

Administrative Policy Name	Administrative Monetary Penalty System – Conflict of Interest	Administrative Policy Number	P-COR-012
Effective Date	July 14, 2025	Revision Date	
Approved By	Council		
Related Administrative Procedure or Policy	Monetary Penalty System – Financial Management and Reporting Monetary Penalty System – Prevention of Political Interference Monetary Penalty System – Public Complaints Monetary Penalty System – Extension of Time to Pay Monetary Penalty System – Extension of Time to Request a Review Monetary Penalty System – Undue Hardship		

1. Intent

1.1 The Township has implemented an Administrative Monetary Penalty System (**AMPS**).

1.2 The purpose of this Policy is to:

- (a) establish conflict of interest guidelines in relation to the administration and enforcement of the **AMPS**, to define what constitutes a conflict of interest, to prevent conflicts of interest, and to rectify such conflicts should they occur; and
- (b) ensure responsibilities under the **AMPS** are conducted in accordance with fundamental principles of natural justice, which includes judicial independence, fairness, impartiality, competence and integrity.

2. Scope

2.1 This policy applies to all **Elected Officials, Screening Officer(s), Hearing Officer(s)**, and all staff involved in the administration and enforcement of the **AMPS**.

2.2 For staff engaged in the administration and enforcement of the **AMPS**, the Employee Code of Conduct, and any successor policies, shall also apply regarding activities of staff in the administration and enforcement of the **AMPS**.

2.3 For **elected officials**, provisions in the Township’s Code of Conduct for Council Members and Members of Local Boards and prevailing provincial legislation (i.e., Municipal Conflict

of Interest Act), and any successor policies, shall also apply in the administration and enforcement of the **AMPS**.

3. Definition

3.1 For the purposes of this Policy:

“Administrative Penalty” means an administrative monetary penalty for a contravention of a Township By-law;

“AMPS” means Administrative Monetary Penalty System;

“Clerk” means the Clerk for the Township of Centre Wellington, or any person designated by the Clerk;

“Elected Official” includes a member of Township Council, or a member of a local board, including a member of a joint board if that member is appointed by Council to the joint board and any member of a Township Committee;

“Hearing” means a review of a decision of a **Screening Officer**;

“Hearing Officer” means a person who performs the functions of a Hearing Officer in accordance with the Township’s **AMPS** By-laws;

“Parent” means a person who has demonstrated a settled intention to treat a child as a member of their family whether or not that person is a natural parent of the child and includes a legal guardian;

“Relative” means any of the following persons:

- (a) **spouse**;
- (b) **parent**;
- (c) child, including a step-child and grandchild;
- (d) grandparent;
- (e) siblings and children of siblings;
- (f) aunt, uncle, niece and nephew;
- (g) in-laws, including mother, father, sister, brother, daughter and son; or
- (h) any person, including but not limited to a dependant, who lives with the person on a permanent basis;

“**Screening Officer**” means a person who performs the functions of a Screening Officer in accordance with the Township’s **AMPS** By-laws;

“**Screening Review**” means a review of an **administrative penalty** by a **Screening Officer**;

“**Spouse**” means a person to whom the person is married or with whom the person is living in a conjugal relationship outside of marriage and includes a common-law partner.

