



# GEORGINA

## Appointment of Screening and Hearing Officers

Issued Date: November 22, 2023

### Policy #LS-AMPS-002

#### 1 PURPOSE STATEMENT

- 1.1 The Corporation of the Town of Georgina values a clear and transparent process for the selection of Screening Officers and Hearing Officers in a fair and equitable manner and in accordance with applicable legislation and Council-approved By-laws.

#### 2 POLICY OBJECTIVE

- 2.1 The purpose of the policy is to provide a consistent and transparent framework for the selection and appointment of Screening Officers and Hearing Officers and to act as a guide for appointees.

#### 3 APPLICATION/SCOPE

- 3.1 This Policy applies to the selection and appointment of Screening Officers and Hearing Officers for the purposes of Administrative Monetary Penalties (AMPs).

#### 4 DEFINITIONS

- 4.1 “Administrative Penalty By-law” means the by-law passed by the Town to establish administrative penalties for by-law violations, as amended from time to time, or any successor thereof;
- 4.2 “Council” means the Council of the Corporation of the Town of Georgina;
- 4.3 “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;
- 4.4 “Joint Panel” means a joint panel as set out herein, established to provide advice and recommendations to Council pursuant to the Screening and Hearing Officer By-law, regarding the appointment of Hearing Officers;
- 4.5 “Relative” includes any of the following persons:
  - a) spouse, common-law partner, or any person with whom the person is living as a spouse outside of marriage;
  - b) Parent or legal guardian;
  - c) child, including a step child and grandchild;
  - d) siblings and children of siblings;
  - e) aunt, uncle, niece and nephew;
  - f) in-laws, including mother, father, sister, brother, daughter and son; or
  - g) any person who lives with the person on a permanent basis

- 4.6 “Screening and Hearing Officer By-law” means the by-law passed by the Town to establish the positions of screening and hearing officers and to provide for the appointment of screening and hearing officers, in relation to administrative penalties for by-law violations, as amended from time to time, or any successor thereof;
- 4.7 “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;
- 4.8 “Town” means The Corporation of the Town of Georgina.

## 5 Appointment of Screening and Hearing Officer

### 5.1 Appointment of Screening Officers

In accordance with the Screening and Hearing Officer By-law, Screening Officers shall be appointed by the Director of Legislative Services in consultation with the Manager of Municipal Law Enforcement. Except where ineligible or unable to carry out the duties related to AMPS in a fair and impartial manner, any person(s) holding the position of Municipal Law Enforcement Administrative Assistant may be designated by the Manager of Municipal Law Enforcement as Screening Officers.

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

- a) A member of Council;
- b) A relative of a member of Council;
- c) A person indebted to the Town, other than:
  - i) In respect of current property taxes; or
  - ii) Pursuant to an agreement with the Town, where the person is in compliance with the terms thereof.

The Director of Legislative Services and Manager of Municipal Law Enforcement, may revoke the appointment of a Municipal Law Enforcement Administrative Assistant as a Screening Officer if at any time the person becomes ineligible to continue as a Screening Officer, or is otherwise determined by the Director of Legislative Services, to be unable to carry out the duties related to AMPs in a fair and impartial manner or to comply with Town’s Policies or procedures.

### 5.2 Recruitment of Hearing Officer(s)

The Town of Georgina 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:

#### 5.2.1 Joint Panel

A Joint Panel is hereby established, to carry out the duties of the Joint Panel as contemplated by the Screening and Hearing Officer By-law and in this Policy. The Joint Panel shall be comprised of the following representatives of the Town of Georgina and Town of Aurora:

- a) Manager of Municipal Law Enforcement, Town of Georgina

### 5.2.2 Eligibility

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

- a) A member of Council;
- b) A Relative of a member of Council;
- c) An employee of the Town;
- d) A person indebted to the Township, other than:
  - i) In respect of current property taxes; or
  - ii) Pursuant to an agreement with the Township, where the person is in compliance with the terms thereof

### 5.2.3 Application and Review Process

#### **Application Process**

The recruitment of Hearing Officer(s) will be carried out as a joint initiative of the Town of Aurora and Town of Georgina. Hearing Officer(s) postings will be published and made available to public. The posting will outline the role of the Hearing Officer(s) and eligibility criteria.

All applicants must complete an application form in the form as determined by the two municipalities.

Alternatively, the Joint Panel may recommend a Hearing Officer currently under contract with another York Region municipality for the purposes of an Administrative Monetary Penalty Program, appointed by by-law and operating under the *Municipal Act*, as amended.

#### **Review and Appointment**

All applications received by the established deadline will be forwarded to the Joint Panel which will be responsible for reviewing the applications and recommending appointments to Council.

The Joint Panel will make recommendations to Council. Council will consider the recommendations and appoint Hearing Officer(s) by by-law.

The Legislative Services Department of the Town of Georgina and the Corporate Services Department of the Town of Aurora will jointly notify all applicants of the decision of the Councils and will retain all applications according to their applicable Retention By-Law.

### 5.2.4 Nature of Hearing Officer(s) Position and Term

Hearing Officer(s) are independent, and are not Town of Georgina employees. Hearing Officer(s) may be required to enter into a contract with the Town of Georgina 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.

### 5.2.5 Revocation of Appointment

Council may revoke the appointment of a Hearing Officer at any time, on the recommendation of the Joint Panel, in accordance with the Screening and Hearing Officer By-law.