

# Corporate Policy and Procedure

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Policy	<b>APS Policy - Appointment of Screening Officers and Hearing Officers</b>
Category	Corporate
Authority	Legal and Court Services
Related Policies	Listed below
Approved By	Trevor Lee, Deputy Chief Administrative Officer, Corporate Services
Effective Date	Tuesday, April-01-2025
Revision Date	Tuesday, February 04, 2025

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## Policy Statement

The Corporation of the City of Guelph values a clear and transparent policy and process for the recruitment and appointment of Screening Officers and Hearing Officers for the City's Administrative Penalty System ("APS"), to be applied 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 for the City's Administrative Penalty System, and to act as a guide for appointed officers in the exercise of their duties.

## Definitions

**Administrative Penalty By-law** means By-law No. (2025) - XXXX 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;

**Clerk** means the **City Clerk**, or anyone designated by the Clerk to perform their duties relating to the APS;

**Council** means the Council of the City of Guelph;

**Designated By-law** means a by-law that is designated by the City as a by-law to which the City's Administrative Penalty System applies and, if only a part of a by-law is designated, includes only the designated part of the by-law;

**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;

**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;

**Issuing Officer** means a person assigned to issue penalty notices, including municipal by-law compliance officers;

**Joint Panel** means the panel established pursuant to this Policy to provide advice and recommendations to Council pursuant to the Screening and Hearing Officer By-law, regarding the appointment of Hearing Officers;

**Policy** means this APS Policy - Appointment of Screening Officers and Hearing Officers.

**Relative** includes any of the following persons:

- spouse, common-law partner, or any person with whom the person is living as a spouse outside of marriage;
- parent or legal guardian;
- child, including a stepchild and grandchild;
- siblings and children of siblings;
- siblings of parents and their children (typically known as aunt, uncle, niece and nephew);
- in-laws, including parents, siblings, and children; or
- any person who lives with the person on a permanent basis;

**Screening and Hearing Officer By-law** means By-law No. (2025) - XXXX 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 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.

## **Policy**

### **Appointment of Screening Officer**

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

## **Eligibility**

Screening Officers are City employees and must meet the eligibility criteria and have the requisite qualifications for performance of duties in alignment with the provisions of the Screening and Hearing Officer By-law.

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

- an Issuing Officer;
- a member of Council;
- a Relative of a member of Council; or
- a person indebted to the City, other than in respect of current property taxes due but not yet payable; or pursuant to an agreement with the City where the person is in compliance with the terms thereof.

## **Appointment and Revocation**

In accordance with the Screening and Hearing Officer By-law, Screening Officers shall be appointed by the City Clerk. The General Manager will be responsible for recommending appointments and the City Clerk will consider the recommendations of the General Manager. The Clerk shall not appoint a person who is ineligible for appointment as a Screening Officer or is otherwise determined by the Clerk to be unable to carry out the duties related to the APS in a fair and impartial manner or to comply with City of Guelph policies or procedures.

The Clerk, in consultation with the General Manager may revoke the appointment of 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 General Manager, to be unable to carry out the duties related to APS in a fair and impartial manner or to comply with City of Guelph policies or procedures.

## **Recruitment of Hearing Officer**

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:

### **Eligibility**

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

- an employee of the City;
- an Issuing Officer;
- a member of Council;
- a Relative of a member of Council; or
- a person indebted to the City, other than in respect of current property taxes due but not yet payable; or pursuant to an agreement with the City where the person is in compliance with the terms thereof.

## **Application and Review Process**

The City of Guelph Legal and Court Services department will be responsible for the recruitment of Hearing Officer(s). The position posting will outline the role of the Hearing Officer(s), eligibility criteria, and necessary and desirable qualifications. Eligible applicants may complete an application form in a form prescribed by the City of Guelph.

The Legal and Court Services department will be responsible for reviewing the applications and recommending appointments. The review process involves reviewing applications and ensuring applicants meet the eligibility criteria and have the necessary qualifications for performance of duties in alignment with the provisions of the Screening and Hearing Officer By-law.

### **Appointment**

The City Clerk will consider the recommendations of the General Manager and appoint the Hearing Officer(s).

The Legal and Court Services department of the City of Guelph will notify all eligible applicants of the decision and will retain all applications according to applicable City by-laws and policies for records retention.

### **Nature of Hearing Officer(s) Positions 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.

### **Revocation of Appointment**

The City may revoke the appointment of a Hearing Officer at any time, on the recommendation of the City Clerk in consultation with the General Manager, if applicable.

### **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 No. (2025) - XXXX Administrative Penalty By-law
- By-Law No. (2024) - XXXX Screening and Hearing Officer By-law
- APS Policy - Conflict of Interest and Code of Conduct
- APS Policy - Financial Management and Reporting

- APS Policy - Preventing Political Interference
- APS Policy - Public Complaints
- APS Policy - Undue Hardship
- City of Guelph Employee Code of Conduct

## **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 two years from the initial Effective Date, and at two-year intervals thereafter.