Council;
- A relative of a member of Council;
- An employee of the Municipality;
- A person indebted to the Municipality, other than:
 - In respect of current property taxes; or
 - Pursuant to an agreement with the Town, where the person is in compliance with the terms thereof;

Application and Review Process

Application Process

The Municipality of Central Manitoulin's Office will be responsible for the recruitment of the Hearing Officer(s). The posting will outline the role of the Hearing Officer(s) and eligibility criteria.

Appointment

The CAO will consider recommendations and appoint the Hearing Officer(s).

Nature of Hearing Officer(s) Positions and Term

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

Unless revoked, Hearing Officer(s) shall be placed for a term as agreed upon by the CAO and the Hearing Officer.

Revocation of Appointment

The CAO may revoke the position of a Hearing Officer at any time and may be in consultation with the Municipal Solicitor, if applicable.

Monitoring and Compliance

In accordance with the Municipality of Central Manitoulin policies, collective agreement and applicable legislation and policies any employee found to be demonstrating actions / behaviours that are not consistent with the terms of this policy will result in an investigation. Any employee found to be disrespecting the terms of this policy other than under exceptional circumstances, emergencies or operational requirement is subject to possible discipline up to and including termination. CAO / Director / Managers / supervisors and employees should work collaboratively to resolve issues related to this policy. Employees can escalate issues to Human Resources where difficulties continue.

References

- Municipal Act, 2001, S.O. 2001, c. 25
- O. Reg. 333/07: Administrative Penalties
- 2023-13 Administrative Penalty Bylaw
- 2024-15 Screening and Hearing Officer Bylaw
- AMPS Policy - Appointment of Screening and Hearing Officers
- AMPS Policy - Conflict of Interest and Code of Conduct
- AMPS Policy - Financial Management Policy
- AMPS Policy - Preventing Political Interference
- AMPS Policy - Public Complaints
- AMPS Policy - Undue Hardship
- Municipality of Central Manitoulin Employee Code of Conduct

Review Timeline

This policy will be reviewed 2 years after the initial approval date.

SCHEDULE F

Policy: Municipality of Central Manitoulin -Administrative Monetary Penalties System- Preventing Political Interference

Contact: By-law Services

Approval Authority: Chief Administrative Officer

Effective: September 1, 2024

Revised:

Purpose

The Municipal Act, 2001 requires a municipality establishing an Administrative Monetary Penalty System (AMPS) 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.

Scope

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

The following shall apply in addition to this Policy:

For Municipal employees involved in the administration of the AMPS program: the Employee Code of Conduct, shall also apply regarding the activities of an employee in the administration of the AMPS program.

For Hearing Officers: the provisions of any agreement governing the retainer between the Municipality 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.

For members of Council: The Council Code of Conduct shall also apply regarding the activities of members of Council. In the event of a conflict between the provisions of this Policy and the provisions of the Council Code of Conduct, in relation to AMPS, this Policy shall supersede.

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

Definitions

Administrative Penalty shall mean 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 shall mean the by-law passed by the Municipality to establish administrative penalties, as amended from time to time, or any successor thereof;

AMPS shall mean the Administrative Monetary Penalty System, established by the Administrative Penalty By-law;

CAO shall mean the Chief Administration Officer of the Municipality, or anyone designated by the CAO to perform their duties relating to AMPS;

Council Code of Conduct shall mean the Code of Conduct for Members of Council, adopted by the Municipality to govern the conduct of Members of Council, as amended from time to time, or any successor thereof;

Council shall mean the Council of the Municipality of Central Manitoulin;

Employee Code of Conduct and Ethics Policy shall mean the policy adopted by the Municipality to govern employee conduct, provide ethical standards, and address conflicts of interest, as amended from time to time, or any successor thereof;

Hearing Officer shall mean any person appointed by the Municipality 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;

Hearing Review shall mean the process related to review of a screening decision, as set out in section 5.0 of the Administrative Penalty By-law;

Municipality shall mean the Municipality of Central Manitoulin;

Penalty Notice shall mean a penalty notice as described in Section 3.0 of the Administrative Penalty By-law;

Person shall include an individual or a corporation;

Power of Decision shall mean a power or right, conferred by or under this By-law and the Administrative Penalty By-law, to make a decision deciding or prescribing the legal rights, powers, privileges, immunities, duties or liabilities of any person;

Reprisal shall mean 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 wrong doing, and includes but is not limited to:

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

Screening and Hearing Officer By-law shall mean the by-law passed by the Municipality 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 Review shall mean the process related to review of a Penalty Notice, as set out in Section 3.0 of the Administrative Penalty By-law;

Screening Officer shall mean any person appointed by the Municipality 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;

Policy

The Municipality of Central Manitoulin 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.

