

Corporate Policy and Procedure



Policy	APS Policy – Preventing Political Interference
Category	Corporate
Authority	Legal and Court Services
Related Policies	Listed below
Approved By	General Manager, Legal and Court Services / City Solicitor
Effective Date	Thursday, May-01-2025
Revision Date	Tuesday, April 22, 2025

Policy Statement

The Corporation of the City of Guelph requires and values that its Administrative Penalty System (APS) be administered in a transparent and ethical manner in accordance with applicable legislation and Council-approved by-laws.

Pursuant to O. Reg. 333/07: Administrative Penalties, made under the *Municipal Act, 2001*, a municipality establishing an APS is required to have a policy for the prevention of political interference in the APS.

Purpose

This Policy is intended to prevent political interference in the APS. This Policy defines what constitutes political interference in relation to the APS. This Policy establishes principles and procedures to ensure that the responsibilities of individuals involved in the APS are conducted in accordance with the principles of fundamental justice, which include decision making and procedural independence, fairness, impartiality, and integrity, without any political interference.

Scope

This Policy applies to all members of Council, Screening Officers, Hearing Officers, and all City employees involved in the administration of the APS, and to all other City employees in relation to their interaction with the APS and members of Council.

The following shall apply in addition to this Policy:

- For City employees: the Employee Code of Conduct Policy shall also apply regarding the activities of an employee in the administration of the APS program and in relation to their interaction with the APS. In the event of a conflict between the provisions of this Policy and the provisions of the

Employee Code of Conduct Policy, in relation to the APS, this Policy shall supersede.

- For Hearing Officers: the provisions of any agreement governing the retainer between the City of Guelph and a Hearing Officer, shall also apply regarding the activities of the Hearing Officer. In the event of a conflict between this Policy and the agreement, the provisions of this Policy shall supersede.
- For members of Council: The Council Code of Conduct shall also apply regarding the activities and interactions of members of Council. In the event of a conflict between the provisions this Policy and the provisions of the Council Code of Conduct, in relation to the APS, this Policy shall supersede.
- This Policy shall apply in addition to all applicable City policies. A breach of City policy relevant to any matters set out in this Policy shall be deemed to be a breach of this Policy.

Definitions

Administrative Penalty means an administrative penalty established by the Administrative Penalty By-law for a contravention of a designated by-law, as defined therein;

Administrative Penalty By-law means By-law No. (2025) - 21055 passed by the City to establish administrative penalties for parking, as amended from time to time, or any successor thereof;

Administrative Penalty System or **APS** is a City-administered system established by the Administrative Penalty By-law for the administration of civil penalties in respect of the failure to comply with a designated by-law;

City means The Corporation of the City of Guelph;

Council means the Council of the City of Guelph;

Council Code of Conduct means the City of Guelph Code of Conduct for Council and Local Boards, as amended, supplemented or replaced from time to time, or any successor code or policy;

General Manager / City Solicitor means the General Manager of Legal and Court Services / City Solicitor for the City of Guelph, or anyone designated by the General Manager to perform their duties relating to the APS;

Employee Code of Conduct Policy means the policy adopted by the City to govern employee conduct, provide ethical standards, and address conflicts of interest, as amended from time to time, or any successor thereof;

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 Administrative Penalty By-law;

Hearing Review means the process related to review of a Screening Decision, as set out in Section 6 of the Administrative Penalty By-law;

Penalty Notice means a penalty notice as described in Section 4 of the Administrative Penalty By-law

Person includes an individual, corporation or other legal entity;

Policy means this APS Policy – Prevention of Political Interference;

Power of Decision means a power or right, conferred by or under the Administrative Penalty By-law, to make a decision deciding or prescribing the legal rights, powers, privileges, immunities, duties or liabilities of any Person;

Reprisal means any measure taken or threatened as a direct result of disclosing or being suspected of disclosing an allegation of wrongdoing, initiating or cooperating in an investigation into an alleged wrongdoing, and includes but is not limited to:

- disciplinary measures.
- demotion of the employee or individual;
- termination of the employee or individual;
- intimidation or harassment of the employee or individual;
- any measure that adversely affects the employment or working conditions of the employee or individual; and
- directing or counselling someone to commit a reprisal;

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 Administrative Penalty By-law;

Screening and Hearing Officer By-law means By-law No. (2025) - 21056 passed by the City of Guelph to establish the positions of Screening Officer and Hearing Officer and to provide for the appointment of Screening Officers and Hearing Officers, in relation to administrative penalties, as amended from time to time, or any successor thereof;

Screening Review means the process related to review of a Penalty Notice, as set out in Section 5 of the Administrative Penalty By-law.

Policy

The City of Guelph is committed to ensuring that the Administrative Penalty System is conducted in a fair and independent manner and to preventing political interference in the administration of the APS.

