


Title:	Preventing Inappropriate Interference with the Administration of the AMP System	
Doc No:	3 - Administrative Monetary Penalty	
Page:	1 of 3	
Date:	September 1, 2016	
Prepared by:	Rita L. Hardy Supervisor of Parking Services	
Approved by:	Vito Tolone, Director of Transportation Services	

POLICY STATEMENT:

This policy is to prevent interference, including political interference, in the administration of the Administrative Monetary Penalty System (AMPS) pursuant to the City’s legislative requirements under Section 7 (a) of Ontario Regulation 333/07 which states:

- 7. A municipality shall develop standards relating to the administration of the system of administrative penalties which shall include,
 - a) policies and procedures to prevent political interference in the administration of the system.

PURPOSE:

The purpose of this document is to define what constitutes interference in relation to the AMPS program, to ensure that the responsibilities of the individuals involved in the enforcement and administration of the AMPS program are conducted in accordance with the principles of fundamental justice, which include decision making, procedural independence, fairness, impartiality and integrity.


SCOPE:

This policy applies to all persons, including elected Members of the Council of the Corporation of the City of Burlington, as well as other City of Burlington officials and staff.

POLICY:

No person shall attempt, directly or indirectly, to communicate for the purpose of influencing or interfering, financially, politically or otherwise, with employees or other persons performing duties related to the administration of AMPS.

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.

Title:	Preventing Inappropriate Interference with the Administration of the AMP System	
Doc No:	3 - Administrative Monetary Penalty	
Page:	2 of 3	
Date:	September 1, 2016	
Prepared by:	Rita L. Hardy Supervisor of Parking Services	
Approved by:	Vito Tolone, Director of Transportation Services	

Exceptions include:

1. a person who is entitled to be heard in the proceeding or the person’s lawyer or licensed paralegal; and
2. only by that person or the person’s lawyer or licensed paralegal during the hearing of the proceeding in which the issue arises.

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.

If someone attempts to influence a Screening Officer, a Hearing Officer, or another individual engaged in the enforcement or administration of the AMPS program, contrary to the rules above, the Screening Officer, Hearing Officer or other individual, as the case may be, shall report the incident to the Director as soon as possible. No action will be taken against the Screening Officer, Hearing Officer or individual for making any such report in good faith.


Procedures may be defined by the Director to address specific implementation of this policy.

IMPLEMENTATION:

All members of Council shall be provided with a copy of this 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 enforcement and administration personnel.

Title:	Preventing Inappropriate Interference with the Administration of the AMP System	
Doc No:	3 - Administrative Monetary Penalty	
Page:	3 of 3	
Date:	September 1, 2016	
Prepared by:	Rita L. Hardy Supervisor of Parking Services	
Approved by:	Vito Tolone, Director of Transportation Services	

GENERAL:

Proceedings before a Hearing Officer shall be subject to the *Statutory Powers Procedures Act*, R.S.O. 1990, c. S.22.

Please note: **“Delegated Power of Decision”** means a power or right, conferred by or under a City By-law, to make a decision deciding or prescribing the legal rights, powers, privileges, immunities, duties or liabilities of any person or party.

REFERENCE AUTHORITIES:

- Municipal Act, 2001*, S.O. 2001, c.25
- Ontario Regulations 333/07 (Administrative Penalties)
- City of Burlington By-law (AMP 40-2016)
- City of Burlington By-law (Appointment of Screening and Hearing Officers 41-2016)