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**Subject:** Third Progress Report respecting Implementation of Recommendations from the Ontario Ombudsman Report “Inside Job”

**Report to:** Regional Council

**Report date:** Thursday, July 22, 2021

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## Recommendations

1. That Regional Council **ENDORSE** the Terms of Reference for a Municipal Ombudsman attached as Appendix 1 to Report CAO 13-2021; and
2. That Report CAO 13-2021 **BE CIRCULATED** to the Ontario Ombudsman for information.

## Key Facts

- The purpose of this report is to provide an update respecting the steps taken to address the final outstanding recommendations provided by the Ontario Ombudsman in the report titled “Inside Job” and to seek Council’s endorsement of a terms of reference for use when a Municipal Ombudsman is appointed.
- At its Special meeting held on December 5, 2019, Regional Council provided direction to staff to prepare various policies and procedures related to the recommendations made by the Ontario Ombudsman with respect to the 2016 hiring of the Chief Administrative Officer.
- The Ontario Ombudsman recommended that terms of reference be established for use when a Municipal Ombudsman is hired.
- Recommendation 16 of the report “Inside Job” was for Niagara Region to report publicly, and to the Ombudsman’s Office, in six months’ time on its progress implementing the recommendations and at six-month intervals thereafter until such time as the Ombudsman is satisfied that adequate steps have been taken to address the recommendations.

## Financial Considerations

There are no financial considerations associated with this report.

## **Analysis**

At its meeting held on December 17, 2020, Regional Council received Report CAO 24-2020 which provided an update on the actions undertaken to date with respect to the Ontario Ombudsman Report “Inside Job”. Upon receipt of that report, the Ombudsman’s Office requested a further update be provided in six months time. Of the 16 recommendations put forward by the Ombudsman, there are two remaining that the Ombudsman is awaiting further detail on.

**Recommendation 10: The Regional Municipality of Niagara should ensure that all staff and officials receive training on the proper use of corporate email and retention of corporate documents.**

**Action Taken:** Staff have taken steps to ensure that proper training and reference material is provided to all staff with respect to the use of corporate email and retention of corporate documents. The shift to remote working as a result of the COVID-19 pandemic offered an opportunity to reiterate the importance of proper record keeping practices including appropriate file naming conventions. File naming convention guidelines were provided to staff in early 2020 that included information reinforcing the requirement for proper retention of corporate records such as email. Staff have developed and will be posting tip sheets on the Region’s intranet site with information about the proper use of corporate email specifically and are in the final stages of developing an email management guidance document. In addition Niagara Region’s Records Retention By-law is under review which will encompass consultation and education sessions that will further serve as an opportunity to reinforce to staff their obligations with respect to the use of corporate email and the retention of corporate documents.

**Recommendation 14: The Regional Municipality of Niagara should ensure it establishes comprehensive terms of reference when appointing a municipal ombudsman, including reference to requirements for: Scope of issues to be investigated; Evidence collection; Confidentiality, including of witnesses; and Preliminary reporting.**

**Action Taken:** A proposed terms of reference document has been attached for Council’s endorsement that includes the topics highlighted by the Ontario Ombudsman and reflects the applicable provisions of the Municipal Act, 2001. The terms of reference will be used in future should Council deem it necessary to appoint a Municipal Ombudsman. The terms of reference provide guidance around the

selection/appointment of a Municipal Ombudsman, to ensure adherence to principles such as independence, neutrality and impartiality and confidentiality as well as established the required reporting process.

The terms of reference also identify that should Council wish to retain a Municipal Ombudsman, as a best practice staff should first be directed to provide a report that clearly articulates the proposed scope of the issues to be investigated; the Municipal Ombudsman's mandate, authority and responsibilities; and provides recommendations for Council's consideration regarding particular qualifications, technical expertise or any other relevant requirements or implications that should be considered in the selection of a Municipal Ombudsman based on the proposed nature and scope of the investigation. These items are responsive to the concerns expressed by the Ontario Ombudsman in the "Inside Job" report. Subject to confirmation from the Ontario Ombudsman's Office, staff believe that this report is the final step to address the 16 recommendations provided in the "Inside Job" report.

### **Alternatives Reviewed**

As these recommendations were put forward by the Ontario Ombudsman, and accepted by Regional Council, there were no alternatives reviewed. Council could decide not to endorse the proposed terms of reference for the appointment of a Municipal Ombudsman; however, the Ontario Ombudsman is requesting Council establish appropriate guidelines to ensure any future Municipal Ombudsman appointments clearly articulate the mandate, authority and the investigative process to be followed.

### **Relationship to Council Strategic Priorities**

This report is based on the recommendations of the Ontario Ombudsman; however, the implementation of the policies and procedures noted aligns with Council's Strategic Priority of Sustainable and Engaging Government.

### **Other Pertinent Reports**

CAO 13-2020	Update on Recommendations from the Ontario Ombudsman Report "Inside Job"
CAO 24-2020	Second Progress Report respecting Implementation of Recommendations from the Ontario Ombudsman Report "Inside Job"

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**Submitted by:**

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Acting Chief Administrative Officer

*This report was prepared in consultation with Ann-Marie Norio, Regional Clerk, and Donna Gibbs, Director, Legal and Court Services.*

**Appendices**

Appendix 1	Proposed Terms of Reference – Appointment of Municipal Ombudsman
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