

Staff Report



Community Services Department

www.kitchener.ca

REPORT TO: Finance and Corporate Services Committee

DATE OF MEETING: January 8, 2024

SUBMITTED BY: Gloria MacNeil, Director of Enforcement, 519-741-2200 ext. 7952

PREPARED BY: Gloria MacNeil, Director of Enforcement, 519-741-2200 ext. 7952

WARD(S) INVOLVED: All

DATE OF REPORT: December 18, 2023

REPORT NO.: CSD-2023-516

SUBJECT: Appointment of Hearings Officers – Administrative Monetary Penalties System - AMPS

RECOMMENDATION:

That Council appoint Ben Drory, Daniela Corapi, Janet Rutherford, Emile Ramlochan and Kristine Fletcher, as Administrative Monetary Penalty System Hearing Officers for the purposes of the City’s Parking and Non-Parking Administrative Penalty By-laws, for a term ending December 2026, or on a date as determined by Council or otherwise in accordance with the City’s Policy for Appointment of Screening and Hearing Officers.

That Council approve the existing per diem honorarium of \$260/half day and \$520/full day for hearing officers in relation to the City’s Administrative Penalty Program.

That Hearing Officers will be indemnified under the City’s Indemnification By-law as they are providing a service to the City for which they will receive an honorarium; and further,

That Council delegate authority to the City Clerk to execute an agreement, on terms satisfactory to the City Solicitor, between the City and the respective Hearing Officers.

REPORT HIGHLIGHTS:

- On August 12, 2019, Council approved the first appointment of Hearing Officers related to the AMPS program which was a joint initiative between the City’s of Kitchener and Waterloo.
- Both City’s are moving forward with the expansion of the AMPS program which will now include parking and non-parking related by-laws CSD-2023-121, resulting in the need to replenish and expand the existing pool of Hearing Officers.

BACKGROUND:

In June 2019, the City of Kitchener went live with the Administrative Monetary Penalty System (AMPS), which requires the appointment of Hearing Officers. On August 12, 2019, Council approved the first appointment of Hearing Officers related to the AMPS program.

The program was developed cooperatively with the City of Waterloo and the recruitment of Hearing officers is completed through a joint panel of Kitchener and Waterloo staff with recommendations to Council.

REPORT:

With the launch of the expanded AMPS program which will now include parking and non-parking related by-laws for the municipalities of Kitchener and Waterloo, staff anticipate a need to replenish and grow the pool of available Hearing Officers. There is currently only one Hearing Officer available for both cities which will not be sufficient to ensure both cities can continue to meet the goal of an expedited process.

Notification of the AMPS Hearing Officer Appointment opportunity included:

- KW Law Library
- Waterloo Region Law Association
- Social media posts
- Recruitment notification email to community groups
- Posting on the Society of Ontario Adjudicators and Regulators board
- Municipal Law Enforcement Officers Association
- City of Kitchener and Waterloo Website (Career Opportunities)

The joint panel of staff (as set out in the Council approved Appointment of Screening and Hearing Officers Policy No. GOV-COU-2017) is responsible for reviewing the applications and recommending appointments to both the City of Waterloo's and City of Kitchener's Council.

The panel placed a high emphasis on those candidates that demonstrated knowledge of administrative law and in particular experience with arbitration and adjudication.

It is recommended that Council approve the existing honorarium of \$520 per day and \$260 per half day, for the Hearing Officers. This rate is consistent with rates established by other municipalities for Hearing Officers. Under the City's Indemnification By-law, the City provides indemnification to persons who provide services to the municipality without remuneration except for honorariums. In the case of the Hearing Officers, they will be paid an honorarium for the service they provide.

STRATEGIC PLAN ALIGNMENT:

This report supports the delivery of core services.

FINANCIAL IMPLICATIONS:

Compensation for Hearings Officers (third party contractors) to adjudicate hearings will be required and hearings will take place approximately six times per year. On this basis, staff are forecasting an additional expense of \$3,000 to \$4,000, annually which will be funded through the By-law division's operating budget.

COMMUNITY ENGAGEMENT:

The Administrative Monetary Penalties System is an administrative process that must fit within the Provincial regulations as set out in the Municipal Act. Information and public education has been provided on our website and will be updated as required.

PREVIOUS REPORTS/AUTHORITIES:

- CSD-19-008 – Administrative Monetary Penalty System (AMPS)
- CSD-19-010 – Administrative Monetary Penalties – Policies
- CSD-19-022 – Appointment of Hearings Officers – Administrative Monetary Penalties System – AMPS

APPROVED BY: Michael May, DCAO