

RURAL MUNICIPALITIES OF ALBERTA PRESENTATION

MARCH 20, 2019



Today's Presentation

- Role of an Ombudsman
- The Alberta Ombudsman
- Administrative fairness guidelines



What is an Ombudsman?

- Neutral, impartial, and independent office
- Legislative officer
- Promotes standards of fairness
- Can investigate complaints of unfairness
- Makes formal recommendations to correct unfairness



Who is the Ombudsman?

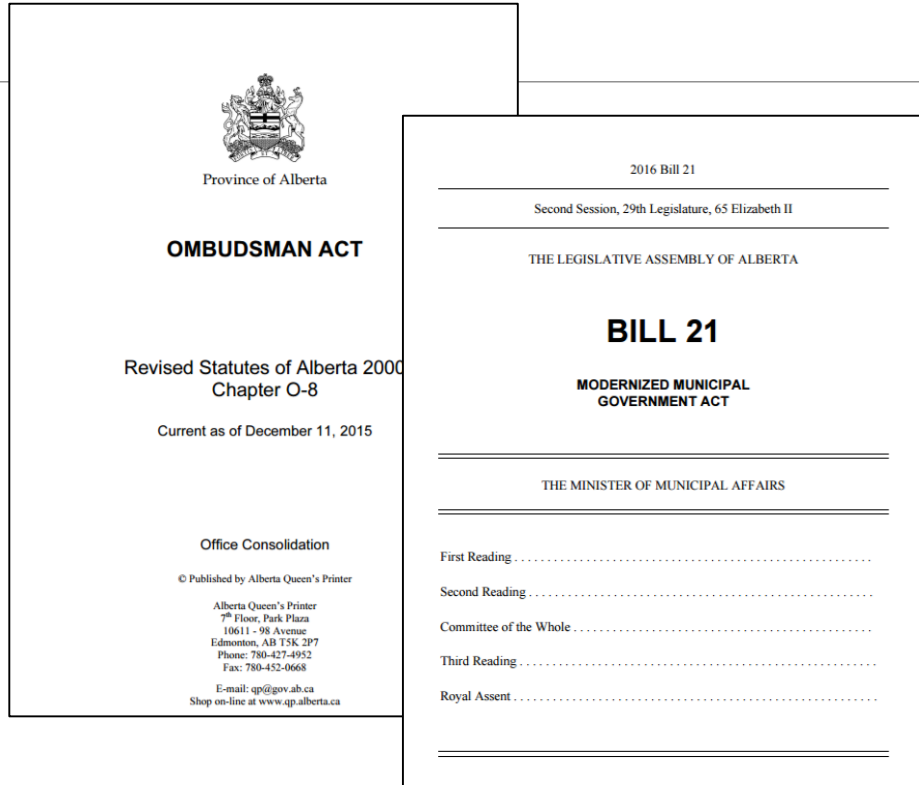
Marianne Ryan is the 9th
Alberta Ombudsman



Role

- to investigate administrative decisions which will either conclude with:
 - (i) making recommendations to improve decision-making processes; or
 - (ii) confirming a decision-making process has been found to be fair.