4. Application

4.1 Conflict of Interest

- (a) A conflict of interest arises where a **Screening Officer, Hearing Officer** or staff involved in the administration and enforcement of the **AMPS** program has a personal or business interest that conflicts, might conflict, or may be perceived to conflict with the interests of the **AMPS** program. A conflict of interest could arise in relation to personal or business matters including:
 - i) directorships or other employment;
 - ii) interests in business enterprises or professional practices;
 - iii) share ownership or beneficial interests in trusts;
 - iv) professional or personal associations with a person;
 - v) professional associations or relationships with other organizations; and
 - vi) personal associations with other groups or organizations, or family relationships including **relatives**.
- (b) A **Screening Officer** shall not conduct a **Screening Review** involving a personal or business acquaintance or a **relative**, as such involvement is deemed inappropriate.
- (c) A **Hearing Officer** shall conduct a **Hearing** in accordance with the:
 - i) **AMPS** By-law and the *Statutory Powers Procedure Act, R.S.O. 1990, c. S. 22*, as amended;
 - ii) general principles of administrative common law, including procedural fairness, natural justice, impartiality and unbiased decision-making.
- (d) A **Hearing Officer** shall not conduct a **Hearing** involving a personal or business acquaintance or a **relative**, as such involvement is deemed inappropriate.
- (e) Every **Screening Officer, Hearing Officer** and staff involved in the administration and enforcement of **AMPS**, shall disclose to the **Clerk** any obligation, commitment, relationship or interest that could conflict with or

may be perceived to conflict with his or her duties to or interests in the administration and enforcement of the **AMPS** program.

- (f) An **Elected Official, Screening Officer or Hearing Officer** shall not represent any person at a **Screening Review or Hearing**.

4.2 Preventing Conflict of Interest

- (a) Preventing conflicts of interest relies on three key steps: identification, disclosure, and recusal from decision-making authority regarding a **Screening Review or Hearing**. These steps are necessary for addressing any real, potential, or perceived conflicts of interest.

4.3 Disclosure of Conflict of Interest

- (a) If a **Screening Officer or Hearing Officer** becomes aware of any real, potential or perceived conflict of interest, they shall inform the **Clerk**, and:
 - i) in the case of a scheduled **Screening Review or Hearing** that has not yet commenced, request another **Screening Officer or Hearing Officer** to conduct the **Screening Review or Hearing**; or
 - ii) in the case the **Screening Review or Hearing** has commenced, cease the **Screening Review** or adjourn the **Hearing** and withdraw from the power of decision, and advise the **Clerk**. The **Clerk** will reschedule the **Screening Review or Hearing** with another **Screening Officer or Hearing Officer**, as the case may be.
- (b) If all currently appointed **Screening Officer(s) or Hearing Officer(s)** have a conflict of interest with a matter, the **Clerk** shall retain another **Screening Officer or Hearing Officer** to handle the matter that is subject of the conflict of interest.
- (c) **Screening Officer(s) and Hearing Officer(s)** are not permitted to dispute their own matters and are expected to pay an **administrative penalty** for which they are responsible in a timely manner.

4.4 Addressing Conflicts if they Occur

- (a) If someone suspects that a **Screening Officer or Hearing Officer** has conducted a **Screening Review or Hearing** with a conflict of interest, they may submit a formal complaint in accordance with the Township's Public Complaints Policy regarding the administration and enforcement of **AMPS**.
- (b) The **Clerk** will assess whether there is a conflict of interest, or if public confidence in the administration and enforcement of the **AMPS** program has

been undermined. If such concerns are identified, the **Screening Officer** or **Hearing Officer** may be temporarily removed from their duties until the issue is resolved.

- (c) If it is determined that a conflict of interest existed and was not disclosed, the **Clerk** may annul the decision and reschedule the **Screening Review** or **Hearing** with a different **Screening Officer** or **Hearing Officer**.
- (d) A finding of conflict of interest may lead to disciplinary action, which could include termination of employment or revocation of appointment. Matters with potential criminal implications will be referred to the Police.

4.5 Accountability

- (a) All **elected officials, Screening Officers, Hearing Officers** and staff involved in the administration and enforcement of **AMPS** program shall comply with the requirements of this Policy.

5. Implementation

- 5.1 All **elected officials, Screening Officer(s), Hearing Officer(s)**, and staff involved in the administration and enforcement of the **AMPS** program shall be provided with a copy of this Policy.
- 5.2 This Policy shall form part of the orientation for all:
 - (a) **elected officials** at the start of a new term of Council;
 - (b) staff involved in the administration and enforcement of the **AMPS** program;
and
 - (c) **Screening Officer(s)** and **Hearing Officer(s)**.