

Corporation of the Town of Parry Sound

Bill 8, the Public Sector and MPP Accountability and Transparency Act

Background:

This is a wide-ranging piece of legislation impacting hundreds of organizations in the broader public sector. It received Royal Assent on December 2014 and came into effect January 1, 2016.

For the purposes of this Report to Council (Customer Service Manual Update, Item 9.1.1, December 20, 2016 Council Meeting-See Agenda for this Report) we are concerned with Section 9 of the Act which involves amendments to the Ombudsman Act. This section gives the Ombudsman broad authority and oversight over municipal governments. Prior to its implementation, some municipalities worried that the Ombudsman's office would not have the ability or expertise to investigate the municipal section. Bill 8 represented a significant expansion in the powers, responsibility and scope for the Ombudsman. This office gained responsibility for overseeing 547 new organizations that work on complicated issues, including education, social services, transit, public works, and housing. To accommodate this the Ombudsman's office added approximately 50 full-time equivalent positions, received \$7.2 million in additional budget and it plans to invest significantly in new training. However, some municipalities are still concerned that the office will struggle to overcome a lack of familiarity with the municipal operating environment, and especially the difference between parliamentary oversight and council governance, which is often misunderstood by senior orders of government.

The Ombudsman's office says that its approach to Bill 8 will ensure that they are adding value and not simply replicating the work already done by municipalities utilizing their own complaint mechanisms.

With respect to other types of complaints many municipal stakeholders are concerned that Bill 8 will give greater weight and credibility to frivolous or vexatious complaints. Typically, when a municipality receives a citizen complaint that municipality reviews the complaint and determines if it was made with merit. If it was, the municipality is responsible for resolving the underlying issue, and making necessary changes to its processes and procedures to prevent a similar issue in the future. If it was not, the complaint is dismissed.

The concern around Bill 8 is that in this situation where a complaint is reviewed and deemed to be frivolous or vexatious, the complaint could then be taken to the Ontario Ombudsman and given new life. Dealing with such complaints can be a drain on time and resources. Politicians and public servants working in the municipal sector also worry that complaints with no foundation could be elevated beyond their merit, causing serious reputational harm to either the municipality or the individual.

The Ombudsman's office has attempted to dispel concerns about vexatious complaints. Since Bill 8 entered into force, the Ombudsman's office has emphasized that their focus will be on common or systemic complaints, and that the Ombudsman Act gives them the discretion not to investigate complaints in certain circumstances. Since his appointment, the new Ombudsman Paul Dubé has been relatively transparent about how this office exercises its Bill 8 authority.

One way for municipalities to demonstrate that they are appropriately dealing with citizen complaints is to set-up a formal tracking process. Such processes are considered a best practice and recommended by the Ombudsman. According Association of Municipal Clerks and Treasurers of Ontario (AMCTO) and the Association of Municipalities of Ontario (AMO) survey data, only 32 percent of municipalities use a formal system for tracking citizen complaints while 37 percent do not. Some 32 percent of municipalities are currently in the process of developing one. The Town of Parry Sound has been in the development stage and is now prepared to release it's tracking system.

Complaint Mechanisms Current in Place

The Town of Parry Sound has had an Integrity Commissioner since 2011 and as you may be aware George Rust-D'Eye, our current IC, investigates complaints about Council or Councillors should the need arise. There is also a Closed Meeting Investigator should a citizen feel a Closed Session of Council was unnecessary. Finally, the Town also has a Customer Service Manual and now a new Customer Service Feedback process on our website.

Parry Sound's Customer Service feedback:

The AODA legislation states that the municipality must provide a way for customers who have disabilities to comment on how to provide accessible customer service. Further, said legislation states that the Town must ensure the feedback process is accessible by providing or arranging for accessible formats and communication supports, on request. The Town's feedback process was reviewed by staff considering the AODA requirements and Bill 8, the Public Sector and MPP Accountability and Transparency Act requirements. To satisfy these requirements staff created a Customer Feedback page on the municipal website. The "New" Customer Feedback web process is accessible to everyone. It provides a venue for the public to provide a

complaint, compliment or report a problem. It is user friendly and most importantly it provides a tracking method for the municipality. The proposed electronic method of tracking customer service feedback is the best method to track feedback until the municipality procures a commercial software tracking system. To optimize this tracking process the following education plan was created:

1. Display stands located at all town facilities will house pamphlets on Accessibility Planning and Customer Service feedback.
2. Articles placed in the Sound Opportunity Newsletter detailing process and how to give feedback.
3. Town's Annual Report will identify the number of feedback events received; especially, pertaining to accessibility, which is legislated.
4. Create signage for reception areas. Said sign will incorporate the current Communication signs.
5. Educate Council and all municipal staff pertaining to the process and expectations.

Staff and Council have been made aware of the importance to direct customers to use this electronic feedback process and by doing so it will provide a more reliable tracking process in order to improve customer service.

The [Customer Service Manual](#) - [Customer Feedback](#) - How do we learn from feedback" was amended to reflect the tracking process.

Presented to Council on December 20, 2016 by

Tammy Purdy, Municipal Law Enforcement Officer

Forrest Pengra, Corporate Information Systems Coordinator

Jackie Johnston Boggs, Clerk