



Town of Wasaga Beach

Policy Manual

Section Name: Protection to Persons & Property	Policy Number: 5-9
Policy: Administrative Monetary Penalty System- Conflict of Interest Policy	Policy: May 15, 2030
Effective Date: May 15, 2025	REVISIONS:
ADMINISTERED BY: Municipal Law Enforcement Division	

1. PURPOSE

- 1.1 The purpose of this Policy is to provide a guideline of what defines as conflict of interest in relation to Administrative Monetary Penalty System (AMPS), to prevent such conflicts of interest and to redress such conflicts should they occur.
- 1.2 This policy is to establish conflict of interest guidelines to ensure that AMPS program responsibilities are conducted in accordance with fundamental principles of justice, which include judicial and prosecutorial independence, fairness, impartiality, competence and integrity.
- 1.3 In accordance with the Municipal Act, 2001, O. Reg. 333/07, the Town is required to develop a Policy to for the prevention of conflict of interest in AMPS.

2. SCOPE

- 2.1 This Policy applies to all Screening Officers, Hearing Officers and all Town Officials and Staff involved in the administration of the AMPS program.

3. POLICY

3.1 Appointment of Screening Officers and Hearing Officers

- a) Screening and Hearing Officers shall be appointed and recruited in accordance with the Appointment of Screening and Hearing Officer By-law and this Policy.
- b) For Town employees involved in the administration of the AMPS program: Town policies shall 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 Town Policies, in relation to AMPS, this Policy shall supersede.
- c) For Hearing Officers: the provisions of any agreement governing the retainer between the Town and a Hearing Officer(s), shall also apply regarding the activities of the Hearing Officer. In the event of a conflict between this Policy and the agreement, the provisions of this Policy shall supersede.

3.2 Conflict of Interest

- a) A conflict of interest arises where a Screening Officer, Hearing Officer or Town employee involved in the administration of AMPS, has a personal or business interest that conflicts, might conflict, or may be perceived to conflict with interest of the AMPs program. A conflict of interest could arise in relation to personal or business matters including:
 - i. directorships or employment;
 - ii. interests in business enterprises or professional practices;
 - iii. share ownership or beneficial interests in trusts;
 - iv. professional or personal associations with a Person;
 - v. professional associations or relationships with other organizations;
 - vi. personal associations with other groups or organizations;
 - vii. or family relationships, including Relatives.
- b) Screening Officers must be and appear to be impartial at all times. It would be inappropriate for a Screening Officer to review a Penalty Notice for a personal or business acquaintance or relative (as defined above). A conflict of interest includes an actual conflict and a potential conflict.
- c) Hearing Officers have obligations to conduct Hearing reviews in an impartial manner. Hearing Officers, in conducting a Hearing Review, are bound by the Statutory Powers and Procedures Act, as well as bound by general administrative common law principles (i.e., procedural fairness, natural justice, impartial and unbiased decision making, legitimate expectation, etc.). Hearing Officers must be and appear to be impartial at all times. It would be inappropriate for a Hearing Officer to review a Screening Review Decision for a

personal or business acquaintance or relative (as defined above). A conflict of interest includes an actual conflict and a potential conflict.

- d) Every Screening Officer, Hearing Officer or other Town staff person involved in the administration of AMPS, must disclose any obligation, commitment, relationship or interest that could conflict or may be perceived to conflict with his or her duties to or interests in the administration of the AMPS program. A Screening Officer or Hearing Officer shall not represent any person at a Screening Review or Hearing Review.

3.3 Conduct of Screening Officers and Hearing Officers

- a. All Screening Officer(s) and Hearing Officer(s) shall conduct themselves in the following manner:

With independence:

- i. both be and appear to be independent, impartial, and unbiased;
- ii. 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;
- iii. not be influenced by partisan interests, public opinion, or by fear of criticism;
- iv. not use their title and position to promote their own interests or the interests of others;
- v. should discharge their duties in accordance with the law, Town By-laws and AMPS policy, procedures and guidelines.

With knowledge:

- vi. should maintain their competence through their work, by participating in training and education courses and by seeking guidance from their colleagues, as required.
- vii. should remain up to date on changes in the law, Town by-laws, policy and procedures relevant to their function.