Principles of Preventing Political Interference

No Person shall attempt, directly or indirectly, to communicate with any Municipal 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;

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:

- A Person who is entitled to be heard in the proceeding or the Person's lawyer, licensed paralegal or authorized representative; and
- Only by that Person or the Person's lawyer, licensed paralegal or authorized representative during the hearing of the proceeding in which the issues arise.
 - This paragraph shall not prohibit the giving or receiving of legal advice.
 - In addition to this Policy, the AMPS 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 By-law. Such penalty is in addition to any action taken pursuant to this Policy.
- 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.

Accountability

- A Screening Officer or Hearing Officer, Municipal 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 Director 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;
- Where any employee, Screening Officer, Hearing Officer or other person performing duties related to AMPS, is contacted by a member of Council or Municipal official with respect to the administration

of AMPS or a specific Penalty Notice, he or she shall immediately disclose such contact to the CAO in order to maintain the integrity of AMPS;

- 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
- Any interference with AMPS or attempt to interfere with AMPS, by a member of Council, will be addressed pursuant to the Council Code of Conduct;

Reprisal

In addition to and without limiting the "Accountability" section of this policy, no person shall take any Reprisal against a Municipal 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 of 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 CAO.

Monitoring and Compliance

In accordance with the Municipality of Central Manitoulin policies, collective agreement and applicable legislation and policies any employee found to be demonstrating actions / behaviours that are not consistent with the terms of this policy will result in an investigation. Any employee found to be disrespecting the terms of this policy other than under exceptional circumstances, emergencies or operational requirement is subject to possible discipline up to and including termination. CAO / Director / Managers / supervisors and employees should work collaboratively to resolve issues related to this policy. Employees can escalate issues to Human Resources where difficulties continue.

References

- Municipal Act, 2001, S.O. 2001, c. 25
- O. Reg. 333/07: Administrative Penalties
- 2023-13 Administrative Penalty Bylaw
- 2024-15 Screening and Hearing Officer Bylaw
- AMPS Policy - Appointment of Screening and Hearing Officers
- AMPS Policy - Conflict of Interest and Code of Conduct
- AMPS Policy - Financial Management Policy
- AMPS Policy - Public Complaints
- AMPS Policy - Undue Hardship
- Municipality of Central Manitoulin Employee Code of Conduct
- Council-Staff Relations Policy

Review Timeline

This policy will be reviewed two years after the initial approval date.

SCHEDULE G

Policy: Municipality of Central Manitoulin -Administrative Monetary Penalties System- Financial Management and Reporting

Contact: By-law department

Approval Authority: Chief Administrative Officer

Effective: September 1, 2024

Revised:

Purpose

Ontario Regulation 333/07 requires a municipality establishing an Administrative Monetary Penalty System (AMPS) to have a policy to address financial management and reporting of AMPS.

The purpose of this Policy is to provide a Policy regarding financial management and the reporting and tracking of administrative penalties and fees. This Policy affirms that the Municipality of Central Manitoulin's AMPS shall follow the existing Municipal policies and procedures related to financial management and reporting.

Scope

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.

The Municipality continues to display financial accountability through regular, thorough, and transparent financial performance reporting, analysis and auditing. This will be reflected in routine reporting on AMPS financial results, as well as efficiency and effectiveness measures of the AMPS programs and services.

Definitions

Administrative Fee shall mean any fee specified in the Administrative Penalty By-law 2023-13;

Administrative Penalty shall mean an administrative penalty imposed for contravention of a Designated By-law, in accordance with the Administrative Penalty By-law 2023-13 passed by the Municipality of Central Manitoulin to establish administrative penalties for Municipal By-laws, as amended from time to time, or any successor thereof;

AMPS shall mean Administrative Monetary Penalty System;

Hearing Officer shall mean any person who is appointed by the Municipality of Central Manitoulin from time to time pursuant to the Screening and Hearing Officer By-law 2024-15, to perform the functions of a Hearing Officer in accordance with the Screening and Hearing Officer By-law and the Administrative Penalty By-law;

Municipality shall mean the Municipality of Central Manitoulin;

Municipal Freedom of Information and Protection of Privacy Act shall mean 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 shall mean a penalty notice as described in Section 4.0 of the Administrative Penalty By-law 2023-13;

Person shall mean an individual or a corporation;

Screening and Hearing Officer By-law shall mean any person appointed by the Municipality from time to time pursuant to the Screening and Hearing Officer By-law 2024-15, 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 Officer shall mean any person appointed by the Municipality 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;

Policy

General Financial Management and Reporting

The preparation of the Municipality's budget revolves around priority setting that reflects the Municipality's Strategic Plan, Council priorities, service delivery objectives and standards and historical financial performance, all balanced with the need for prudent financial management.