Jurisdiction

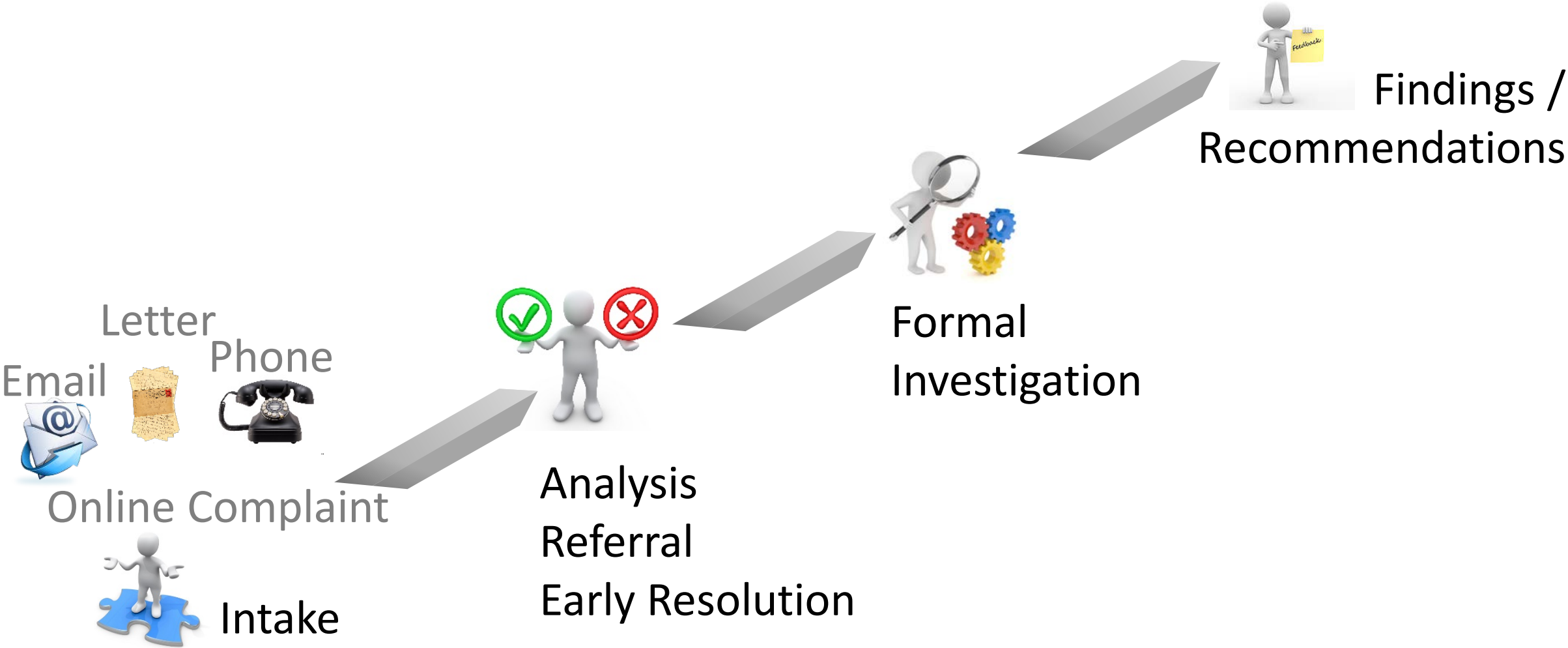


Provincial Government	✓	
AHS Patient Concerns	✓	
Health Professions	✓	
Other Designated Professions	✓	
Municipalities	✓	✗
Federal Government		✗
MLAs		✗
Police		✗
Universities /School Boards		✗
Courts		✗
Private Matters		✗

Caveats to Accepting a Complaint

- Decision must be final
- Complainant must have a personal interest
- Complaints over 12 months old may be refused
- Frivolous, vexatious, or trivial complaints may be refused
- Materials produced cannot be used in any other proceeding

