

POLICY TITLE	Financial Management and Reporting for the Administrative Penalty System (APS)
CATEGORY	Administration
POLICY NUMBER	ADM 060
DEPARTMENT	Corporate Services
POLICY AUTHOR	City Clerk
POLICY TYPE	Administrative Policy
APPROVED BY	Council
EFFECTIVE DATE	07/18/2023
REVIEW DATE	07/18/2024

POLICY STATEMENT

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

PURPOSE

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

The purpose of this Policy is to provide a Policy regarding financial management and the reporting and tracking of administrative penalties and fees. This Policy affirms that the City of Cambridge's APS shall follow the existing corporate policies and procedures related to financial management and reporting.

DEFINITIONS

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

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

“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;

“APS” means Administrative Penalty System;

“Municipal By-law Compliance” means the Municipal By-law Compliance Division of the City, or any successor thereof;

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

“Council” means the Council of the City;

“Manager of Municipal By-law Compliance” means the Manager of Municipal By-law Compliance of the City, or anyone designated by the Manager to perform their duties relating to APS;

“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 and the Administrative Penalty By-law;

“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 as described in the Administrative Penalty By-law;

“Person” includes an individual, corporation, a partnership, an association, or an authorized representative thereof ;

“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 and the 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 and the Administrative Penalty By-law

AUTHORITY

Ontario Regulations 333/07 requires a municipality to develop standards relating to the administration of a parking Administrative Penalty System.

SCOPE

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

The City has established a number of financial management policies and procedures which, along with proactive financial planning processes, provide a framework for the City's 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 APS financial results, as well as efficiency and effectiveness measures of the APS programs and services.

POLICY

1.1 General Financial Management and Reporting

Preparation of the City's budget revolves 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 with respect to APS shall be the responsibility of the Municipal By-law Compliance section.

Through the process of current and capital financial management and reporting for APS, Municipal By-law Compliance 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 APS program services levels;
- d) review and develop long-term plans for APS including a multi-year operating and capital budget analysis and projections;
- e) identify and mitigate factors impacting the APS 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 APS administration; and
- h) comply with all City procurement policies and procedures in regard to APS

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 (may be subject to a nominal processing fee)
- b) In person at a Service Cambridge counter during regular business hours.
- 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 Cambridge

Mail to: The Corporation of the City of Cambridge
50 Dickson Street Cambridge, ON N1R 5W8

Payment is not considered made until received by the City. Person(s) 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 Manager of Municipal By-law Compliance) are not accepted. A fee will be applied for any Non-Sufficient Funds, cancelled or reversed payment, in accordance with the City's Municipal 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 ticket processing system connected to the City's Point-of-Sale terminals. Unless otherwise agreed by the Manager of Municipal By-law Compliance, 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 Administrative Penalty By-law. Where applicable, such fees shall be paid in addition to the Administrative Penalty.

POLICY COMMUNICATION

- a) This Policy will be posted on the City's website and intranet.
- b) Staff will be advised of the new Policy via distribution to the Operational Leadership Team and Corporate Management Team; and
- c) This Policy shall form part of the orientation for all Screening Officers, Hearing Officers and AMPS enforcement and administration staff

RELATED PROCEDURES

RELATED DOCUMENTS/LEGISLATION

Municipal Act, 2001

O. Reg. 333/07

Administrative Penalty By-law

Screening and Hearing Officer By-law

APS Program Policies and Procedures

Municipal Fees and Charges By-law