

CORPORATE POLICY



Policy Title: **Financial Management and Reporting for the Administrative Monetary Penalty System (AMPS)**

Policy Category: **Administrative Monetary Penalties System Policy**

Policy No.: AMPS-003

Department: Community Services

Approval Date: May 6, 2019

Revision Date: June 12, 2023

Authors: Susan Smith, Legal Services
Grant Curlew, Municipal Enforcement Services

Attachments: n/a

Related Documents/Legislation:
Municipal Act, 2001
O. Reg. 333/07
City of Waterloo Parking Administrative Penalty By-law
City of Waterloo General Administrative Penalty By-law
City of Waterloo Screening and Hearing Officer By-law
AMPS Program Policies and Procedures

Key Word(s): Financial Management
Financial Reporting
Administrative Monetary Penalty By-law
Parking

POLICY STATEMENT:

This Policy is to establish financial management and reporting responsibilities related to the Administrative Monetary Penalty System (AMPS).

PURPOSE:

Ontario Regulation 333/07 requires a municipality establishing an Administrative Monetary Penalty System (AMPS) to have a policy to address financial management and reporting of AMPS.

This Policy outlines the financial management and the reporting and tracking of administrative penalties and fees. This Policy affirms that the City of Waterloo's AMPS shall follow the existing corporate policies and procedures related to financial management and reporting.

DEFINITIONS:

“Administrative Fee” means any fee specified in the General Administrative Penalty By-law or the Parking Administrative Penalty By-law;

“Administrative Penalty” means an administrative penalty imposed for contravention of a Designated By-law, in accordance with the General Administrative Penalty By-law and the Parking Administrative Penalty By-law;

“AMPS” means Administrative Monetary Penalty System;

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

“Council” means the Council of the City;

“Director of Municipal Enforcement Services” means the Director of Municipal Enforcement Services of the City, or anyone designated by the Director to perform his or her duties relating to AMPS;

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

“Hearing Officer” means any person who is appointed by the City 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, the General Administrative Penalty By-law, and the Parking Administrative Penalty By-law;

“Municipal Enforcement Services” means the Municipal Enforcement Services Division of the City, or any successor thereof;

“*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;

“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;

“Penalty Notice” means a penalty notice as described in Section 4.0 of the General Administrative Penalty By-law and Section 4.0 of the Parking Administrative Penalty By-law;

“Person” includes an individual or a corporation;

“Screening and Hearing Officer By-law” means any person appointed by the City 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, the General Administrative Penalty By-law, and the Parking Administrative Penalty By-law;

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

SCOPE:

This Policy applies to all financial management and reporting responsibilities and accountabilities regarding AMPS. All staff responsible for administering the AMPS program, as well as Screening Officers and Hearing Officers, shall comply with this Policy.

The City has established several financial management policies and procedures which, along with proactive financial planning processes, provide a framework for its overall fiscal planning and management. The City continues to display financial accountability through regular, thorough, and transparent financial performance reporting and analysis. This will be reflected in routine reporting on AMPS financial results and efficiency and effectiveness measures of the AMPS programs and services.

POLICY COMMUNICATION:

- (f) This Policy will be posted on the City’s website and intranet.
- (g) Staff will be advised of the new Policy via distribution to the Operational Leadership Team and Corporate Management Team;
- (h) All members of Council shall be provided with a copy of this Policy;
- (i) This Policy shall form part of the orientation for all members of Council at the start of a new term of Council;
- (j) This Policy shall form part of the orientation for all Screening Officers, Hearing Officers and City staff involved in the enforcement and administration of AMPS; and

Without limiting (e), all current and new City officials and staff, with the potential for interaction with the AMPS program, shall receive training in relation to this Policy

POLICY:

1.1 General Financial Management and Reporting

Preparation of the City's budget resolves around priority setting that reflects the City's Strategic Plan, Council priorities, service delivery objectives and standards and historical financial performance; all balanced with the need for prudent financial management. Priority setting and budgeting regarding AMPS shall be Municipal Enforcement Services' responsibility.

