

***Delegation to Cobourg
Council
May 13, 2019***

RESPONSE TO OMBUDSMAN REPORT

MARCH 28, 2019

**GERALD WALKER
RESPONDENT**

➤ Primary Recommendation

The failure of legislation and good governance is too important to ignore

- ❖ Based on the Errors and Omissions contained in the Report, Council should neither receive the Ombudsman Report for information purposes nor accept the recommendations in that Report*

- Errors in the Report
- Omissions in the Report
- Recommendations to Council

➤ Errors in the Report

- ❖ Incorrect that the Parks and Recreation committee have “ceased to function” and “has performed no further role” **(5 references)**
- ❖ Incorrect statements about “Motion 343-16” stating that the Parks and Recreation Committee, and Advisory Committee, were created, rather than referring to creating a Steering Committee **(4 references)**

➤ Errors in the Report (Cont'd)

- ❖ Town policy does not provide for 'officers' to act as Secretary¹
- ❖ Incorrect citation regarding Motion 209-18²

¹ Report Page 4 --- COUN-ADM1 10.4 (Administration) provides Staff for secretarial role rather than "appropriate officer" (per the MA2001 Section 239(8)(b))

² Report Page 5 --- Motion 209-18 should read Resolution 209-18 and June 25, 2018 should read July 3, 2018

➤ Omissions in the Report

- ❖ The Report omitted comment on the Town's legislated intervals associated with this Complaint

❑ 12+ Months

- Deputy Mayor (at the time) directed Director of Parks & Recreation to respond to the Complainant – not delivered

❑ Actual 98 Days¹

- Interval getting an official response from the Town Clerk (Jul 2018 – Oct 2018)

❑ Actual 148 Days vs legislated 90 Days²

- Interval getting a response from the Ombudsman (Oct 2018 – Mar 2019)

¹ Town policy LEG-ADM 19 Sections 2.1 & 2.2

² Town policy LEG-ADM18 5.1

➤ Omissions (Cont'd)

- ❖ “Despite numerous emails over almost 18 months no town staff or Councillor mentioned that there was a formal complaint process that I could use.”

➤ Recommendations

❖ Town Complaint Process

- Town and Councilors to direct the Public to use the Town's Complaint Process
- Town to officially respond to the Complaint, and the Complainant, within 30 days of the complaint submission to the Town
- Implement a tracking system to monitor and report complaint status

➤ Recommendations (Cont'd)

❖ Ombudsman Complaint Process

- ❑ Council should be informed of complaints submitted to the Ombudsman for investigation
- ❑ Complaints should be added to the Unfinished Business with the Ombudsman File No. and its effective date (for aging purposes).
- ❑ Final Reports to be provided to Complainant 2 weeks before it goes before Council
 - ❑ Enabling the Complainant to prepare a response via delegation or written submission.
- ❑ The Ombudsman should be reminded, and followed up, of the 90 day turnaround interval¹

¹Town policy LEG-ADM18 5.1

➤ Recommendations to Council

❖ Request

- Council to receive these Recommendations for information purposes
- Direct Staff to review the Recommendations and provide written response to each.

Questions?

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DATED MARCH 28, 2019