

# Complaints in Rural Municipalities: The Role of the Ontario Ombudsman and the Integrity Commissioner

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# Start with some basics:

## **Definitions and terms**

### **Complaints:**

- **Who** is subject of the complaint
- **What** is the complaint about:
  - Policy?
  - Service or service level?
  - Staff behaviour or attitude?
  - Value for money?

**OR**

# Complaints:

Is the complaint about:

- A member of Council:
  - Conduct
  - Behaviour
  - Ethics
  - A potential conflict of interest

# Distinctions.....

Clarity around those two distinctions ( the WHO and the WHAT) will point you in the right direction as to matters for an **OMBUD** or an **Integrity Commissioner**

# **OMBUD** complaints....generally

## **Complaints about**

- Policy
- Service or service level
- Staff behaviour or attitude
- Value for money
- Communication/transparency
- Enforcement...too little, too much

# **Integrity Commissioner issues.....**

## generally

Complaints about:

- A member of Council:
  - Conduct in/out of Council, committee
  - Behaviour
  - Ethics
  - A potential conflict of interest

# Ombudsman: definitions

## 1. OXFORD dictionary:

An official appointed to investigate individuals' complaints against a company or organization, especially a public authority

## 2. Municipal Act, Ontario

“function is to investigate in an independent manner any decision or recommendation made or act, done or omitted in the course of the **administration** of the municipality, its local boards and such municipally-controlled corporations as the municipality may specify and affecting any person or body of persons in his, her or its personal capacity. “

# Key elements of an OMBUD

- Impartial
- Outside the “normal” organization
- Addresses issues that cannot be resolved internally to the satisfaction of the person complaining
- Very few Ontario municipalities have one
- OPO now “on the scene” at municipal level

# Integrity Commissioner defined

## **Go right to the Municipal Act:**

[The authority]to appoint an Integrity Commissioner who:

- reports to council and who is
- responsible for performing in an **independent manner** the functions assigned by the municipality with respect to:

- (a) **the application of the code of conduct** for members of council and the code of conduct for members of local boards or of either of them;
- (b) **the application of any procedures, rules and policies** of the municipality and local boards **governing the ethical behaviour** of members of council and of local boards or of either of them;  
or
- (c) both

# 3 key roles of an Integrity Commissioner

- Educate and inform members of Council
- Provide advice to members of Council, and to the Council itself
- Investigate alleged breaches of the approved Code of Conduct, and recommend/impose appropriate sanctions

**COUNCIL'S DISCRETION TO DETERMINE**

# Think carefully.....

- Good thing to have, for lots of reasons
- Soon will be mandatory, in all likelihood
- Consider carefully what you and your council believe and need.....
- It will be the Code by which you will have to live and behave

# Proposed changes to the Municipal Act

If Bill 68 becomes law, among other things:

All municipalities **will have to have:**

- a Code of Conduct: setting out procedures, rules and policies regarding the ethical behaviour of members of Council
- Their own, or access to, an Integrity Commissioner

# Finding an Integrity Commissioner

- Most have used their normal procurement processes
- Contractual arrangements:
  - Retainer
  - Hourly basis
- Consider background, training
- INDEMNIFICATION
- **[NTD augment after Monday meeting]**

# Proposed changes to the Municipal Act

Additional notes:

- Advice provided to members to be in writing
- IC's will be able to launch an investigation on their own initiative, without a complaint
- Have new authority to investigate complaints regarding alleged *conflicts of interest*
- Numerous other 'policy' changes

# Processes and Structures

So how do we...especially as smaller municipalities.... get started on meeting current/proposed requirements

1. Put a formal, Council-approved Complaint Protocol in place
2. Develop, discuss and approve a Code of Conduct to guide the actions and behaviour of members of Council

# Processes and Structures cont'd

3. Recruit or otherwise “source” the services of an Integrity Commissioner. Things to consider:

- Cost
- Availability