

# Adopting a Municipal Ombudsman Model

Committee of Council Meeting  
April 28, 2021



# Background



2014

**Bill 8 – Amendments to the *Municipal Act* and the *Ombudsman Act***  
Expanded Ombudsman's jurisdiction to include municipal matters

2015

**Budget Request**  
To establish a municipal ombudsman position

2016

**Ontario Ombudsman**  
functions as the City's Municipal Ombudsman since January 1, 2021

# Accountability and Transparency Officers

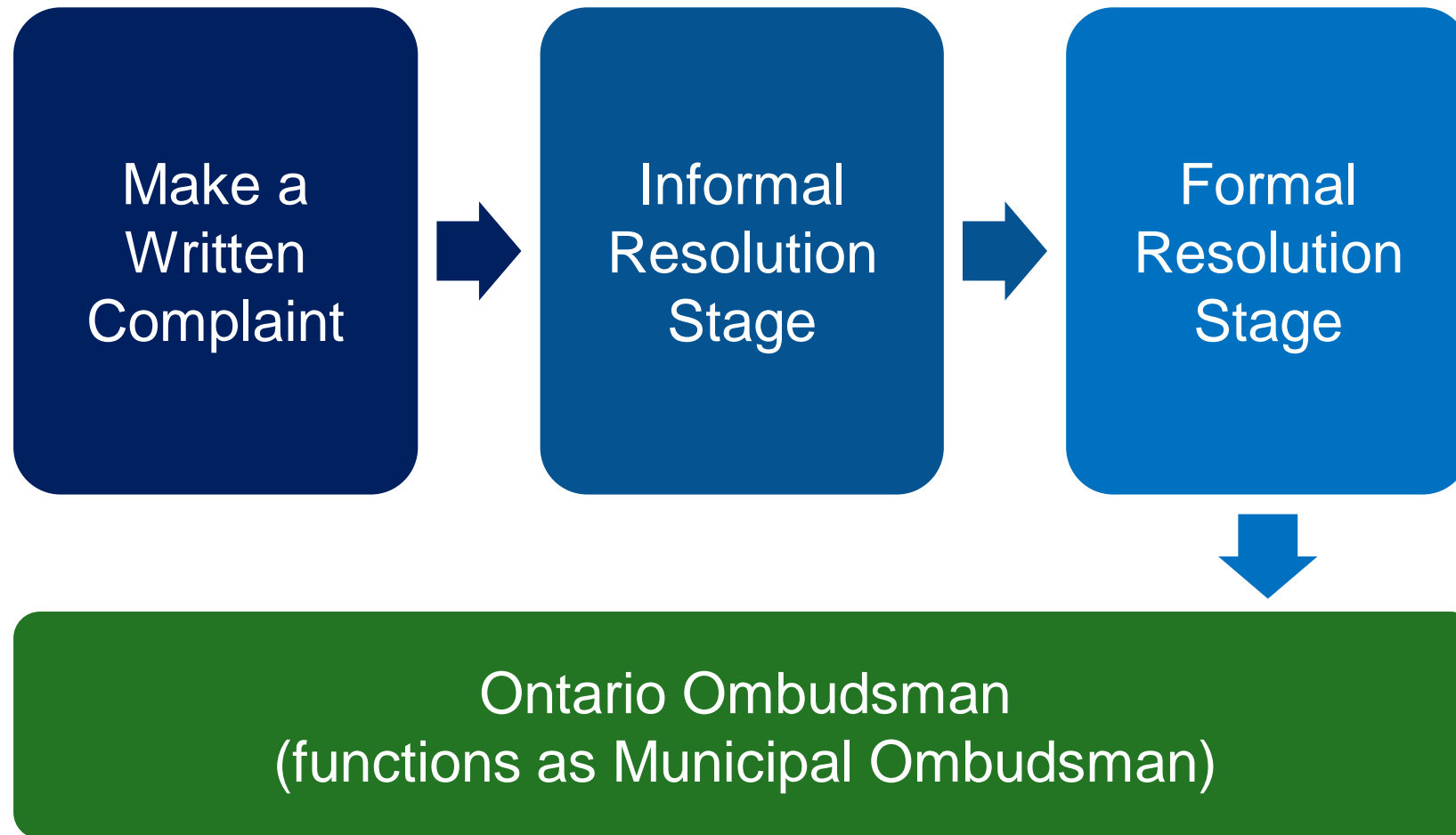


# Role of a Municipal Ombudsman

A Municipal Ombudsman acts independently and reports to Council on investigation of “any decision or recommendation made or act done or omitted in the course of the administration of the municipality.”

Section 223.13(1) of the *Municipal Act, 2001*

# City's Current Public Complaint Process



# Ombudsman Complaint Process



# Cases Received by Ontario Ombudsman

- In 2019-2020, 3,014 cases received about municipalities, shared corporations and local boards
- **44** cases related to Brampton, included complaints, contacts and inquiries
- No formal investigation was conducted; all cases have been close



# Limitation to Municipal Ombudsman Jurisdiction

Under section 223.13(7) of the *Municipal Act, 2001*, the **Municipal Ombudsman** does not have jurisdictions to investigate any decision, recommendation, act or omission:

- (a) when there is a right of appeal or objection to any court or tribunal, until that right of appeal or objection has been exercised, or the time for exercise of that right has expired; or
- (b) that is made by a legal advisor or counsel to the municipality.