With conduct becoming:

- viii. are subject to ongoing public scrutiny and therefore they must respect and comply with the law and conduct themselves at all times in a manner that promotes public confidence in the integrity and impartiality of the AMPS program.
- ix. should approach their duties in a calm and courteous manner when dealing with the public and others and should present and conduct themselves in a manner consistent with the dignity of the AMPS system and their appointment.
- x. should convey in plain language their decisions and the reasons therefore where such are required.
- xi. must safeguard the confidentiality of information that comes to them by virtue of their work and should not disclose that information except as required by law.
- xii. in discharging their duties, must treat those with whom they deal in a respectful and tolerant manner regardless of the gender, sexual orientation, race, religion, culture, language, mental abilities, or physical abilities of those persons.

With administration of natural justice paramount:

- xiii. shall refrain from openly and publicly criticizing the administration of the AMPS program or the conduct of others. Screening and Hearing Officers shall recognize that only the General Manager of Legislative and Development Services may speak publicly on behalf of the Town's AMPS program. Any criticisms, suggestions, or concerns related to the AMPS program should be communicated through appropriate channels to the General Manager of Legislative and Development Services.
- xiv. should deal with the tasks that come before them in a timely manner and should make themselves accessible to those requiring their services.
- xv. must not knowingly exercise a power or function for which they have not been designated

3.4 Preventing Conflict of Interest

- a) 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.
- b) 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.
- c) If a Screening Officer or Hearing Officer becomes aware of any real or perceived conflict of interest in regard to a review of an administrative penalty or Screening Decision, as the case may be, the Screening Officer or Hearing Officer shall notify the General Manager of Legislative and Development Services, or his or her designate(s), of the conflict of interest and:
 - i. in the case of a scheduled review of an administrative penalty or Screening Decision that has not yet commenced, request another Screening Officer or Hearing Officer to conduct the review to avoid actual or potential conflicts of interest; or
 - ii. in the case of a review of an administrative penalty or Screening Decision that has commenced, adjourn the review and withdraw from the power of decision, and advise the General Manager of Legislative and Development Services, or his or her designate. The Town will reschedule the Screening review or Hearing Review with another Screening Officer or Hearing Officer, as the case may be.
- d) If all appointed Screening Officers and/or Hearing Officers have a conflict of interest with a matter, then the General Manager of Legislative and Development Services, or his or her designate shall retain another Screening Officer or Hearing Officer to handle the matter that is the subject of the conflict of interest.
- e) Screening Officers and Hearing Officers are not permitted to dispute their own Penalty Notices and are expected to pay the administrative penalty for a parking infraction in a timely manner.

- f) If there are further questions or if the General Manager of Legislative and Development Services or staff are looking for further guidance in regard to this policy, the Town Solicitor, or his/her designate, may be contacted.

3.5 Addressing Conflicts of Interest Should They Occur

- a) Town Policies has a process to deal with breaches by employees in the administration of the AMPS program.
- b) If someone suspects that a Screening Officer or Hearing Officer conducted a Screening Review or Hearing review where there was a conflict of interest, the person shall advise the General Manager of Legislative and Development Services, or his or her designate and an investigation may be conducted in accordance with that policy.
- c) Any finding of a conflict of interest, shall be reported to the General Manager of Legislative and Development Services, or his or her designate by the responsible Town official, including any recommendation for appropriate disciplinary action, up to and including revocation of appointment.
- d) 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 General Manager of Legislative and Development Services within 5 business days of the charge being laid. Action may be taken by the Town as the discretion of the General Manager. 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.

3.6 Influence

- a) 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.
- b) No person shall attempt, directly or indirectly, to communicate for the purpose of influencing or interfering, financially, politically or otherwise, a Screening Officer or Hearing Officer respecting the determination of an administrative penalty matter and/or respecting a delegated power of decision in a proceeding that is or will be pending before the Screening Officer or Hearing Officer, except a person who is entitled to be heard in a Screening Review or Hearing Review.

4. POLICY ADMINISTRATION AND REVIEW

- 4.1 This Policy will be reviewed as required, but in any case no later than five (5) years from the date of the most recent review.

4.2 This Policy shall be administered by the General Manager of Legislative and Development Services.

5. REFERENCE AUTHORITIES

- Municipal Act, 2001
- Ontario Regulation 333/07 (Administrative Penalties)
- AMPS Parking By-law 2025-17, as amended
- AMPS Non Parking By-law 2025-18, as amended