

Subject: Prevention of Political Interference in the Administrative Penalty System (APS)

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Approved by:

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Policy:

The Corporation of the City of St. Catharines (the “City”) is committed to administering its Administrative Penalty System (APS) fairly, impartially, and free from political interference. This policy establishes requirements and procedures to prevent real or perceived political interference in the interpretation, administration, or enforcement of the APS, while preserving the legitimate role of elected officials to seek information about the program.

Purpose:

Ontario Regulation 333/07 pursuant to the *Municipal Act, 2001*, S.O 2001, c. 25 and Ontario Regulation 355/22 pursuant to the *Highway Traffic Act*, R.S.O. 1990, c. H.8 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.

Scope:

This policy applies to:

- (a) Members of The Corporation of the City of St. Catharines City Council (“Council Members”);
- (b) All City staff, officers, contractors, Screening Officers, and Hearing Officers who administer or support the APS; and
- (c) Any other individual interacting with City officials regarding APS matters in an official capacity.

This policy does not prohibit Council Members from seeking general information about the APS or participating in the review process as a recipient of a penalty notice where permitted by law, provided such actions do not attempt to influence an administrative outcome

Procedures

Introduction:

The APS is a system established under City by-laws to adjudicate certain municipal by-law contraventions. The system includes administrative reviews by appointed Screening Officers and, where applicable, hearings before Hearing Officers. To protect the integrity of the system, political interference and conflicts of interest must be avoided.

Application:

Political interference includes any attempt, direct or indirect, to influence or interfere with:

- APS administration, decisions, reviews, or outcomes.
- The performance of duties by Screening Officers, Hearing Officers, City staff, or contractors administering APS functions.

No elected official, Council Member, or any other person shall:

- Communicate in a manner intended to influence an APS decision outside the established APS procedures.
- Contact a Screening Officer, Hearing Officer, or APS staff about the merits of a specific penalty notice with the intention to influence the outcome.
- Exert pressure, direction, or influence on City staff involved in APS adjudication.

City Council's Code of Conduct and the Code of Conduct for City Employees, as applicable and as amended from time to time, shall be the guidelines for what constitute conflicts of interest and shall be referenced for the expectations of elected officials and City staff in preventing conflicts of interest.

Requests for general information about the APS program (e.g., statistics, policy implications, operational questions) are permitted and shall not be considered interference so long as the individual does not seek to influence adjudicative decisions.

Compliance:

Anyone involved in APS administration must immediately report any contact from an elected official or individual that they believe amounts to political interference to their Supervisor or Manager. Upon receipt of any allegation of interference, the Supervisor or Manager, in consultation with the City Clerk, may refer the matter to the City's Integrity Commissioner or another appropriate impartial authority for further review and, if necessary, investigation.

Concerns from members of the public regarding compliance may be addressed through City Council's Code of Conduct or the Code of Conduct for City Employees, as applicable and as amended from time to time.

Reference:

Ontario Regulation 333/07: Administrative Penalties under the Municipal Act, 2001 requires policies to prevent political interference in APS.

City of St. Catharines Administrative Penalty System By-law and Screening & Hearing Officer By-law (as applicable).

Municipal best practices for APS political interference prevention adopted by other Ontario municipalities.

City Council's Code of Conduct

Code of Conduct for City Employees