Investigative Process



Types of Investigation



Ministerial Order



Ombudsman's Own Motion



Formal Investigation



Early Resolution

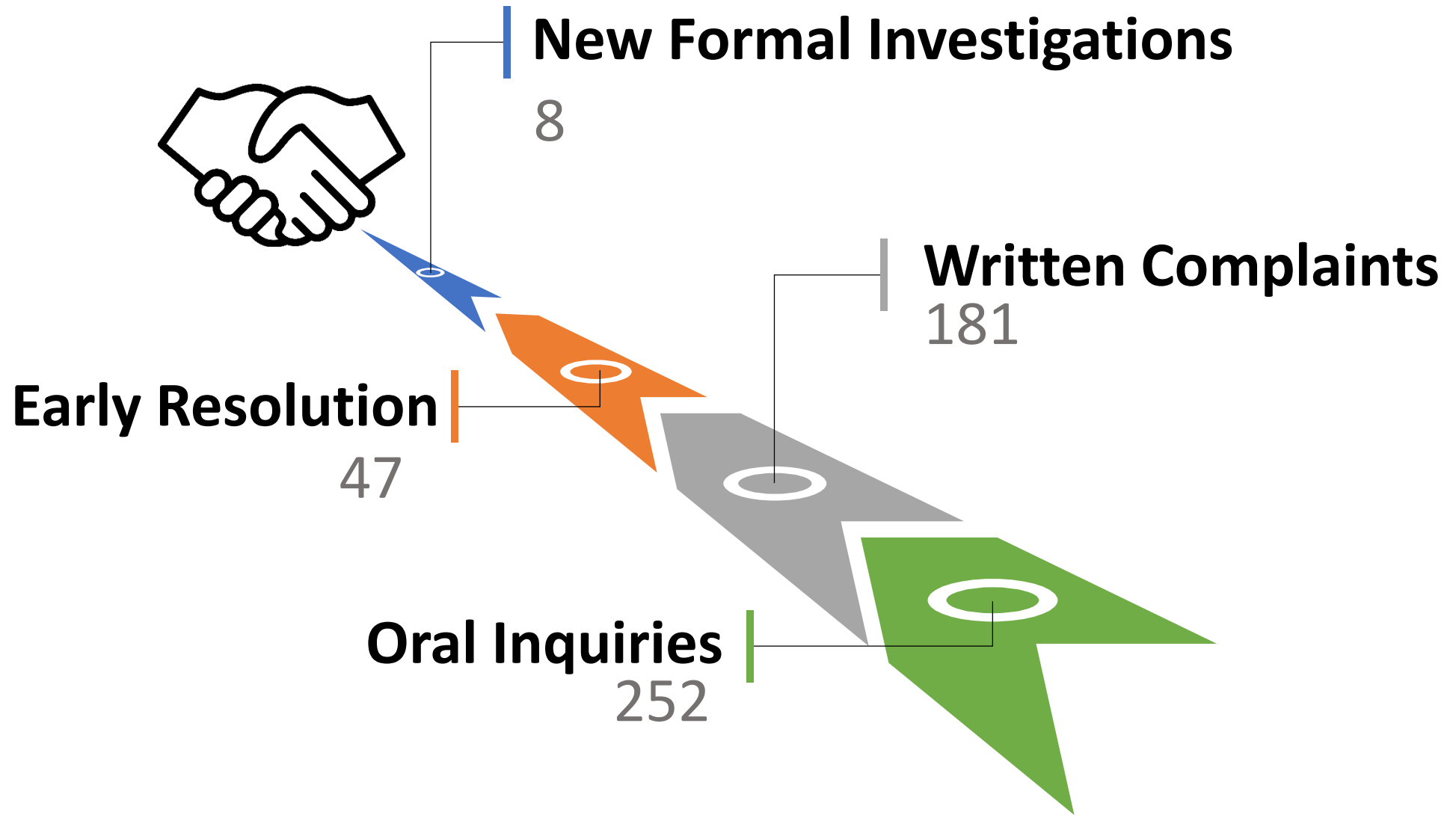
Recommendations

If a finding of unfairness was made, the Ombudsman may make recommendations.

