



CORPORATE POLICY MANUAL

Policy Name: Conflict of Interest in Relation to the Administration of the Administrative Monetary Penalty System (AMPS) Policy	Policy Number: CP-2025-06
Adopted: June 11, 2025	Division/Department: Digital Government, Customer & Recreation Services
Authority: Resolution # RES-2025-181	Supersedes: none
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Purpose

The purpose of this policy is to define what constitutes in relation to the AMPS program, prevent such conflicts and to establish guidelines to address any conflicts should they occur. The Policy will establish guidelines to ensure AMPS responsibilities are conducted in accordance with fundamental principles of justice, and prosecutorial independence, fairness, impartiality, competence and integrity.

Ontario Regulation 333/07 requires that the Town develop a policy and procedures to define what constitutes a conflict of interest and to procedures to prevent political interference in relation to the administration of the AMPS program.

Policy Statement

The AMPS program aligns with Council's Strategy of Enhancing Town Safety and improving citizen comfort levels and reducing safety concerns.

Definitions

For the purposes of this Policy:

AMPS means Administrative Monetary Penalty System;

ASE means Automated Speed Enforcement;

Council means the Council of the Town;

Manager means Legal & Risk Program Manager, their delegate, or anyone designated by the Legal & Risk Program Manager to perform duties pursuant to the ASE/AMPS Program;

Hearing Officer means a person who performs the functions of a Hearing Officer in accordance with section 6 of By-law 2025-35.

Hearing Review means the process set out in section 6 of By-law 2025-35

Parent means a Person who has demonstrated a settled intention to treat a child as a member of his or, whether or not that Person is the natural parent of the child.

Penalty Notice means a notice given to a Person pursuant to section 4 of By-law 2025-35.

Penalty Order means an order given to a Person pursuant to section 5 of By-law 2025-35.

Person includes an individual or a business name, sole proprietorship, corporation, partnership, or limited partnership, or an authorized representative thereof, whose name appears on the vehicle permit as provided by the Ontario Ministry of Transportation. If the vehicle permit consists of a vehicle portion and licence plate portion, and different Persons are named on each portion, the Person whose name appears on the licence plate portion, as provided by the Ontario Ministry of Transportation, is the Person for the purposes of this Policy.

Relative includes any of the following Person:

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 step-child or grandchild;

Siblings and children of siblings;

Aunt, uncle, niece and nephew;

In-laws, including mother, father, sister, brother, daughter and son; or

Any Person, including but not limited to the dependent, who lives with the Person on a permanent basis.

Screening Decision means a notice which contains the decision of a Screening Officer, delivered in accordance with section 7 of By-law 2025-35.

Screening Officer means a Person who performs the functions of a Screening Officer in accordance with section 7 of By-law 2025-35

Screening Review means the process set out in section 7 of By-law 2025-35.

Town means The Corporation of the Town of Midland.

1. Application

This Policy applies to all Screening Officers, Hearing Officers and all Town officials and staff involved in the administration of AMPS.

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

In regard to Members of Council, this policy should be read and interpreted within the context of prevailing Provincial legislation (*Municipal Conflict of Interest Act*) and the Council Code of Conduct and all related policies, procedures and guidelines.

2. Appointment of Screening Officers and Hearing Officers

By-law 2025-35 sets out the rules regarding the appointment of Screening Officers and Hearing Officers.

2.1 The following individuals are not eligible for appointment as a Screening Officer or a Hearing Officer:

- 1) A member of Council or a relative of a Member of Council;
- 2) An individual indebted to the town other than;
 - (i) In respect of current real property taxes; or
 - (ii) Pursuant to an agreement with the Town, where the individual is in compliance with the terms thereof; and
- 3) In the case of a Hearing Officer, an employee of the Town.

3. Conflict of Interest

A conflict of interest arises where a Screening Officer, Hearing Officer or Town staff involved in the administration of AMPS has a personal or business interest that conflicts, might conflict, or may be perceived to conflict with the interests of the proper administration of AMPS. A conflict of interest includes a pecuniary or non-pecuniary, actual, perceived or potential conflict and could arise in relation to personal or business matters including:

- a) Directorships or employment;
- b) Interests in business enterprises or professional practices;
- c) Share ownership or beneficial interests in trusts;
- d) Professional or personal associations with a Person;
- e) Professional associations or relationships with other organizations; and
- f) Personal associations with other groups or organizations, or family relationships including relatives.

Screening Officers must be and appear to be impartial at all times. It is inappropriate for a Screening Officer to review a Penalty Notice for a personal or business acquaintance or Relative.

Hearing Officers are obligated 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 (ie procedural fairness, natural justice, impartial and unbiased decision-making, etc.). Hearing Officers must be and appear to be impartial at all times. It is inappropriate for a Hearing Officer to review a Screening Decision for a personal or business acquaintance or Relative.