Payment of a Penalty Notice

Any person issuing a Penalty Notice for an infraction of a designated By-law is not permitted to accept payment for an Administrative Penalty.

Hearing Officers are prohibited from accepting any payment from any Person in respect of a Penalty Notice.

Municipality of Central Manitoulin employees shall ensure compliance with Municipal and/or departmental cash/payment handling procedures.

Methods of Payment

Following the issuance of a Penalty Notice, the Person is permitted to make a voluntary payment by using one of the following methods:

- By Phone calling the Municipal office at 705-377-5726 during regular business hours of Monday – Friday, 8:30 AM – 4:30 PM.
- In person during regular business hours of Monday – Friday, 8:30 AM – 4:30 PM at the Municipal Office –6020 Hwy 542 Mindemoya, ON.
- In person outside of regular business hours by cheque made payable to Municipality of Central Manitoulin placed in the treasury drop box and will be received next business day, receipt will not be provided for this method
- By mail using cheque for money order made payable to the Municipality of Central Manitoulin
 - o The penalty Notice number must be written on the front of the cheque/money order and the cheque/money order shall be made payable to the Municipality of Central Manitoulin
 - o Mailed to: Central Manitoulin 6020 Hwy 542 P.O. Box 420 Mindemoya, ON. P0P 1S0

Payment is not considered made until received by the Municipality of Central Manitoulin. Persons must allow sufficient mailing time for payments and should not send cash by mail. Post-dated cheques or payment by installments are not accepted. A fee will be applied for any Non-Sufficient Funds, cancelled, or reversed payment.

Processing Payments

Payments will be processed as follows:

- By Phone - The Person can call into the office of Central Manitoulin with their Penalty Notice information. The front desk person can use a credit or debit card to process a payment. The person can have a receipt emailed to them for their records.
- In Person - Apply the appropriate method of payment to the Penalty Notice. The Person is provided with a receipt of payment for their records
- By Mail - Apply the cheque or money order payment to the Penalty Notice. A receipt is not provided when using this method of payment.

Upon receipt of a Penalty Notice payment, a Municipality of Central Manitoulin employee will apply the payment to a specific Penalty Notice in the Municipal system.

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

Refund of Payment

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 Municipality shall refund the Administrative Fee or part thereof cancelled or reduced to the Person. The processing of refund requests shall be initiated by the Clerk.

Administrative Fees

Various Administrative Fees may be payable by a Person with a Penalty Notice as set out in the Administrative Penalty By-law. Where applicable, such fees shall be paid in addition to the Administrative Penalty.

Responsibilities

Clerk's Responsibilities

Through the process of current and capital financial management and reporting for AMPS, the Clerk shall:

- review and monitor current year actual, budgeted and projected financial performance and operating results;
- proactively compare program financial activity with past performance to identify trends, issues and opportunities;
- determine priorities for maintaining and improving AMPS program services levels;
- review and develop long-term plans for AMPS including a multi-year operating and capital budget analysis and projections;
- 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 the Municipality of Central Manitoulin decision-makers;
- comply with all corporate reporting standards and requirements as part of the Municipality's financial management and reporting processes;
- ensure all necessary financial signing authorities are updated and followed by all staff involved in AMPS administration; and
- comply with all Municipal procurement policies and procedures regarding AMPS

Monitoring and Compliance

In accordance with the Municipality of Central Manitoulin policies, collective agreement and applicable legislation and policies any employee found to be demonstrating actions / behaviours that are not consistent with the terms of this policy will result in an investigation.

Any employee found to be disrespecting the terms of this policy other than under exceptional circumstances, emergencies or operational requirement is subject to possible discipline up to and including termination. CAO / Director / Managers / supervisors and employees should work collaboratively to resolve issues related to this policy. Employees can escalate issues to Human Resources where difficulties continue.

References

- Municipal Act, 2001, S.O. 2001, c. 25
- Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56
- O. Reg. 333/07: Administrative Penalties
- 2023-13 Administrative Penalty Bylaw
- AMPS Policy - Appointment of Screening and Hearing Officers
- AMPS Policy - Conflict of Interest and Code of Conduct
- AMPS Policy - Financial Management Policy
- AMPS Policy - Preventing Political Interference
- AMPS Policy - Public Complaints
- AMPS Policy - Undue Hardship
- Municipality of Central Manitoulin Employee Code of Conduct

Review Timeline

This policy will be reviewed two years after the initial approval date.