

CP.1.1.17

Section: Administration

Subsection: General

Subject: AMPs Appointment of Screening and Hearing Officers

Approval Authority: 2022.06.08-CR-02

Effective Date: June 08, 2022

Policy Statement

The Town of Innisfil 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.

Purpose

The purpose of this 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.

Definitions

“**Administrative Penalty By-Law**” means the by-law passed by the **Town** to establish administrative penalties (“**AMPs**”) for parking, 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**;

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

“**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**;

“**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;

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

“**Relative**” includes any of the following persons:

- a) spouse, common-law partner, or any person with whom the person is living as a spouse outside of marriage;
- b) Parent or legal guardian;
- c) child, including a step child and grandchild;
- d) siblings and children of siblings;
- e) aunt, uncle, niece and nephew;
- f) in-laws, including mother, father, sister, brother, daughter and son; or
- g) any person who lives with the person on a permanent basis

“**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**;

“**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.

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.

Application

This Policy applies to the selection and appointment of Screening Officers and Hearing Officers for the purposes of carrying out certain functions in accordance with the **Administrative Penalty By-Law** and the **Screening and Hearing Officer By-Law**.

Administration

6.1 Communication

This Policy will be posted on the **Town**’s website.

6.2 Screening Officer Administration

6.2.1 Appointment of Screening Officers

In accordance with the **Screening and Hearing Officer By-Law**, **Screening Officers** shall be appointed by the **Clerk** in consultation with the Town Solicitor. Except where ineligible or where the **Clerk**, in consultation with the **Town Solicitor** and **CDSB Leader** otherwise determines that the person has demonstrated an inability to comply with Town policies or procedures or is unable to carry out the duties related to **AMPs** in a fair and impartial manner.

6.2.2 Eligibility

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

- a) A member of **Council**;
- b) A **Relative** of a member of **Council**;
- c) A person indebted to the **Town**, other than:
 - i. In respect of current property taxes; or
 - ii. Pursuant to an agreement with the **Town**, where the person is in compliance with the terms thereof;

The **Clerk**, in consultation with the **Town Solicitor** and the **CDSB Leader**, 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 **Clerk**, in consultation with the **Town Solicitor** and the **CDSB Leader**, to be unable to carry out the duties related to **AMPs** in a fair and impartial manner or to comply with **Town** policies or procedures.

6.3 Hearing Officer Administration

6.3.1 Recruitment of Hearing Officer(s)

The **Town** may, from time to time, recruit **Hearing Officer(s)** as contemplated by the **Screening and Hearing Officer By-Law**, in accordance with process outlined herein.

6.3.2 Joint Panel

A Joint Panel is hereby established, to carry out the duties of the Joint Panel as contemplated by the **Screening and Hearing Officer By-Law** and in this Policy. The Joint Panel shall be comprised of the following representatives of the Towns of Innisfil and Bradford West Gwillimbury:

- a) **Town Solicitor**;
- b) **Clerk**; and
- c) **CDSB Leader** or equivalent for the Town of Bradford West Gwillimbury.

6.3.3 Eligibility

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

- a) A member of **Council**;
- b) A **Relative** of a member of **Council**;
- c) An employee of the **Town**;
- d) A person indebted to the **Town**, other than:
 - i) In respect of current property taxes; or
 - ii) Pursuant to an agreement with the **Town**, where the person is in compliance with the terms thereof.

6.3.4 Application and Review Process

a) Application Process

The recruitment of **Hearing Officer(s)** will be carried out as a joint initiative of the Towns of Innisfil and Bradford West Gwillimbury. **Hearing Officer(s)** postings will be published by the Towns of Innisfil and Bradford West Gwillimbury. The posting will outline the role of the **Hearing Officer(s)** and eligibility criteria.

All applicants must complete an application form in the form as determined by the Towns of Innisfil and Bradford West Gwillimbury. The application form will be provided on both Towns' websites.

b) Review and Appointment

All applications received by the established deadline will be forwarded to the **Joint Panel**, which will be responsible for reviewing the applications and recommending appointments to **Council**. The applicant review process will be completed in camera as the process involves reviewing personal information of the applicants.

The **Joint Panel** will make recommendations to **Council**. **Council** will consider the recommendations and appoint **Hearing Officer(s)** by amendment to Schedule A of the Town's Screening and Hearing Officer By-Law.

The Towns of Innisfil and Bradford West Gwillimbury will jointly notify all applicants of the decision of the **Councils** and will retain all applications according to their applicable data retention policies and by-laws.

6.3.5 Other AMPs Programs

Should the Town decide to expand the **AMPs** program(s) to matters other than parking, **Council** may, but is not required to, expand the duties of any existing **Hearing Officer(s)** and/or appoint new **Hearing Officer(s)** for that purpose.

6.3.6 Nature of Hearing Officer(s) Position and Term

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

Unless revoked, **Hearing Officer(s)** shall be appointed for the term of **Council** (or remainder thereof, where appointed mid-term), and thereafter until reappointed or until a successor is appointed.

6.3.7 Revocation of Appointment

Council may revoke the appointment of a **Hearing Officer** at any time, on the recommendation of the **Joint Panel**, in accordance with the **Screening and Hearing Officer By-Law**.

6.4 Criminal Code Offences

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 **CDSB Leader** within 5 business days of the charge being laid, and appropriate action will be taken by the **Town**, 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.

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