



A People Place, A Change of Pace
SHELBURNE
ONTARIO, CANADA

Meeting Date:	Monday, October 07, 2024
To:	Members of Council
From:	Jennifer Willoughby, Director of Legislative Services/Clerk
Report:	LS2024-06
Subject:	Administrative Monetary Penalty System (AMPS) and Automating Parking Tickets

Recommendation

BE IT RESOLVED THAT Council receives report LS2024-06 for information;

AND THAT Council authorizes single and sole sourcing AMPS software including automated parking ticket equipment to Gtechna in the amount of \$59,531.65 to be funded from the Emergency Accommodation Reserve.

Background

On October 3, 2022, Council received report [LS2022-21](#) and authorized staff to investigate the potential of introducing an Administrative Monetary Penalty System (AMPS) program and requested that staff report back to Council with requirements for implementation of the AMPS program including costs associated.

The Provincial Offences Act (POA) is the current system in place to prosecute parking violations within the Town of Shelburne.

This report provides an overview of Administrative Monetary Penalties (AMPS), an alternative system to the POA system.

Pending Council consideration and comments, the necessary bylaws are in the process of being drafted to be reviewed by legal, updated as necessary and presented for approval and enactment by Council.

It is estimated that AMPS could be implemented as early as the end of Q1 2025.

Analysis

AMPS Overview

In 2007, changes were made to the *Municipal Act, 2001* to allow municipalities to develop and implement an AMPS process and adjudicate parking violations. Subsequent amendments to the *Municipal Act, 2001* extended the authority to include accessible parking bylaws as well as other types of municipal bylaws (which were previously excluded, i.e. – animal control, clean yards, noise etc.,)

Bylaws passed under the authority of the *Municipal Act* may be administered through AMPS. At present it is recommended that only the traffic bylaw be implemented using AMPS in Q1 -2025. Further expansion of other regulatory bylaws will be considered in the future.

AMPS provides an objective, and efficient process where penalty notices are issued, managed, and reviewed internally.

A Screening Officer (Bylaw Officer) conducts an initial review of the reported offence and may decide to reject, reduce, or confirm the penalty. Should a customer disagree with the Screening Officer's decision, the matter is referred to an independent Hearing Officer who would make a final decision.

The implementation of AMPS will provide a cost effective, streamlined and customer centric process for disputing and resolving parking tickets.

The legislation requires a municipality to enact a comprehensive bylaw that prescribes the various elements of the adjudication process, from the issuance of the ticket to its' resolution. In essence, this bylaw replaces the administrative processes as are currently prescribed by the POA.

The necessary amendments to the traffic bylaw, will come into effect on the commencement of the AMPS program. All tickets issued prior to that time would continue to be adjudicated under the existing POA system until their completion.

Staff are developing a draft Screening and Hearing Officer job description and bylaw. It is recommended that the appointment of screening officers be delegated to Staff.

The [legislation](#) requires the Town to:

1. Adopt an AMPS bylaw
2. Appoint screening and hearing officers
3. Adopt policies and procedures covering:
 - Undue Hardship
 - Extension of Time to Request a Review
 - Extension of Time to Pay
 - Financial Management and Reporting
 - Prevention of Political Interference
 - Public Complaints
 - Conflict of Interest
4. Approve an administrative fee for late or fail to respond/attend
5. Enter into a new ARIS agreement with MTO (for plate searches)

These draft policies are currently being prepared and are proposed to be administered by staff as enabled under the legislation. These policies will be reviewed by legal and Clerks.

Automated Parking Tickets

As noted in the previous staff report, research was being conducted to modernize the issuing of parking tickets from a manual to an automated process. Research has found that technology providers are very limited. Some offer AMPS software in conjunction with automated parking enforcement equipment while others have an entirely different function with no software being provided, making it difficult to comply with the Town's [Procurement Policy](#).

For this reason, staff are recommending single and sole sourcing the automation of parking tickets which includes AMPS software to [Gtechna](#).

- Single Sourcing - a procurement decision whereby the purchasing of Goods and Services or construction are directed towards a particular vendor without solicitation of bids from other vendors because of standardization, warranty, or other factors.
- Sole Sourcing - the purchasing of Goods and Services that are unique to a particular vendor and cannot be obtained from another source

They are Canadian based out of Quebec that will provide the equipment and software needed to manage and maintain the AMPS program and will allow

for automation of parking tickets. It is expected that issuance of parking tickets will increase by eliminating handwritten manual tickets.

Parking ticket revenue collected in 2023 was \$24,041 and in 2024 is currently at \$27,695.90 as of the writing of this report.

Gtechna also provides an expanded scope to include AMPS enforcement of non-parking related municipal bylaws (noise, clean yards etc.). Some examples of municipalities using Gtechna:

- New Tecumseth,
- Town of the Blue Mountains,
- Markham,
- Hamilton,
- Brampton,
- Mississauga
- Niagara Falls
- Welland

Next Steps

Should Council enact the recommendation noted within this report, the next steps would include:

- Enacting an AMPS bylaw,
- Entering into an agreement with the service provider,
- New agreement with MTO,
- Preparation of policies, templates, and forms,
- Administration and Software installation,
- Recruitment and Retaining of a Hearing Officer
- Appointing Screening officer(s)
- Training (of staff, screening, and hearing officers)
- Transition to AMPS starting Q1 (March) of 2025 — tickets issued before that date will continue in POA system
- Preparation of a Communications plan (updating website, etc.)
- Future update on implementation to Council

Financial Impact

The previous staff report presented to Council in 2022 noted a requirement of Council to invest in software, staffing and associated equipment for implementation of the system.

A quote has been received from Gtechna in the amount of \$59,531.65 net HST. In consultation with the CAO and Director of Financial Services, funds

will be used from the Emergency Accommodation Reserve that is still accumulating funds for future Protection needs to pay the amount required.

In addition, there will be ongoing, yearly hosting and software subscriptions to be maintained in the amount of approximately \$32,000.00/year. The Director of Financial Services has included a new GL line within the budget under Bylaw Expense titled "AMPS". Once the program is activated the intention is to be revenue neutral with eventual additional revenue being generated to offset all costs associated.

In anticipation of additional administrative processes, the draft 2025 budget includes a part-time Bylaw Enforcement Administrative Assistant which will fall within Grade 6 of the 2024 pay grid - \$29.15 to \$34.29 per hour. This position will be funded from AMPS revenue going forward and is noted within the 2025 budget framework report from the Director of Financial Services.

A third-party hearing officer will also be required to be retained. The Town currently has legal counsel retained for POA proceedings being paid \$450 for a half day and \$650 for a full day in POA court. This expense will remain as a budgeted item going forward. It is expected that meetings will be set for once or twice per month for the hearing officer to address requests dependant on the number of hearings requested. This contract will be funded from AMPS revenue once revenue starts being collected.

Policies & Implications (if any) Affecting Proposal

Traffic Bylaw #8-1983

Consultation and Communications

CAO, Director of Financial Services, Bylaw Enforcement Staff

Council Priorities

Council's Priorities has three Pillars - Sustainable, Engaged and Livable. There are a total of 14 Priorities with the three Pillars.

This report aligns with the Sustainable and Engaged Pillars within the Priorities of:

SP2 Invest in critical infrastructure and services for the future

EP2 Improve technology

Supporting Documentation

N/A

Respectfully Submitted and prepared by:

Jennifer Willoughby, Director of Legislative Services/Clerk

Reviewed by:

Denyse Morrissey, CAO