



Prevention Of Political Interference In The Administrative Monetary Penalty System (AMPS)

Policy Category: Governance

Policy No.: GR-AMPS-004

Implementing Procedure No.:

- GR-AMPS-PR01
- GR-AMPS-PR02

Approving Authority:
City Clerk

Effective Date:
July 1, 2024

Last Reviewed Date:

Next Review Year:
Annually

Area(s) this Policy applies to:
Administrative Monetary Penalty System

Owner Department:
Legislative Services

Reference Authorities:

- Municipal Act, 2001
- Ontario Regulation 333/07 (Administrative Penalties)
- City of Markham AMPS By-law 2024-137
- City of Markham Screening and Hearing Officer By-law 2015-94
- Council Code of Conduct

1. Purpose Statement

This Policy is to prevent political interference in the administration of the Administrative Monetary Penalties System (**AMPS**).

In accordance with Ontario Regulation 333/07, the **City** is required to establish a Policy for the prevention of political interference in **AMPS**.

2. Applicability

This Policy defines what constitutes political interference in relation to **AMPS**, to ensure the responsibilities of the **Screening Officers** and **Hearing Officers** are conducted in accordance with fundamental principles of justice, which include decision making and procedural independence, fairness, impartiality and integrity, without any political interference.

This Policy applies to all elected Members of **Council**, as well as other **City** of Markham officials and staff in relation to their interaction with AMPS and Members of Council.

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



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3. Definitions

“**AMPS**” means Administrative Monetary Penalty System;

“**City**” means The Corporation of the City of Markham;

“**Clerk**” means the City Clerk, her or his delegate, or anyone designated by the Clerk to perform duties pursuant to the Administrative Monetary Penalty System;

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

“**Hearing Officer**” means a person who performs the functions of a Hearing Officer in accordance with Section 6 of By-law 2024-137 and pursuant to the **City’s** Screening and Hearing Officer By-law 2015-94;

“**Hearing Review**” means the process set out in Section 6 of By-law 2024-137;

“**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;

“**Screening Review**” means the process set out in Section 3 of By-law 2024-137;

“**Screening Officer**” means a person who performs the functions of a **Screening Officer** in accordance with Section 3 of By-law 2024-137 and pursuant to the **City’s** Screening and Hearing Officer By-law 2015-94.

4. Policy

4.1 Principles of Preventing Political Interference

- (a) No person shall attempt, directly or indirectly, to communicate with employees or other persons performing duties related to the administration of **AMPS** for the purpose of influencing or interfering, financially, politically or otherwise, with the administration of the **AMPS** program;



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- (b) No person shall attempt, directly or indirectly, to communicate with employees or other individual 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;
- (c) All individuals involved with the enforcement and administrative functions of the **AMPS** program shall carry out such duties in a manner which upholds the integrity of the administration of justice.

4.2 Implementation

- (a) All Members of **Council** shall be provided with a copy of this Policy;
- (b) This Policy shall form part of the orientation for all Members of **Council** at the start of a new term of **Council**, as well as all current and new municipal officials and staff, with the potential for interaction with the **AMPS** program; and
- (c) This Policy shall form part of the orientation for all current and new **Screening Officers** and **Hearing Officers** and **AMPS** administration staff.

4.3 Accountability

- (a) Any interference with **AMPS** by an individual may result in charges under the Criminal Code of Canada, Provincial Statute or other disciplinary action;
- (b) Any interference with **AMPS** by a Member of **Council** may be considered a **Council** Code of Conduct violation;
- (c) A **Screening Officer** or **Hearing Officer**, **City** employee or another individual performing duties related to **AMPS** under this Policy shall report any attempt at political influence or interference, pecuniary, political or otherwise, to the **Clerk or their designate**. No action shall be taken against the employee or other person(s) for making any such report in good faith;
- (d) Where any employee, **Screening Officer**, **Hearing Officer** or other person performing duties related to **AMPS**, is contacted by a Member of **Council** or **City** official with respect to the administration of **AMPS**, he or she shall immediately disclose such contact to the **Clerk or their designate** in order to maintain the integrity of **AMPS**; and
- (e) A **Screening Officer** or **Hearing Officer** shall disclose any actual, potential or perceived political interference as soon as possible to the **Clerk or their designate**.



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5. Administration and Contact

This Policy shall be administered by the **Clerk's** Office, Legislative Services Department. Procedures may be defined, and amended from time to time, by the **Clerk** to address specific implementation of this Policy.

City of Markham
Attention: Manager, AMPS
Legislative Services Department
101 Town Centre Boulevard
Markham, Ontario
L3R 9W3

Telephone: 905-477-5530

Email: amps@markham.ca
www.markham.ca/amps