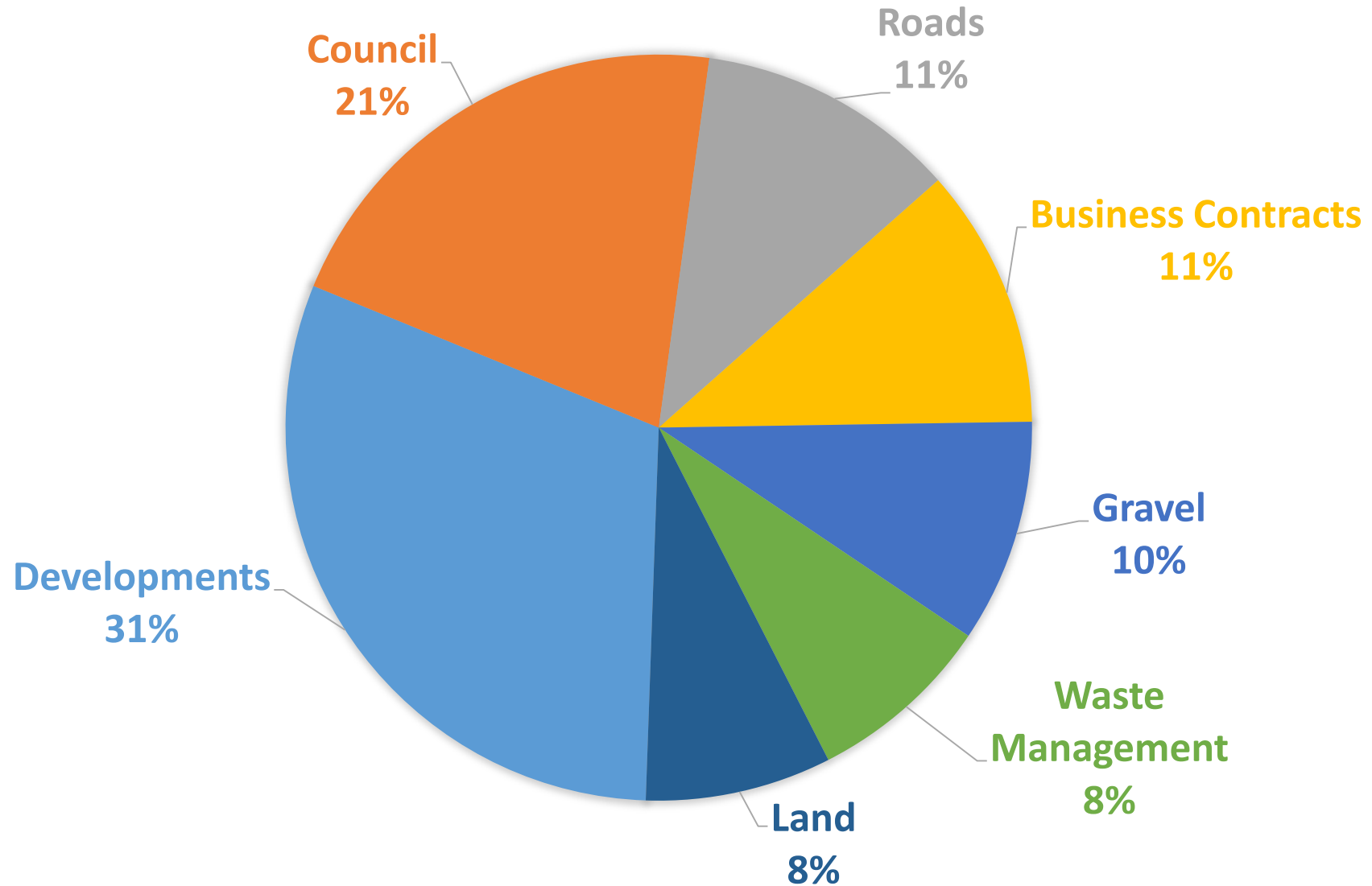
These recommendations are:

- Oriented towards improving processes
- Can be broad or specific
- Focused on the processes used, not the merits of the decision
- Generally collaborative