# Ontario Ombudsman Jurisdiction

Under sections 14(4.3) and 14(4.4) of the *Ombudsman Act, 1990*, the **Ontario Ombudsman** can also investigate a complaint if:

- (a) the matter was made to the municipal Ombudsman, or other accountability and transparency officer including the municipal-appointed Integrity Commissioner, Lobbyist Registrar and Auditor General, and he or she refused to investigate the matter, or conducted and concluded an investigation into the matter; or
- (b) the time, if any, for bringing a complaint respecting the matter to the municipal Ombudsman, or other municipal-appointed accountability and transparency officer, for investigation has expired.

# Municipal Ombudsman Model

	Rely on Ontario Ombudsman (City's Current Model)	Contract Municipal Ombudsman Service	Standalone Municipal Ombudsman Office
Annual Cost	<ul style="list-style-type: none"> <li>No cost to municipalities</li> </ul>	<ul style="list-style-type: none"> <li>Approximately less than \$50,000 per year (based on benchmarking research)</li> </ul>	<ul style="list-style-type: none"> <li>To be determined</li> <li>Include one time set up cost and annual operating budget base on team size</li> </ul>
Hiring Process	<ul style="list-style-type: none"> <li>Default for municipalities that have not appointed or contracted a Municipal Ombudsman / Service</li> </ul>	<ul style="list-style-type: none"> <li>Request for Proposal (RFP)</li> </ul>	<ul style="list-style-type: none"> <li>Recruitment Process</li> </ul>

# Municipal Benchmarking

**30**  
Municipalities  
researched

**16**

Rely on Ontario  
Ombudsman

**13**

Use contracted  
services

**1**

Standalone  
Municipal  
Ombudsman Office

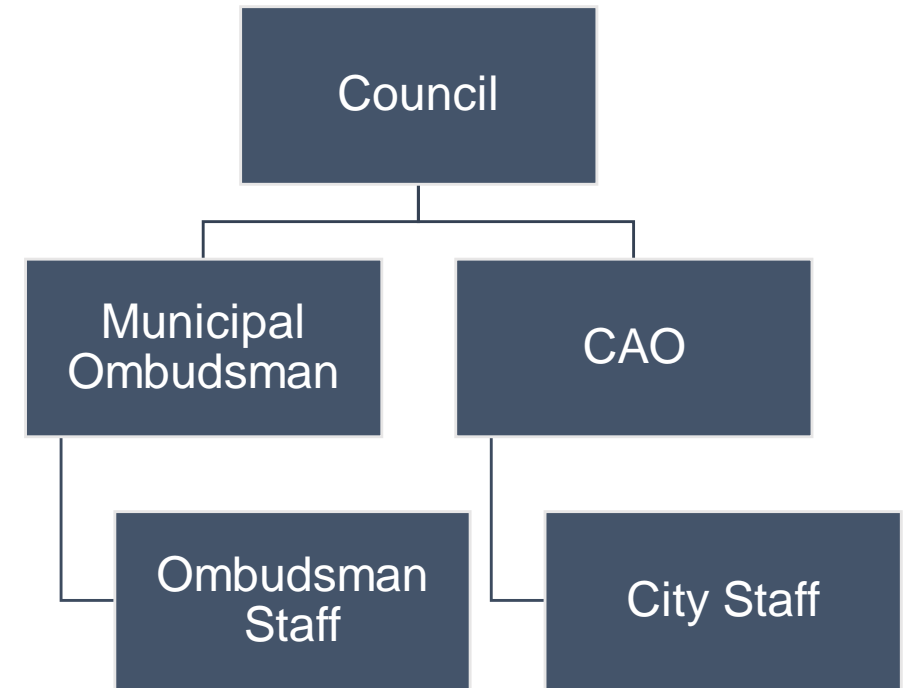
Cambridge	Guelph	Hamilton	Kitchener
London	Mississauga	Ottawa	St. Catharines
Vaughan	Windsor	Peel	York
Ajax	Caledon	Oakville	Wellington

Burlington	Waterloo	Elgin	Middlesex
Clarington	Durham	Halton	Waterloo
Brock	Whitby	Wilmot	Woolwich
Southwest Middlesex			

Toronto

# Standalone Municipal Ombudsman Office

- The Municipal Ombudsman is accountable to Council as a whole
- Council appoints the Municipal Ombudsman through a recruitment process
- The Ombudsman office has full control over staffing and budget allocation
- A Municipal Ombudsman by-law is required



# Public Complaint Process Enhancement

In an effort to enhance accountability and transparency of the administration, a cross-function team is working to:

- Develop an enhanced public complaint policy
- Update the public complaint resolution guideline
- Create a complaint process web page with a one-stop shop access to various complaint mechanisms
- Bring awareness to the community on the public complaint process

Thank you!

