



## Can the Ombudsman take your municipal complaint?

### Understanding which types of issues are within our mandate and which ones aren't...

When you have a complaint about your municipality and you aren't sure whether we can review it, you can always contact us and ask – but if you would like to know more about our criteria for taking these complaints, here is a general overview.

### OUR ROLE

*The Ombudsman Act, 2012* sets out the Ombudsman's authority. In the municipal sector, we take complaints about the administrative decisions and actions of Saskatchewan rural municipalities, cities, towns, villages, resort villages, northern villages, northern hamlets, and the Northern Saskatchewan Administration District, as well as their councils, council committees, controlled corporations, council members, board members, officers and employees. We also take complaints about council member conflicts of interest or alleged contraventions of a code of ethics.

We help resolve complaints informally or conduct formal investigations and make recommendations based on our findings. We are neutral, impartial and independent. We are not like lawyers: we do not advocate for the people who complain to us, nor for the municipalities and officials we investigate. We are also not like a court: it is not our role to enforce *The Cities Act*, *The Municipalities Act*, or *The Northern Municipalities Act, 2010*.

### COMPLAINTS WE CAN TAKE

Complaints we take have to fit all three of the following criteria.

#### 1. Is your complaint about an administrative decision, a council member conflict of interest, or contravention of a code of ethics?

We review administrative decisions and actions, and complaints about council members alleged to have contravened their code of ethics, including conflicts of interest.

#### What is an administrative decision?

Administrative decisions are about the way resolutions and bylaws are carried out.

Examples of Administrative Decisions
Cutting off your water without giving you reasonable notice
Taking three months to reply to your building permit application
Not giving you a chance to clean the junk out of your yard before ordering you to do it under the nuisance bylaw

### Which decisions are not administrative?

Councils have the authority to make decisions for your municipality at public meetings through resolutions and bylaws. These public policy decisions are generally not administrative and are outside our scope.

Examples of Non-administrative Decisions
What the municipality spends its money on
Which capital projects the municipality undertakes
Whether to post council meeting minutes online

As long as a resolution or bylaw is made using a lawful process, does not do something that a council does not have the authority to do, or was not made for an improper purpose, we have no role. We do not have the authority to overturn resolutions or bylaws.

### 2. Did it affect you personally?

In addition to your complaint being about an administrative decision, the decision has to affect you personally.

If you are concerned about an administrative decision that affects someone else, then it would be up to that person to try to resolve the matter or make a complaint to the Ombudsman.

Anyone, however, can make a conflict-of-interest complaint about a council member.

### 3. Do you have a final decision?

We are an office of last resort. If your municipality makes an administrative decision that you think is unfair and has affected you personally, your first step is to take it up with your municipality. We do not get involved until after your municipality has had a reasonable opportunity to address your complaint itself. Depending on the nature of your issue, you may need to raise it with the administrator, submit a formal complaint or appeal, or ask to speak at a council meeting to have your issue addressed. For example, all municipalities are required to have a process for addressing code of ethics complaints about councillors.

If you have been given a final decision about an administrative decision or a code of ethics complaint and you are still not satisfied, there may be a role for us.

## WHAT WE CONSIDER

When we review administrative decisions, we consider things like whether the municipality had the legal authority to make the decision, whether the process used to make the decision was fair, and whether you were provided reasonable reasons for the decision.