Every Screening Officer, Hearing Officer and Town employee involved in the administration of AMPS, must disclose to the Manager any obligations, commitment, relationship or interest that could conflict with or may be perceived to conflict with their duties to or interests in the administration of AMPS.

Additionally, a Screening Officer or Hearing Officer shall not represent any Person at a Screening Review or Hearing Review.

4. Conduct of Screening Officers and Hearing Officers

- a) both be and appear to be independent, impartial and unbiased;
- b) 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;
- c) not be influenced by partisan interests, public opinion, or by fear of criticism;
- d) not use their title and position to promote their own interests or the interests of others;
- e) discharge their duties in accordance with the law, Town by-laws and AMPS policies, procedures and guidelines;
- f) maintain and upgrade their knowledge and competence through their work, by participating in training and education courses and by seeking guidance from their colleagues and the town, as required;
- g) remain up to date on changes in the law, Town by-laws, policies and procedures relevant to their function;
- h) 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 in the integrity and impartiality of AMPS;

- i) 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;
- j) convey their decisions in plain language;
- k) safeguard the confidentiality of information that comes to them by virtue of their work and not disclose that information except as required by law;
- l) 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;
- m) refrain from openly and publicly criticizing the administration of AMPS or the conduct of others, including Members of Council and Town employees. Screening Officers and Hearing Officers shall acknowledge that only the Chief Administrative Officer may speak publicly on behalf of the Town's AMPS program. Any criticisms, suggestions or concerns related to AMPS shall be communicated through appropriate channels;
- n) deal with the matters that come before them in a timely manner and make themselves accessible to those requiring their services; and
- o) not knowingly exercise a power or function for which they have not been trained or designated.

5. 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 applies to any real, potential or perceived conflict of interest.

5.1 Disclosure

If a Screening Officer or Hearing Officer becomes aware of any real, perceived or potential conflict of interest in regard to a review of a Penalty Notice or Screening Decision, as the case may be, the Screening Officer or Hearing Officer shall notify the Manager, or designate, of the conflict of interest and;

- a) In the case of a scheduled review of a Penalty Notice or Screening Decision that has not yet commenced, request another Screening Officer or Hearing Officer to conduct the review to avoid actual, perceived or potential conflict of interest; or

- b) 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 Manager, or designate. The Town will reschedule the Screening Review or Hearing Review with another Screening Officer or Hearing Officer, as the case may be.

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

Screening Officers and Hearing Officers are not permitted to dispute their own Penalty Notices and are expected to pay the Penalty Notice in a timely manner.

6. Addressing Conflicts if they Occur

The Town Employee Code of Conduct will address any breaches of the Code by employees.

If an individual suspects that a Screening Officer or Hearing Officer conducted a Screening Review or Hearing Review where there was a conflict of interest, they may make a;

- a) Complaint to the Manager and/or;
- b) Formal complaint, in accordance with the Town's Public Complaints Respecting Administration of the AMPS.

Any finding of a conflict of interest may result in disciplinary action, up to and including termination of employment or revocation of appointment. Issues involving potential criminal matters will be forwarded to the Police.

7. Influence

No Person shall attempt, directly or indirectly, to communicate with employees or other individuals performing duties related to the administration of AMPS for the purpose of influencing or interfering in, financially, politically or otherwise the administration of AMPS or any particular Penalty Notice, except a Person who is entitled to be hearing in a Screening Review or Hearing Review. These exceptions include:

- a) A Person who is entitled to be heard in the proceeding;
- b) The Person's lawyer, authorized agent or authorized representative.

If an individual attempts to influence a Screening Officer or Hearing Officer, contrary to the above, the Screening Officer or Hearing Officer shall report the incident to the Manager as soon as possible. No action will be taken against the Screening Officer or Hearing Officer for making nay such report in good faith.

8. Charges under the Criminal Code of Canada and Other Statutes or Regulations

Where a Screening Officer or Hearing Officer is charged with any offence under the Criminal Code of Canada, other Federal or Provincial statutes or Regulations, the charge shall be disclosed to the Manager within 5 business days of the charge being laid.

A determination will be made by the Manager as to whether or not an actual, potential or perceived conflict of interest exists or if public confidence in the administration of AMPS has been compromised and, if so, the Screening Officer or Hearing Officer may be removed from this or her duties until the final disposition of the charge.

9. Implementation

This Policy shall form part of the orientation for all current and new Screening Officers and Hearing Officers and AMPS administration staff.

10. Accountability

All Screening Officers, Hearing Officers and Town staff involved in the administration of AMPS are responsible for adherence to this Policy. Accountability for interpretation of this Policy in relation to a real, potential or perceived conflict of interest shall be determined by the Manager. In making this determination, the Manager may consult with the Chief Administrative Officer or senior management.

References and Related Policies

Municipal Act, 2002
Ontario Regulation 333/07
Town of Midland AMPS By-law 2025-35
Council Code of Conduct
Code of Conduct - Staff

Review Cycle

This policy will be reviewed once per term of Council or as required based on revisions to corporate practices or governing legislation.