



**SUBJECT: Renewal of Ombudsman agreement**

**TO: Corporate Services, Strategy, Risk & Accountability Cttee.**

**FROM: Clerks Department**

Report Number: CL-21-20

Wards Affected: All

File Numbers: 110-04

Date to Committee: December 10, 2020

Date to Council: December 14, 2020

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**Recommendation:**

Re-appoint ADR Chambers Inc. ("ADR Chambers") as Ombudsman for the City of Burlington and its local boards pursuant to section 223.13(1) of the *Municipal Act, 2001* for a two-year term commencing January 1, 2021 to December 31, 2022; and

Authorize the Mayor and Clerk to execute a service agreement and any ancillary documents between the City of Burlington and ADR Chambers regarding the appointment of ADR Chambers as Ombudsman, subject to the satisfaction of the City Solicitor; and

Enact an appointing by-law to re-appoint ADR Chambers as the Ombudsman for the City of Burlington and its local boards until December 31, 2022.

**PURPOSE:**

**Vision to Focus Alignment:**

- Building more citizen engagement, community health and culture

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**Background and Discussion:**

The *Public Sector and MPP Accountability and Transparency Act* came into effect on January 1, 2016. This legislation expanded the function of the provincial Ombudsman to include investigation of decisions or recommendations with respect to the administrative acts of a municipality. The *Municipal Act* (the Act) under sections 223.13 through to

223.18 establishes the Office of an Ombudsman, outlines their authority and allows a municipality to appoint an Ombudsman with the responsibility for conducting investigations on behalf of the municipality.

In accordance with the legislation, complaints may be forwarded to the Ombudsman, after it has been put through the City's own formal and informal processes of review. The Ombudsman has the authority to review any decision or recommendation made or act done or omitted through the administration of the municipality.

### **Extension to the Agreement**

ADR Chambers was appointed as the Ombudsman for the City of Burlington in 2016 through report L-31-15 and subsequently, By-law 114-2015 for a two-year period concluding December 31, 2017. The agreement was renewed for a two-year period in 2017 and expired December 31, 2019. In late 2020 upon review of the file, it was determined that the agreement was not extended at the close of 2019. To date, ADR Chambers has provided Ombudsman services throughout 2020 with no disruption to the service. The proposed agreement will be for three years, one to cover retroactively 2020, and then two years to capture 2021 and 2022.

In consultation with Procurement staff, the current Ombudsman services may be extended. All services that are part of Legal Services, may be exempt from the Procurement By-law and its requirements.

In review with the original agreement there are no limitations on the amount of extensions that can be done. Staff have reviewed the proposed contract with ADR Chambers for the next two years. There have been proposed administrative changes to update and refresh the contract. None of these changes will affect the program, the output to Council or any future complainants.

### **Strategy/process**

ADR Chambers have been providing Ombudsman service since January 1, 2016. The service has been satisfactory to date. Retaining ADR Chambers as the City of Burlington's Ombudsman allows for continuity of service. In addition, the firm also provides Ombudsman services for the Towns of Milton and Oakville and the Region of Halton. Retaining their services allows for a consistency on how Ombudsman complaints are handled throughout most of the Region.

### **Options Considered**

Council could request that staff produce a Request for Proposal to go back to market for Ombudsman Services.

### **Financial Matters:**

ADR Chambers is paid a monthly retainer fee, the annual cost of which is \$12,000.00. If ADR Chambers commences an investigation, additional fees for service may be incurred.

### **Total Financial Impact**

There are additional costs to the municipality when an investigation occurs. In recent years there has been an increase investigation costs, in response staff have adjusted its commitments against the Contingency Reserve Fund by \$25,000. Staff will continue to monitor costs as part of due diligence.

The increase may be attributed to more awareness to the program. There has been an increase in activity, as this year three investigations have been reported to Committee from the Office of the Ombudsman (CL-05-20, CL-13-20 and CL-15-20).

### **Source of Funding**

Contingency Reserve Fund.

### **Other Resource Impacts**

Not applicable.

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### **Climate Implications**

Not Applicable.

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### **Engagement Matters:**

No outside groups were consulted. This is an administrative decision in nature.

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### **Conclusion:**

Extending the current agreement with ADR Chambers will ensure a continuity of the Ombudsman process. ADR Chambers have provided Ombudsman services for the City of Burlington since 2016, and currently provides services for most of Halton Region's municipal units.

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Respectfully submitted,

Kevin Arjoon

City Clerk

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**Report Approval:**

All reports are reviewed and/or approved by Department Director, the Chief Financial Officer and the Executive Director of Legal Services & Corporation Counsel.