



The Corporation of the Town of LaSalle Policy Manual

Conflict of Interest in Relation to the Administration of the Administrative Monetary Penalty System (AMPS)

Policy Manual Section: Governance - General

Policy Number: G-GEN-015

Authority: Resolution 69/20

Date Approved: March 10, 2020

Department Responsible: Council Services

Revision Date: Not applicable

Review Date: March, 2022

Status: Active

Purpose:

Ontario Regulation 333/07 under the Municipal Act requires a municipality to establish a policy relating to conflicts of interest of any kind in the administration of the AMPS program.

This policy shall establish conflict of interest guidelines to ensure the AMPS program is conducted in accordance with the fundamental principles of justice which include judicial and prosecutorial independence, fairness, impartiality, competency and integrity.

Policy Statement:

The Town of LaSalle is committed to ensuring the AMPS program is operated in a fair and impartial manner and that members of Council, Town employees, Screening Officers and Hearing Officers conduct themselves with personal integrity, dignity and diligence in the performance of their duties, free of conflicts of interest.

Scope:

This policy applies to all members of Council, Screening Officers, Hearing Officers and Town employees involved in the administration of AMPS.

For members of Council, this policy should be read and interpreted within the context of Provincial Legislation (Municipal Conflict of Interest Act) including the Council Code of Conduct and its related policies, procedures and guidelines.



For Town employees involved in the administration of AMPS, the Employee Code of Conduct, and any successor policy, shall apply in regard to the activities of an employee in the administration of AMPS.

For Screening Officers, if the Screening Officer is an employee, the Employee Code of Conduct, and any successor policy, shall apply in regard to the activities of the Screening Officer in the administration of AMPS. For an outside party, the provisions of any agreement governing the retainer between the Town and the Screening Officer shall apply in regard to the activities of the Screening Officer. In the event of a conflict between this Policy and the agreement, this Policy shall supersede.

For Hearing Officers, the provisions of any agreement governing the retainer between the Town and the Hearing Officer shall apply in regard to the activities of the Hearing Officer. In the event of a conflict between this Policy and the agreement, this Policy shall supersede.

Policy:

Appointment of Screening Offices and Hearing Officers

By-Law #8290 sets out the rules regarding the appointment of Screening Officers and Hearing Officers to adjudicate reviews and appeals of Administrative Penalty.

Screening Officers are individuals appointed to conduct Screening Reviews in the public interest.

Hearing Officers are individuals appointed to conduct Hearing Reviews in the public interest.

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

- a member of Council or a relative of a member of Council
- an individual indebted to the Town other than
 - in respect of current real property taxes; or
 - pursuant to an agreement with the Town, where the individual is in compliance
- in the case of a Hearing Officer, an employee of the Town of LaSalle

Conflict of Interest

A conflict of interest arises when a Screening Officer, Hearing Officer or Town employee involved in the administration of AMPS has a personal business interest that conflicts, may conflict, or may be perceived to conflict with interests of the proper administration of AMPS.



A conflict of interest can be direct or indirect and can include:

- directorships or other 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, family relationships including relatives

Screening Officers shall be impartial at all times. Screening Officers shall not review a Penalty Notice for personal or business acquaintance or relative.

Hearing Officers shall be impartial at all times. A Hearing Officer shall not review a Screening decision for a personal or business acquaintance or relative. 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 (procedural fairness, natural justice, impartial and unbiased decision making, and legitimate expectations).

Every Town employee, Screening Officer and Hearing Officer involved in the administration of AMPS must disclose any obligation, commitment, relationship or interest that could directly or indirectly conflict with his or her duties to or interests in the administration of the AMPS program to the Town Clerk.

Conduct of Screening Officers and Hearing Officers

All Screening Officers and Hearing Officers shall:

- be independent, impartial and unbiased;
- avoid all conflicts of interest, whether real or perceived, and are responsible for promptly taking appropriate steps to disclose, resolve, or obtain advice with respect to such conflicts when they arise;
- not represent any person at a Screening or Hearing Review;
- 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 the law, Town By-Laws and AMPS policy, procedures and guidelines;
- maintain and upgrade their knowledge and competence through their work, by participating in training and education courses and by seeking guidance as required;
- remain up to date in changes in the law, Town 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 law and conduct themselves at all times in a manner that promotes public confidence and the integrity and impartiality of the AMPS program;



- convey in plain language their decisions and reasons for such decision;
- 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 their appointment;
- 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;
- treat those with whom they deal in a respectful and tolerant manner regardless of gender, sexual orientation, race, religion, culture, language, mental abilities, or physical abilities of those persons;
- refrain from openly and publicly criticizing the administration of the AMPS program or the conduct of others;
- deal with the tasks that come before them in a timely manner and should make themselves accessible to those requiring their services;
- not knowingly exercise a power or function for which they have not been trained or designated.

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 or Hearing Review.

The need for identification, disclosure and withdrawal from a power of decision applies to any real, potential or perceived conflict of interest.

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, the Screening Officer shall notify the Town Clerk, or designate, of the conflict of interest and

- in the case of a scheduled review of an administrative penalty or Screening Decision that has not commenced, request another Screening Officer or Hearing Officer to conduct the review to avoid actual, perceived or potential conflict of interest; or
- in the case of a review of a penalty notice or Screening Decision that has commenced, adjourn the review and withdraw from the power of decision, and advise the Town Clerk, or designate. The Town will reschedule the Screening Review or Hearing Review with another Screening Officer or Hearing Officer.

If all appointed Screening Officers or Hearing Officers have a conflict of interest with a matter, then the Town Clerk, or designate, shall assign another Screening Officer or Hearing Officer to handle the matter that is the subject of the conflict of interest.

Screening Officers and Hearing Officers are not permitted to dispute their own penalty notice.

Charges under the Criminal Code of Canada or other Statutes or Regulations



Where a Screening Officer or Hearing Officer is charged with any offence under the Criminal Code of Canada or any other Federal or Provincial statute or regulation that is dealt with under the Criminal Code of Canada, such charge shall be disclosed to the Town Clerk within 5 business days.

Appropriate action will be taken by the Town, which may include suspension or termination of duties related to the AMPS program and/or revocation of appointment.

Accountability

All members of Council shall comply with this policy.

All Screening Officers, Hearing Officers and Town Employees involved in the administration of the AMPS program shall comply with this policy.

Responsibilities:

The Director of Council Services/Clerk is responsible for this policy.

Policy Review:

This policy will be periodically reviewed and updated as required. This policy must be reviewed by the stated review date and approved by the responsible department.

References and Related Documents:

Municipal Act, 2001
Municipal Conflict of Interest Act
Statutory Powers and Procedures Act
Ontario Regulation 333/07 (Administrative Penalties)
Town of LaSalle By-Law 8289 (Establishing a system of administrative penalties)
Town of LaSalle By-Law 8290 (Appointing screening & hearing Officers)
Policy G-GEN-003 Code of Conduct for Members of Council and Local Boards
Town of LaSalle Employee Code of Conduct

Attachments:

Not applicable.