Municipal Stats: April 2018 – March 2019

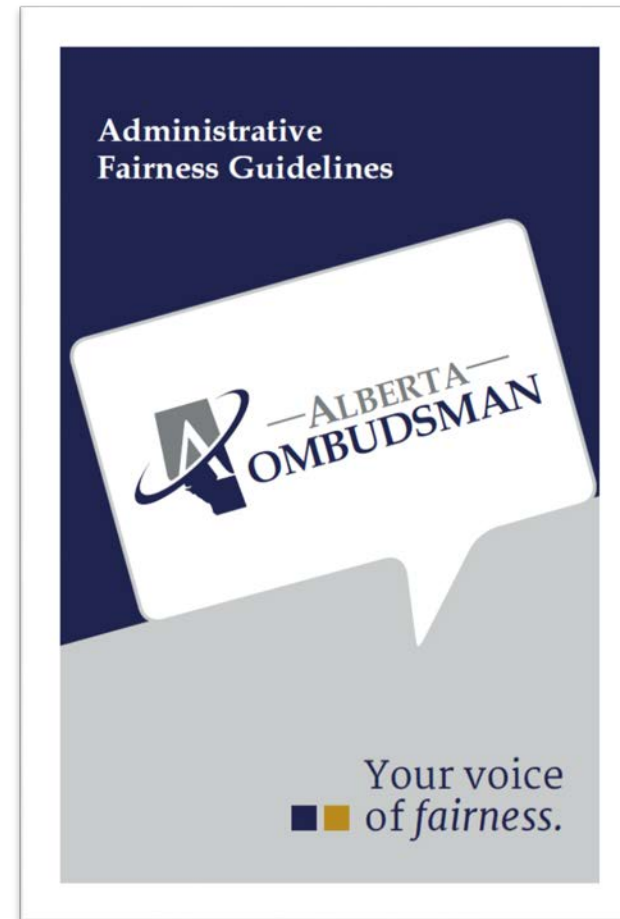


Members of RMA



Administrative Fairness Guidelines

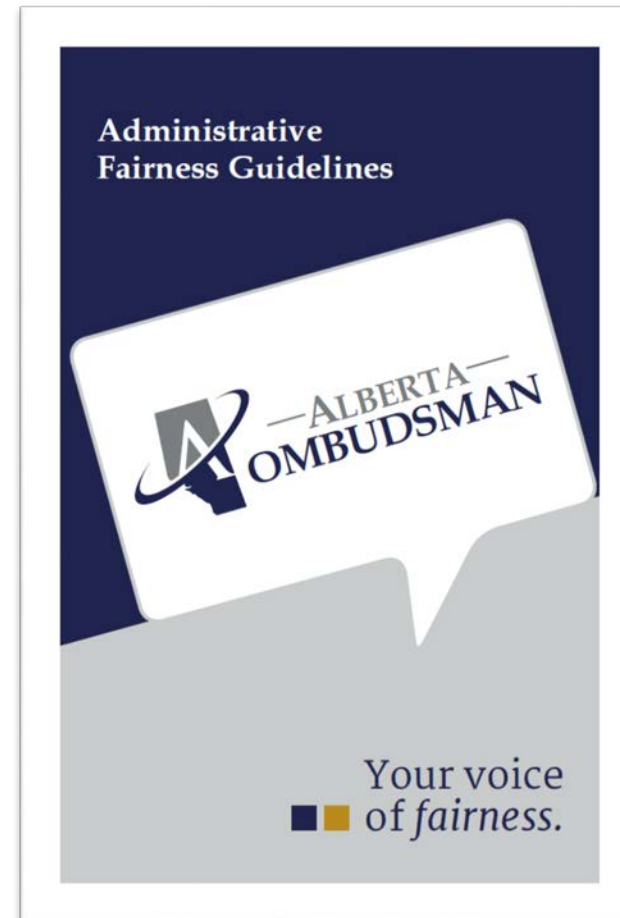
1. Chain of legislative authority
2. Duty of fairness
3. Participation rights
4. Adequate reasons



Call us for a copy or download [here](#).

Administrative Fairness Guidelines

5. Apprehension of bias
6. Legitimate expectation
7. Exercising discretionary power
8. Was the decision reasonable?



Call us for a copy or download [here](#).

Contact Us

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