Through the process of current and capital financial management and reporting for AMPS, Municipal Enforcement Services shall:

- a) review and monitor current year actual, budgeted, and projected financial performance and operating results;
- b) proactively compare program financial activity with past performance to identify trends, issues, and opportunities;
- c) determine priorities for maintaining and improving AMPS program services levels;
- d) review and develop long-term plans for AMPS including a multi-year operating and capital budget analysis and projections;
- e) identify and mitigate factors impacting the AMPS budget and financial performance, such as inflation, fixed costs and legislative requirements that are beyond the control of City decision-makers;
- f) comply with all corporate reporting standards and requirements as part of the City's financial management and reporting processes;
- g) ensure all necessary financial signing authorities are in place and followed by all staff involved in AMPS administration; and
- h) comply with all City procurement policies and procedures about AMPS

1.2 Payment of a Penalty Notice

Any person issuing a Penalty Notice for an infraction of a Designated By-law is not permitted to accept payment for an Administrative Penalty.

Hearing Officers are prohibited from directly accepting any payment from any Person in respect of a Penalty Notice.

City employees shall ensure compliance with corporate and/or departmental cash/payment handling procedures for financial stewardship.

1.2.1 Methods of Payment

Following the issuance of a Penalty Notice, the Person is permitted to make a voluntary payment by using one of the following methods:

- a) Online (subject to a nominal processing fee)
- b) In person at the Municipal Enforcement Services Office – Waterloo City Centre, 100 Regina St. S., Waterloo, Ontario N2J 4A8 during regular business hours
Monday – Friday from 8:30am-4:30pm
- c) By mail using cheque or money order only.

The Penalty Notice number must be written on the front of the cheque or money order and shall be made payable to The Corporation of the City of Waterloo

Mail to: The Corporation of the City of Waterloo
Municipal Enforcement Services
100 Regina Street South
P.O. Box 337, Station Waterloo
Waterloo, ON
N2J 4A8
Attention: AMPS Program

Payment is not considered made until received by the City. Anyone sending payment by mail must allow sufficient mailing time for payments and should not send cash by mail. Post-dated cheques or payment by installments (unless otherwise agreed by the Director of Municipal Enforcement Services) are not accepted. A fee will be applied for any Non-Sufficient Funds, cancelled, or reversed payment, in accordance with the City's Fees and Charges By-law.

1.2.2 Processing Payments

Payments will be processed as follows:

- a) Online

The Person enters their Penalty Notice and related information into the system and makes a payment with their credit card information. Once the transaction is processed and approved, the Person may print a receipt of payment as proof of payment for their records.

b) In Person

Apply the appropriate method of payment to the Penalty Notice. The Person is provided with a receipt of payment for their records.

c) By Mail

Apply the cheque or money order payment to the Penalty Notice. A receipt is not provided when using this method of payment.

Upon receipt of a Penalty Notice payment, a City employee will apply the payment to a specific Penalty Notice in the Notice Process system connected to the City's Point-of-Sale terminals. Unless otherwise agreed by the Director of Municipal Enforcement Services, partial payments will not be accepted. The Penalty Notice will reflect "paid" status.

A Person's credit card information is not kept by the City's system, in accordance with the Municipal Freedom of Information and Protection of Privacy Act.

1.2.3 Refund of Payment

If a Person has paid any Administrative Fee in respect of a Penalty Notice, and the Administrative Fee or part thereof is later cancelled or reduced by a Screening Officer or Hearing Officer, the City shall refund the Administrative Fee or part thereof cancelled or reduced to the Person.

1.3 Administrative Fees

Various Administrative Fees may be payable by a Person with a Penalty Notice as set out in the Parking Administrative Penalty By-law. Where applicable, such fees shall be paid in addition to the Administrative Penalty.

COMPLIANCE

1.4 In cases of Policy violation, the City may investigate and determine appropriate corrective action.