Principles of Preventing Political Interference

No Person shall attempt, directly or indirectly, to communicate with any City employee or other person performing duties related to the administration of the APS for the purpose of influencing or interfering, financially, politically or otherwise, with the administration of the APS or with any particular Penalty Notice.

No Person shall attempt, directly or indirectly, to communicate with a Screening Officer or Hearing Officer for the purpose of influencing or interfering, financially, politically or otherwise, the Screening Officer or Hearing Officer respecting a Penalty Notice and/or respecting a Power of Decision in a proceeding that is or

will be pending before a Screening Officer or Hearing Officer, except:

- a Person who is entitled to be heard in the proceeding or the Person's lawyer, licensed paralegal or authorized representative; and
- only by that Person or the Person's lawyer, licensed paralegal or authorized representative during the hearing of the proceeding in which the issues arise.

Nothing in this Policy prohibits the giving or receiving of legal advice.

In addition to this Policy, the Administrative Penalty By-law sets out a prohibition on attempting to influence a Screening Officer or Hearing Officer and creates an offence for any contravention of the provisions of the Administrative Penalty By-law. Such penalty is in addition to any action taken pursuant to this Policy.

All individuals involved with the enforcement and administrative functions of the APS shall carry out such duties in a manner which upholds the integrity of the administration of justice.

Accountability

A Screening Officer or Hearing Officer, City of Guelph employee, or any other individual performing duties related to the APS shall report any attempt at influence or interference, financial, political, or otherwise, by any Person, to the General Manager as soon as possible. No action shall be taken against the Screening Officer, Hearing Officer, employee or other person(s) for making any such report in good faith.

Where any employee, Screening Officer, Hearing Officer, or other person performing duties related to the APS, is contacted by a member of Council or City official with respect to the administration of the APS or a specific Penalty Notice, he or she shall immediately disclose such contact to the General Manager in order to maintain the integrity of the APS.

Any interference with or attempt to interfere with the APS by any Person may result in charges under the Criminal Code of Canada, as applicable, or any other applicable law, in addition to any disciplinary action.

Any interference with the APS or attempt to interfere with the APS, by a member of Council, will be addressed pursuant to the Council Code of Conduct.

Reprisal

In addition to and without limiting the "Accountability" section of this Policy, no person shall take any Reprisal against a City employee or other individual performing duties related to the administration of the APS because the employee or individual, in good faith:

- has sought information or advice about making a disclosure about wrongdoing contrary to this Policy;
- has made a disclosure about wrongdoing contrary to this Policy in good faith;
- has initiated or cooperated in an investigation or other process related to a disclosure of wrongdoing contrary to this Policy;

- has appeared as a witness, given evidence or participated in any proceeding relating to the wrongdoing contrary to this Policy, or is required to do so;
- has alleged or reported a Reprisal; or
- is suspected of any of the above actions.

The identity of employees or other individuals performing duties related to the administration of the APS involved in an investigation, including the identity of an individual alleging political influence contrary to this Policy, will be protected to the fullest extent possible.

If an employee believes that they have suffered Reprisal, this should be reported immediately to the General Manager or, where appropriate, to the employee's direct manager and/or Deputy Chief Administrative Officer, as well as the General Manager of Human Resources.

Policy Communication

This Policy will be communicated internally and externally as follows:

- This Policy will be posted on the City's website and intranet.
- Employees will be advised of the Policy and any amendments or replacements, from time to time, via distribution to the Executive Leadership Team and/or Corporate Leadership Team;
- Members of Council shall be provided with a copy of this Policy; and
- This Policy shall form part of the orientation for all Screening Officers, Hearing Officers and City employees and independent contractors involved in the administration or enforcement of the APS.

Monitoring and Compliance

In accordance with the City of Guelph policies, collective agreement, and applicable legislation, any employee or appointee found to be demonstrating actions and/or behaviours that are not consistent with the terms of this Policy will result in an investigation, subject to possible discipline up to and including revocation of appointment and/or termination of employment.

Related By-laws and Policies

- By-law Number (2025) - 21055 Administrative Penalty Bylaw
- By-law Number (2025) - 21056 Screening and Hearing Officer Bylaw
- APS Policy – Appointment of Screening Officers and Hearing Officers
- APS Policy – Conflict of Interest and Code of Conduct
- APS Policy – Financial Management and Reporting
- APS Policy - Public Complaints
- APS Policy - Undue Hardship
- City of Guelph Employee Code of Conduct
- City of Guelph Code of Conduct for Council and Local Boards

References

- *Municipal Act, 2001*, S.O. 2001, c. 25, as amended.
- O. Reg. 333/07: Administrative Penalties made under the *Municipal Act, 2001*.

Review Timeline

This policy will be reviewed 2 years from the initial Effective Date, and at 2-year intervals thereafter.