


SCHEDULE G

	<h1 style="margin: 0;">POLICY</h1>	<p><u>Policy No:</u> Click here to enter text.</p>
<p><u>Policy Title:</u> Financial Management and Reporting for the Administrative Monetary Penalty System</p> <p><u>Policy Type:</u> COUNCIL</p> <p><u>Category:</u> Governance</p> <p><u>Sub-Category:</u> Council</p> <p><u>Author:</u> Gloria MacNeil</p> <p><u>Dept/Div:</u> CSD-By-law Enforcement</p>	<p><u>Approval Date:</u> Click here to enter a date.</p> <p><u>Reviewed Date:</u> Click here to enter text.</p> <p><u>Next Review Date:</u> Click here to enter text.</p> <p><u>Reviewed Date:</u> Click here to enter text.</p> <p><u>Last Amended:</u> Click here to enter a date.</p> <p><u>Replaces:</u> Click here to enter text.</p> <p><u>Repealed:</u> Click here to enter a date.</p> <p><u>Replaced by:</u> Click here to enter text.</p>	
<p><u>Related Policies, Procedures and/or Guidelines:</u> Municipal Act, 2001 O. Reg. 333/07 City of Kitchener Administrative Penalty By-law City of Kitchener Parking Administrative Penalty By-law City of Kitchener Screening and Hearing Officer By-law AMPS Program Policies and Procedures</p>		

1. POLICY 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 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 Kitchener’s AMPS shall follow the existing corporate policies and procedures related to financial management and reporting.

2. DEFINITIONS:

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

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

“Administrative Penalty By-law” means By-law No. 2024-01 of the City, as amended from time to time, or any successor thereof;

“AMPS” means Administrative Monetary Penalty System;

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

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

“Clerk” means the City Clerk, or anyone designated by the Clerk to perform his or her duties pursuant to the Administrative Monetary Penalty System;

“Council” means the Council of the City;

“Director” means the Director of By-law Enforcement Services or anyone designated by the Director of By-law Enforcement Services to perform his or her duties pursuant to the Administrative Monetary Penalty System;

“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 Administrative Penalty By-law or the Parking 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;

“Parking Administrative Penalty By-law” means By-law No. 2019-039 of the City, as amended from time to time, or any successor thereof;

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

“Person” includes an individual or a corporation;

“Screening and Hearing Officer By-law” means By-law No. 2024-002 of the City, as amended from time to time, or any successor thereof;

“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 Administrative Penalty By-law or the Parking Administrative Penalty By-law

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3. SCOPE:

This Policy applies to all financial management and reporting responsibilities and accountabilities regarding AMPS. All persons responsible for administering the AMPS 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 AMPS financial results, as well as efficiency and effectiveness measures of the AMPS programs and services.

POLICY APPLIES TO THE FOLLOWING:	
<input type="checkbox"/> All Employees	
<input type="checkbox"/> All Full-Time Employees	<input type="checkbox"/> All Union
<input type="checkbox"/> Management	<input type="checkbox"/> C.U.P.E. 68 Civic
<input type="checkbox"/> Non Union	<input type="checkbox"/> C.U.P.E. 68 Mechanics
<input type="checkbox"/> Temporary	<input type="checkbox"/> C.U.P.E. 791
<input type="checkbox"/> Student	<input type="checkbox"/> I.B.E.W. 636
<input type="checkbox"/> Part-Time Employees	<input type="checkbox"/> K.P.F.F.A.
<input checked="" type="checkbox"/> Specified Positions only:	<input type="checkbox"/> Other:
<input type="checkbox"/> Council	<input type="checkbox"/> Local Boards & Advisory Committees

4. POLICY CONTENT:

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 AMPS shall be the responsibility of By-law Enforcement Services.

Through the process of current financial management and reporting for AMPS, By-law 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;

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- 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 in regard to 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 using VISA or MasterCard at www.kitchener.ca (subject to a nominal processing fee)
- b) In person at the By-law Enforcement Office –
33 Ontario St. N., Kitchener OR at Kitchener City Hall, 200 King St. W.,
Kitchener
During regular business hours
Monday – Friday from 8:30am-5:00pm
Payment may be made by cash, cheque, money order or debit card
- c) By mail using cheque or money order only.

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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 Kitchener

Mail to: The Corporation of the City of Kitchener
Revenue Division
200 King St. W., P.O. Box 9058
Kitchener, ON
N2G 4Y2

Payment is not considered made until received by the City. Persons 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) 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 Ticket Tracer system connected to the City's Point-of-Sale terminals. Unless otherwise agreed by the Director, 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.

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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 or 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.

5. HISTORY OF POLICY CHANGES

n/a

Formal Amendments

n/a