

CORPORATE POLICY



Policy Title: **Appointment of Screening and Hearing Officers**
Policy Category: **Administrative Monetary Penalties System**
Policy No.: AMPS-006
Department: Corporate Services
Approval Date:
Revision Date:
Author: Susan Smith
Attachments:
Related Documents/Legislation:
Municipal Act, 2001
Procedure By-Law
Code of Conduct for Members of Council
Code of Conduct for Members of Advisory Committees
Key Word(s): committee, Recruitment, Volunteers, Administrative Monetary Penalty, parking, hearing, Screening Officer, Hearing Officer

POLICY STATEMENT:

The City of Waterloo values a clear and transparent process for the selection of Screening Officers and Hearing Officers in a fair and equitable manner and in accordance with applicable legislation and Council-approved By-laws.

PURPOSE:

The purpose of the policy is to provide a consistent and transparent framework for the selection and appointment of Screening Officers and Hearing Officers and to act as a guide for appointees.

DEFINITIONS:

“City” means The Corporation of the City of Waterloo;

“Clerk” means the City Clerk, or anyone designated by the Clerk to perform his or her duties relating to AMPS;

“Council” means the Council of the City;

“Hearing Officer” means any person appointed from time to time pursuant to the Screening and Hearing Officer By-law, to perform the functions of a hearing officer in accordance with the Screening and Hearing Officer By-law and the Parking Administrative Penalty By-law;

Mandatory Policy, *Municipal Act*: Yes
Policy Administration Team, Review Date: April 25, 2019
Corporate Management Team, Review Date: April 24, 2019

“Joint Panel” means a joint panel as set out herein, established to provide advice and recommendations to Council pursuant to the Screening and Hearing Officer By-law, regarding the appointment of Hearing Officers;

“Parking Administrative Penalty By-law” means the by-law passed by the City to establish administrative penalties for parking, as amended from time to time, or any successor thereof;

“Relative” includes any of the following persons:

- a) spouse, common-law partner, or any person with whom the person is living as a spouse outside of marriage;
- b) Parent or legal guardian;
- c) child, including a step child and grandchild;
- d) siblings and children of siblings;
- e) aunt, uncle, niece and nephew;
- f) in-laws, including mother, father, sister, brother, daughter and son; or
- g) any person who lives with the person on a permanent basis

“Screening and Hearing Officer By-law” means the by-law passed by the City to establish the positions of screening and hearing officers and to provide for the appointment of screening and hearing officers, in relation to administrative penalties for parking, as amended from time to time, or any successor thereof;

“Screening Officer” means any person appointed from time to time pursuant to the Screening and Hearing Officer By-law, to perform the functions of a screening officer in accordance with the Screening and Hearing Officer By-law and the Parking Administrative Penalty By-law

SCOPE:

This Policy applies to the selection and appointment of Screening Officers and Hearing Officers for the purposes of AMPS in relation to parking.

POLICY COMMUNICATION:

This Policy will be posted on the City website on the AMPS page.

POLICY:

1.1 Appointment of Screening Officers

In accordance with the Screening and Hearing Officer By-law, Screening Officers shall be appointed by the Clerk in consultation with the City Solicitor. Except where ineligible or where the Clerk, in consultation with the City Solicitor and Director of Municipal Enforcement Services otherwise determines that the person has demonstrated an inability to comply with City Policies or procedures, or is

unable to carry out the duties related to AMPS in a fair and impartial manner, any person(s) holding the following positions of By-law Enforcement Assistant (as that position may be renamed from time to time) may be designated by the Clerk as Screening Officers.

The following persons are not eligible for appointment as Screening Officers:

- 1) A member of Council;
- 2) A Relative of a member of Council;
- 3) A person indebted to the City, other than:
 - a) In respect of current property taxes; or
 - b) Pursuant to an agreement with the City, where the person is in compliance with the terms thereof

The Clerk, in consultation with the City Solicitor and Director of Municipal Enforcement Services, may revoke the appointment of a By-law Enforcement Assistant as a Screening Officer if at any time the person becomes ineligible for appointment or continuation as a Screening Officer, or is otherwise determined by the Clerk, in consultation with the City Solicitor and Director of Municipal Enforcement Services, to be unable to carry out the duties related to AMPS in a fair and impartial manner or to comply with City Policies or procedures.

1.2 Recruitment of Hearing Officer(s)

The City may, from time to time, recruit Hearing Officer(s) as contemplated by the Screening and Hearing Officer By-law, in accordance with the following process:

1.2.1 Joint Panel

A Joint Panel is hereby established, to carry out the duties of the Joint Panel as contemplated by the Screening and Hearing Officer By-law and in this Policy. The Joint Panel shall be comprised of the following representatives of the City of Kitchener and the City of Waterloo:

- a) City Solicitor or designate (Kitchener and/or Waterloo – provided that at least 1 such person is on the panel);
- b) City Clerk or designate (Waterloo); and
- c) Director of Human Resources or designate (Kitchener)

1.2.2 Eligibility

The following persons are not eligible to be appointed or to remain as Hearing Officer(s):

- a) A member of Council;

- b) A Relative of a member of Council;
- c) An employee of the City;
- d) A person indebted to the City, other than:
 - i) In respect of current property taxes; or
 - ii) Pursuant to an agreement with the City, where the person is in compliance with the terms thereof

1.2.3 Application and Review Process

Application Process

The recruitment of Hearing Officer(s) will be carried out as a joint initiative of the City of Waterloo and the City of Kitchener. Hearing Officer(s) postings will be published by the Legislative Services Division of the City of Waterloo and by the City of Kitchener. The posting will outline the role of the Hearing Officer(s) and eligibility criteria.

All applicants must complete an application form in the form as determined by the City of Waterloo and the City of Kitchener. The application form will be provided on the City of Waterloo and City of Kitchener websites, and at the Legislative Services Division of the City of Waterloo and the By-law Enforcement Office of the City of Kitchener.

Review and Appointment

All applications received by the established deadline will be forwarded to the Joint Panel which will be responsible for reviewing the applications and recommending appointments to Council. The applicant review process will be completed in camera as the process involves reviewing personal information of the applicants.

The Joint Panel will make recommendations to Council. Council will consider the recommendations and appoint Hearing Officer(s) by by-law.

The Legislative Services Division of the City of Waterloo and the Human Resources Division of the City of Kitchener will jointly notify all applicants of the decision of the Councils and will retain all applications according to their applicable Retention By-Law.

Other AMPS Programs

Should the City decide to expand the AMPS Program(s) to matters other than parking, Council may, but is not required to, expand the duties of and appoint any existing Hearing Officer(s) for that purpose.

1.2.4 Nature of Hearing Officer(s) Position and Term

Hearing Officer(s) are independent, and are not City employees. Hearing Officer(s) may be required to enter into a contract with the City outlining the terms of service.

Unless revoked, Hearing Officer(s) shall be appointed for the term of Council (or remainder thereof, where appointed mid-term), and thereafter until reappointed or until a successor is appointed.

1.2.5 Revocation of Appointment

Council may revoke the appointment of a Hearing Officer at any time, on the recommendation of the Joint Panel, in accordance with the Screening and Hearing Officer By-law.

COMPLIANCE:

1.2.6 In cases of policy violation, the City may investigate and determine appropriate corrective action.