

Administrative Penalty System – Prevention of Political Interference Policy

Approved by: City Council

Approval date: May 15, 2024

Effective date:

Revision Approved by: N/A

Revision / Review date: N/A

Policy statement

This policy addresses the prevention of political interference in relation to the City of Ottawa's Administrative Penalty System (APS) program for parking and camera-based automated enforcement and red light camera contraventions. The policy recognizes that City services and programs are required to be carried out in a manner that upholds integrity and fairness.

This policy is not intended to prevent or limit the ability of Members of Council to request information about the APS program or its implications for the City.

Purpose

Ontario Regulation 333/07 pursuant to the *Municipal Act, 2001* and Ontario Regulation 355/22 pursuant to the *Highway Traffic Act, 1990* prescribe the implementation of APS and require the establishment of a policy for the prevention of political interference in relation to the APS program in order to minimize and restrict opportunities for political interference, intentionally and unintentionally. This policy serves to address these matters with respect to the City's APS.

Application

This policy applies to all employees, officers, and elected officials of the Corporation of the City of Ottawa in relation to their interaction with the APS program. This policy also applies to Screening Officers, Hearing Officers, and all City officers and employees involved in the administration of APS.

Policy Requirements

Principles of Preventing Political Interference

No person shall attempt to interfere with or influence, either directly or indirectly, employees, officers, or other individuals in the administration of the APS program or a decision in relation to a Penalty Notice or Penalty Order.

All persons involved with the administration and review functions of the APS program shall endeavor to carry out such duties in a manner that upholds the integrity of the administration of justice.

Implementation

All elected officials of the City of Ottawa shall be provided with a copy of this policy following the conduct of a regular or by-election.

This policy shall be included in the orientation for all elected officials at the start of a new term of Council, as well as all current and new municipal officers and employees who are involved in the administration of the APS program.

This policy shall form part of the orientation for all current and new Screening Officers, Hearing Officers and APS administration staff.

Obligation to Report

Any allegation that a Member of Council may have interfered with the APS program shall be reported to a Supervisor/Manager.

If a City employee involved in the administration of the APS program is contacted by a Member of Council, and the employee believes that the communication may constitute an attempt at political influence, the employee shall report the correspondence to their Supervisor/Manager.

Upon receipt of an allegation or disclosure of a real or potential instance of political interference, the Supervisor/Manager shall immediately request that the Integrity Commissioner investigate the matter as a possible contravention of the Code of Conduct for Members of Council.

If a Hearing Officer is contacted by a Member of Council, and the Hearing Officer believes that the communication may constitute an attempt to influence a decision in relation to a Penalty Notice or the administration of the APS program, the Hearing Officer shall report the correspondence to the Director, ServiceOttawa. Upon receipt of that information, the Director shall immediately request that the Integrity Commissioner investigate the matter as a possible contravention of the Code of Conduct for Members of Council. In matters where the Director, ServiceOttawa is contacted and believes the communication may constitute an attempt to influence a decision in relation to a Penalty Notice or the administration of the APS program, the Director shall immediately request

that the Integrity Commissioner investigate the matter as a possible contravention of the Code of Conduct for Members of Council.

The Integrity Commissioner will take whatever action they consider appropriate, pursuant to the powers and duties assigned to them, including investigating the matter and reporting to City Council with their recommendations.

Responsibilities

All employees, officers, and elected officials of the Corporation of the City of Ottawa are responsible for abiding by this policy in relation to their interaction with the APS program.

All Screening Officers, Hearing Officers, and City officers and employees involved in the administration of APS shall ensure relevant requirements of this policy are fulfilled in any duties and activities undertaken.

The Integrity Commissioner has authority to investigate real and perceived political interference whenever reported as possible contraventions of the Code of Conduct for Members of Council.

Monitoring/Contraventions

The Director, ServiceOttawa shall ensure that the policy is being applied consistently and ensure requests for investigation are referred to the Integrity Commissioner when reported.

Any concerns in relation to a real or perceived instance of political interference shall be referred to the Director, ServiceOttawa who shall request an investigation by the Integrity Commissioner.

Failure of elected officials to comply with this policy and attempts to influence or interfere with Screening Officers or Hearing Officers can result in contraventions of the Code of Conduct for Members of Council.

References

Code of Conduct for Members of Council

Legislative and administrative authorities

Municipal Act, 2001

Code of Conduct for Members of Council, By-Law #2018-400

Ontario Regulation 333/07 (Administrative Penalties), pursuant to the *Municipal Act*

Ontario Regulation 355/22 (Administrative Penalties for Contraventions Detected Using Camera Systems), pursuant to the *Highway Traffic Act*
Administrative Penalties System Parking By-Law #XXXXXX
Administrative Penalties System Camera-Based By-Law #XXXXXX
Administrative Penalties System Appointments By-Law #XXXXXX

Recordkeeping requirements

As per the Records Management Policy, Official Business Records generated as a result of the execution of this policy must be declared as such in the appropriate SharePoint site, RMS (Records Management System) or approved business system.

Definitions

Administrative Penalty means a monetary penalty set out in the Administrative Penalties System Parking By-Law and the Administrative Penalties System Camera-Based By-Law for a contravention of a Designated By-Law or Designated Statute.

Decision means any decision made by a Screening Officer or Hearing Officer in relation to an Administrative Penalty.

Screening Officer means any person designated from time to time in accordance with the Administrative Penalties System Appointments By-Law to perform screening (first-stage) reviews of designated by-law or designated statute infractions.

Hearing Officer means any person designated from time to time in accordance with the Administrative Penalties System Appointments By-Law to perform hearing (second-stage) reviews of designated by-law or designated statute infractions.

Elected Official means members of City Council for the City of Ottawa, including the Mayor of the City of Ottawa.

Enquiries

For more information on this Policy, contact the Director, ServiceOttawa.