



SUBJECT: Temporary extension of Ombudsman agreement

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

FROM: Clerks Department

Report Number: CL-05-23

Wards Affected: All

File Numbers: 110-04

Date to Committee: March 1, 2023

Date to Council: March 21, 2023

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 seven-month term commencing January 1, 2023 to July 31, 2023; and

Authorize the Mayor and Clerk to execute an extension to the existing 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 Corporation Counsel and Executive Director of Legal Services or her designate; and

Enact an appointing by-law to re-appoint ADR Chambers as the Ombudsman for the City of Burlington and its local boards until July 31, 2023.

PURPOSE:

Vision to Focus Alignment:

- Building more citizen engagement, community health and culture

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.

Temporary Extension to the Agreement

ADR Chambers was appointed as the Ombudsman for the City of Burlington in 2016 through report L-31-15 and By-law 114-2015 for a two-year period concluding December 31, 2017. Since 2016, the agreement has been renewed in two-year increments with no disruption to the service.

In consultation with the Manager of Procurement Services staff recommend to temporarily extend the existing Ombudsman contract until July 31, 2023. The extension will allow time for staff to create and issue a Request for Proposals (RFP) for City of Burlington Ombudsman services. Staff will return to Committee with a recommendation based on the results of the procurement process.

Strategy/process

ADR Chambers have been providing Ombudsman service since January 1, 2016. The service has been satisfactory to date.

Options Considered

Council could direct staff to investigate using the Ontario Ombudsman as a service. Staff have reviewed the Ontario Ombudsman option and are recommending issuing a RFP for Ombudsman Services, due to the satisfactory services rendered by the current third-party.

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.

Source of Funding

Ombudsman services is a budgeted expense through the Office of the City Clerk operating budget.

Climate Implications

Not Applicable.

Engagement Matters:

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

Conclusion:

Extending the current agreement with ADR Chambers for a period up to July 31, 2023, will ensure continuity of Ombudsman services while a procurement process is undertaken. Staff will return to Committee with the results of the RFP and a recommendation for consideration.

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.