

## REPORT

### ADMINISTRATIVE SERVICES COMMITTEE

MEETING DATE: MARCH 29, 2016

---

**FROM:** Clerk's Department

**DATE:** March 4, 2016

**SUBJECT:** Ombudsman Services - By-law 2016-042

**LOCATION:**

**WARD:**

Page 1

---

#### RECOMMENDATION:

1. That ADR Chambers Inc. be appointed as Ombudsman for the Town of Oakville in accordance with section 223.13(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25 for a two-year term commencing April 5, 2016;
2. That a service agreement between the Town of Oakville and ADR Chambers Inc. regarding the appointment of ADR Chambers Inc. as Ombudsman be executed subject to the satisfaction of the Town Solicitor and Town Clerk in accordance with By-law 2013-057; and
3. That By-law 2016-042, a by-law to appoint ADR Chambers Inc. as Ombudsman for the Town of Oakville, be passed.

#### KEY FACTS:

The following are key points for consideration with respect to this report:

- Bill 8 extends the jurisdiction of the Provincial Ombudsman to include the municipal sector therefore as of January 1, 2016, the Provincial Ombudsman, by default becomes the Ombudsman for municipalities that have not appointed a municipal Ombudsman.
- On December 14, 2015 Council authorized staff to participate in the negotiation process with the Region and ADR Chambers for the provision of Ombudsman services and to bring forward a by-law to appoint ADR Chambers Inc. as the Town of Oakville's Ombudsman upon completion of successful negotiations for Council approval.
- The negotiations were successfully completed between the Region and ADR Chambers and a service agreement between the Town of Oakville and ADR Chambers has been prepared for execution.
- By-law 2016-042, a by-law to appoint an Ombudsman for the Town of Oakville is recommended for approval.

From: Clerk's Department  
Date: March 4, 2016  
Subject: Ombudsman Services - By-law 2016-042

**BACKGROUND:**

Section 223.13 of the *Municipal Act, 2001* gives municipalities the authority to appoint an Ombudsman who reports to council and whose function is to investigate in an independent manner any decision or recommendation made, or any act done or omitted in the course of the administration of the municipality. In December 2014, the Province passed Bill 8, *the Public Sector and Municipal MPP Accountability and Transparency Act*. Under Bill 8, *the Ombudsman Act* was amended to expand the jurisdiction of the Provincial Ombudsman to include municipalities, municipal boards and their agencies. The amendments also clarify how the Provincial Ombudsman may exercise its powers where a municipality has not appointed its own Ombudsman and in some circumstances, even when those officers have been appointed, effective January 1, 2016.

The creation of an additional opportunity for an independent and impartial review by an appointed Ombudsman before a complainant engages the office of the Provincial Ombudsman would have a number of advantages, including increased transparency and accessibility for residents.

On December 14, 2015, Council authorized staff to participate in the negotiation process with the Region, area municipalities and ADR Chambers for the provision of Ombudsman services, bring forward a by-law to appoint ADR Chambers Inc. as the Town of Oakville's Ombudsman for Council approval, and prepare the agreement for the provision of Ombudsman services to be executed in accordance with By-law 2013-057 upon completion of successful negotiations.

**COMMENT/OPTIONS:**

The joint effort between the Region and the local municipalities to develop a common approach to the Ombudsman services increases efficiencies for the municipalities in their appointment process and creates a common more accessible complaints process for residents.

The terms of reference and the complaints process has been incorporated into the service agreement (Appendix A). It is proposed that the agreement will be for an initial term of two years, with optional renewals. Staff will monitor the performance of ADR Chambers as well as the demand for the provision of Ombudsman Services during the initial term and thereafter, on an ongoing basis.

By-law 2016-042, the by-law to appoint ADR Chambers Inc. as Ombudsman for the Town of Oakville is attached as Appendix B.

From: Clerk's Department  
Date: March 4, 2016  
Subject: Ombudsman Services - By-law 2016-042

## CONSIDERATIONS:

### (A) PUBLIC

The Ombudsman is provided for under the *Municipal Act, 2001* to address potential improvement to the transparency and accountability of municipalities to the public.

The office of Ombudsman may also assist in providing an independent body to address public concerns and those of Members of Council with respect to the administration of the municipality.

### (B) FINANCIAL

The fee for the services of an Ombudsman in the conduct of an investigation is \$250 per hour along with a monthly fee of \$1,000 for administrative support needed for complaint investigations. Staff expect that the number of hours spent on investigations – which will depend on the number and complexity of complaints received – will determine the actual annual cost.

The program will be administered by the town Clerk's department. The expense will be funded through the corporate contingency in 2016 and incorporated into the Clerk's budget in 2017. There is no means of assessing whether or not the services will be required on a regular basis. Fees will be paid from a corporate contingency account.

### (C) IMPACT ON OTHER DEPARTMENTS & USERS

All departments would be required to assist in providing information as required under an inquiry process.

### (D) CORPORATE AND/OR DEPARTMENT STRATEGIC GOALS

This report addresses the corporate strategic goal to:

- be accountable in everything we do
- be honest in everything we do

### (E) COMMUNITY SUSTAINABILITY

N/A

From: Clerk's Department  
Date: March 4, 2016  
Subject: **Ombudsman Services - By-law 2016-042**

**APPENDICES:**

Appendix A            Service Agreement between the Town of Oakville and ADR Chambers Inc.

Appendix B            By-law 2016-042, a by-law to Appoint appointing ADR Chambers Inc. as the Ombudsman for the Town of Oakville

Prepared and submitted by:

Vicki Tytaneck  
Town Clerk