

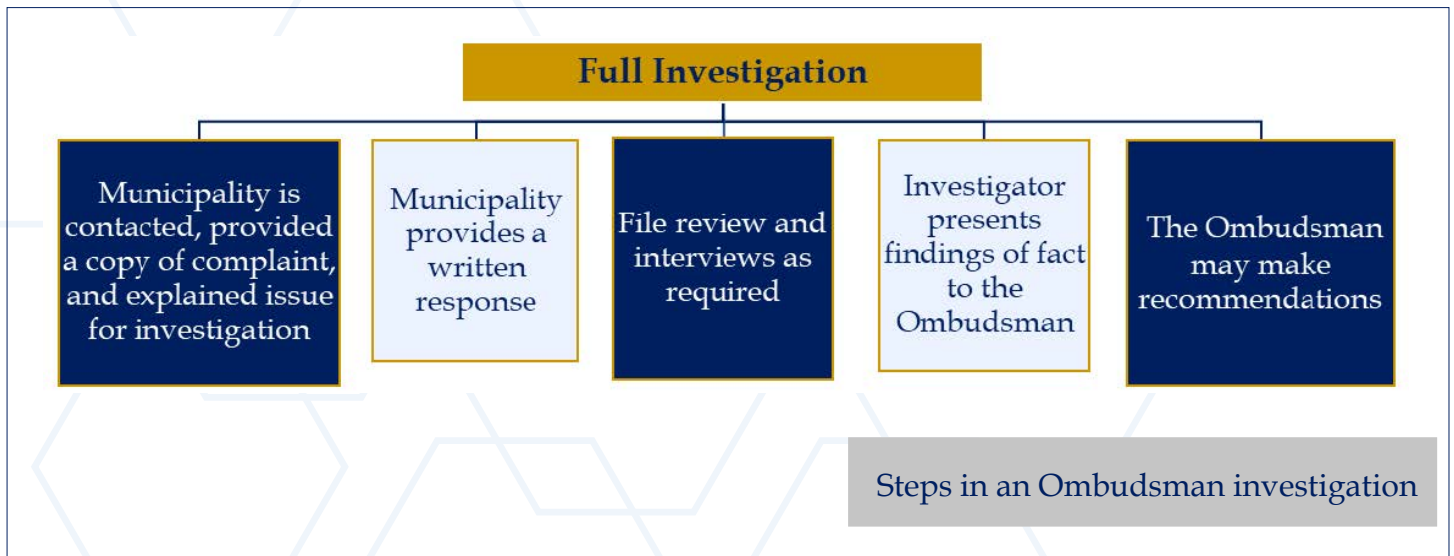
FAQs – Recommendations

1

What is a recommendation?

At the end of an investigation, the Ombudsman may make a recommendation to address an issue of unfairness identified in a municipality's processes or decisions. Recommendations may be broad or specific and are intended to improve the municipality's administrative or decision-making processes.

The Ombudsman is not a substitute decision maker or an appeal body. This means the Ombudsman will not re-investigate concerns, evaluate evidence, or make a new decision based on the merits of a case. At the end of this document are examples of municipality-specific recommendations.



2

How will we know the Ombudsman has made a recommendation?

At the conclusion of an investigation, the Ombudsman will send a letter outlining the findings of the investigation. This letter explains whether a complaint is supported or not. The Ombudsman will also explain any issues of administrative fairness that were identified during the investigation. If there are recommendations, they will be included in this letter.



3

We received a letter with a recommendation. How do we respond?

When a municipality receives a recommendation letter, it should contact the Ombudsman's office in writing within 30 days to acknowledge receipt of the letter. The municipality can use this as an opportunity to explain whether it accepts the recommendations. If applicable, the municipality can explain the changes that have been made in response to the recommendations and the expected time frames.

4

Do we have to accept the recommendation?

Ombudsman recommendations are not binding or enforceable. However, they are intended to make administrative processes fairer, and investigators strive to ensure the municipality is aware of the potential recommendations before the recommendation letter is sent. The municipality is welcome to suggest alternative solutions. Should no agreement be reached, the Ombudsman has the legislative authority to advance the recommendations to the Minister of Municipal Affairs, to the Lieutenant Governor in Council and ultimately to issue a public report. Moreover, the Minister may require the municipality to take action on the results of the Ombudsman's investigation under section 574(1) of the *Municipal Government Act*.

5

We implemented the recommendation. Now what?

When you have completed the recommendation, please advise the Ombudsman in writing and include any relevant documentation. If there are no further concerns, the Ombudsman will follow up with closing correspondence and our office will close the investigation.

EXAMPLES

A couple was charged for the emergency repair of their water line when it broke during the winter. The Ombudsman's investigation determined the municipality lacked clear policies on water-related issues. By hiring a contractor and not discussing the financial responsibility upfront with the couple, the municipality also created an expectation that it would cover the cost of the repair. The Ombudsman recommended the municipality amend its bylaw to include procedures for future water emergencies, including how to notify the resident, who will be responsible for the repairs, and what options the resident has to complete the repairs on their own.

A resident made a complaint about the professional conduct of a council member in accordance with the municipality's council code of conduct bylaw. The Ombudsman's investigation found the municipality's process for investigating and dismissing the complaint was fair. However, the municipality did not provide the resident with adequate reasons for why their complaint was dismissed. The Ombudsman recommended the municipality issue the resident a written decision, explaining the reasons why their complaint was dismissed in accordance with the bylaw.



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