

<p>CORPORATE POLICY and PROCEDURE</p>	 <p>WOOLWICH TOWNSHIP</p>	<p>Policy No.:</p> <p>Pages: 5</p> <p>Effective Date:</p> <p>Supercedes:</p>
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SECTION: Administrative Monetary Penalty System (AMPS)

SUBJECT: Public Complaints

PURPOSE

Ontario Regulation 333/07 made under the *Municipal Act, 2001* requires a municipality establishing an Administrative Monetary Penalty System (AMPS) to develop a policy to address public complaints regarding the administration of AMPS.

The purpose of this Policy is to provide a process for public complaints regarding the administration of AMPS and to ensure that AMPS remains an open, transparent, accessible, responsive, accountable, efficient and effective system for enforcement in the Township of Woolwich, and that any public complaints are addressed in a timely and responsible manner.

LEGISLATIVE AUTHORITY

Municipal Act, 2001

DEFINITIONS

“Administrative Fee” means any fee specified in the Administrative Monetary Penalty System By-law;

“Administrative Penalty” means an administrative penalty established by the Administrative Monetary Penalty System By-law for a contravention of a Designated By-law as defined therein;

“Administrative Monetary Penalty System By-law” means the by-law passed by the Township to establish administrative penalties, as amended from time to time, or any successor thereof;

“AMPS” means Administrative Monetary Penalty System;

“Council” means the Council of the Township;

“Designated Complaints Investigator” means the Director of Corporate Services/Clerk or his or her designate;

“Hearing Officer” means any person who is appointed by the Township 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 Administrative Monetary Penalty System By-law;

“Hearing Review” means the process related to review of a screening decision, as set out in the Administrative Monetary Penalty System By-law;

“Integrity Commissioner” means the Integrity Commissioner as appointed by Township Council from time to time;

“*Municipal Freedom of Information and Protection of Privacy Act*” means the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990. c. M. 56, as amended from time to time, or any successor thereof;

“Penalty Notice” means a penalty notice issued pursuant to the Administrative Monetary Penalty System By-law;

“Screening and Hearing Officer By-law” means the by-law passed by the Township 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, as amended from time to time, or any successor thereof;

“Screening Officer” means any person who is appointed by the Township 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 Administrative Monetary Penalty System By-law;

“Screening Review” means the process related to review of a Penalty Notice, as set out in the Administrative Monetary Penalty System By-law;

“Township” means The Corporation of the Township of Woolwich.

POLICY SCOPE

1. This Policy applies to all public complaints, informal or formal, regarding the administration of the AMPS program and applies to all administrative actions and functions of all Township employees and other individuals responsible for the administration of AMPS, and to all public complaints regarding Screening Officers or Hearing Officers. All individuals responsible for administering the AMPS program shall be responsible for adherence to this Policy.
2. Any public complaint filed pursuant to this Policy in regard to the administrative actions of a Township employee, Screening Officer or Hearing Officer under AMPS shall be referred to the Designated Complaints Investigator.
3. Screening Officers and Hearing Officers do not have jurisdiction to consider questions relating to the validity of a statute, regulation or by-law or the constitutional applicability or operability of a statute, regulation or by-law. Any such complaints will not be processed under this Policy.

4. This Policy is not intended to:
 - a) Operate as an appeal mechanism to reverse or alter any decision of a Screening Officer or Hearing Officer; or
 - b) Replace other specific Township programs, policies/procedures, legislative processes, or legal processes available to the public to address public concerns with AMPS or with the outcome of a Screening Review or Hearing Review.

POLICY COMMUNICATION:

5. This Policy will be posted on the Township's website.
6. Affected staff will be advised of the new Policy and any major amendments.
7. All members of Council shall be provided with a copy of this Policy.
8. This Policy shall form part of the orientation for all members of Council at the start of a new term of Council.
9. This Policy shall form part of the orientation for all Screening Officers, Hearing Officers and Township employees involved in the enforcement and administration of AMPS.
10. Without limiting Section 9 all current and new employees, with the potential for interaction with the AMPS program, shall receive training in relation to this Policy.

POLICY:

General Provisions

11. A public complaint shall be processed using the following framework:
 - a) Unless otherwise set out in this Policy, all public complaints regarding the administration of AMPS shall be submitted to the Designated Complaints Investigator, who may investigate and, if applicable, determine appropriate corrective action;
 - b) Any complaint regarding a member of Council in respect of the administration of AMPS shall be submitted and processed in accordance with the Council Code of Conduct;
 - c) Any complaint regarding a Hearing Officer shall be referred by the Designated Complaints Investigator;
 - d) A public complaint submitted pursuant to this Policy must be in writing, using the form(s) as may be prescribed by the Designated Complaints Investigator from time to time, complete with all required information, including the name and full contact information of the complainant, and be sent to the Designated Complaints Investigator within 30 calendar days of the date of the event for which the complaint is being made.

Incomplete complaint forms or forms submitted after the 30 calendar day period may not be processed, at the discretion of the Designated Complaints Investigator;

- e) All complaints shall be treated as confidential by the Township and shared only as required to investigate the complaint, respecting personal information privacy and confidentiality in accordance with the *Municipal Freedom of Information and Protection of Privacy Act*;
- f) The Designated Complaints Investigator may refuse to address or process any public complaint that is deemed by the Designated Complaints Investigator to be frivolous, vexatious, trivial or made in bad faith, or not within the scope of this Policy. The Designated Complaints Investigator shall notify the complainant in writing and provide the complainant with a reasonable opportunity to make written submissions, prior to determining a complaint to be frivolous, vexatious, trivial or made in bad faith. Any such decision shall be communicated to the complainant in writing with reasons;
- g) Where possible, at the discretion of the Designated Complaints Investigator, attempts will be made to address public complaints through an informal resolution process before proceeding to a formal resolution process;
- h) Any resolution, formal or informal, of a public complaint will be addressed by a written response from the Designated Complaints Investigator to the person filing the complaint;
- i) A public complaint sustained through a review cannot be used as the basis to change or void a decision of a Screening Officer or Hearing Officer, including any Administrative Penalties and Administrative Fees due or paid; and
- j) The Designated Complaints Investigator will report annually on the summary of public complaints filed and addressed in respect of AMPS.

12. Complaints that are anonymous will not be accepted.

13. A complainant may withdraw his/her complaint by so requesting in writing to the Designated Complaints Investigator at any time.

Compliance

14. In cases of Policy violation, the Township may investigate and determine appropriate corrective action.

POLICY STATEMENT

15. This Policy is to address any public complaint regarding the administration of the Administrative Monetary Penalty System (AMPS).