

## **APPRAISAL REPORT No. 2002-01**

### ***Office of the Ombudsman for the City of Winnipeg (1994-2002)***

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#### ***Recommendation:***

- That records designated permanent and of archival value be transferred to the City Records Manager/Archivist and that the City Records Manager/Archivist administer access to these records
- That terms of access be negotiated with the outgoing Ombudsman in accordance with applicable rules and legislation
- That designated temporary records be disposed of according to the schedules contained in this report

#### ***Sources of Information:***

Office of the Ombudsman for the City of Winnipeg, *Annual Reports Access Guide to City Records* (1998), p. 113  
*Archives Vertical File (Ombudsman)*  
*The City of Winnipeg Act, S.M. 1989-90, c. 10, 65-73*  
*City of Winnipeg Charter Act (Bill 39, 2002), 527(1-3)*  
*The Ombudsman Act, C.C.S.M., c. 045*

#### ***Historical Context:***

Patterned on a Scandinavian tradition, ombudsmen in Canada typically serve as an autonomous office capable of responding to complaints about administrative decisions and conducting independent reviews of government. The need for such an agency is associated with the growth of government, the range and complexity of policy issues that require decisions by politicians and the subsequent delegation of decision-making for some major and many routine responsibilities to non-elected officials charged with the day-to-day administration of government.

In November 1989, the Province of Manitoba enacted legislation through amendments to *The City of Winnipeg Act*, which required the City to have its own Ombudsman's Office. The first Ombudsman for the City of Winnipeg – and the first municipal ombudsman in Canada – was appointed by Council effective May 9, 1994. The new office opened in September of that year

The mandate of the Ombudsman's Office was to investigate citizen complaints against decisions of city departments, and to try to resolve them. During its eight

years in operation, the office responded to complaints from the public, most of which were resolved without recourse to full review and/or referral to City Council. The Ombudsman's Office also acted as a final level of appeal under Winnipeg's *Access to Information By-Law*. This function was discontinued as at September 1, 1998 when *The Freedom of Information and Protection of Privacy Act* was extended to include the City of Winnipeg. From that date forward, citizen appeals relating to access to information have been directed to the Provincial Ombudsman.

The Office did not operate without controversy. In July of 1995, less than one year into its first six year term, Executive Policy Committee voted to create a task force to review the Ombudsman's Office in response to a variety of questions around jurisdiction. In April of 2000, a further Executive Policy Committee report on the Ombudsman's Office recommended that Council request the Province of Manitoba to amend *The City of Winnipeg Act* to delete the requirement that the City have its own Ombudsman and amend related legislation to allow the Provincial Ombudsman to provide services to the City. A new Acting Winnipeg City Ombudsman was appointed in May of 2000.

A significantly revised *City of Winnipeg Charter* introduced in the Provincial Legislature in 2002 signaled closure of the municipal ombudsman's office by extending the Provincial Ombudsman's jurisdiction to include Winnipeg. The Ombudsman's Office will close in December of 2002, just prior to the new *City of Winnipeg Charter* coming into force on January 1, 2003.

**Agency Organization: N/A**

**Agency Function:**

The office handled complaints about municipal departments relating to administrative decisions, but had no authority over City Council or policy decisions. It also acted as a final level of appeal under Winnipeg's *Access to Information By-Law* until this function was discontinued as at September 1, 1998 with the coming into force of *The Freedom of Information and Protection of Privacy Act*.

**Analysis of Records and Appraisal:**

The following schedules provide an analysis and appraisal of records created and/or maintained by the Office of the Ombudsman for the City of Winnipeg, listed according to their function and recommended disposition:

- Schedule A: Temporary Records
- Schedule B: Permanent Records

**Office of the Ombudsman for the City of Winnipeg  
Schedule A: Temporary Records**

<b>Records Series</b>	<b>Description</b>	<b>Retention &amp; Disposition</b>
Accounting Records	Records related to financial management and operations of the Office of the Ombudsman including accounts payable and receivable, invoices, receipts, routine reports, budgets, correspondence, working papers, and other documents related to administration of office finances	Destroy after 6 years
Office Files	Subject files and other records related to general administration of the Office of the Ombudsman including departmental and external correspondence, reports and statistics, mail logs inventories, service contracts, subject files, and other documents related to day-to-day office administration	Destroy after 2 years
Transitory Records	Includes records: a) Retained solely for convenience of reference b) Required solely for the completion of a routine action or preparation of another record c) Of no significance or value in documenting business transactions d) Not an integral part of a City record	Destroy immediately after no longer needed

**Office of the Ombudsman for the City of Winnipeg**  
**Schedule A: Temporary Records (cont'd)**

<b>Records Series</b>	<b>Description</b>	<b>Retention &amp; Disposition</b>
Transitory Records, cont'd.	<ul style="list-style-type: none"><li>e) Not filed regularly with records or filing systems</li><li>f) Not required to meet statutory obligations or to sustain administrative or operational functions</li><li>g) About social events that are not City events</li><li>h) Not related to City business</li><li>i) Voice mail messages</li></ul>	Destroy immediately after no longer needed

**Office of the Ombudsman for the City of Winnipeg  
Schedule B: Permanent Records**

<b>Records Series</b>	<b>Description</b>	<b>Retention &amp; Disposition</b>
Personnel Files	Records of employment of former City employees. Case files pertain to Ombudsman's Office personnel	Retain permanently*
<b>CITIZEN COMPLAINT INVESTIGATION</b>	<i>A public services offered to citizens at risk that investigates allegations relating to inappropriate municipal activities</i>	
Complainant Files	Record of complaints received by the Office of the Ombudsman for the City of Winnipeg under <i>The City of Winnipeg Act</i> . Case files pertain to receipt and investigation of a complaint	Retain permanently – Archival value
Contact (Inquiry) Files	Record of contacts and inquiries received by the Office of the Ombudsman for the City of Winnipeg	Retain permanently – Archival value
Information Services	Files consist of publications including copies of annual reports and press releases issued by the Office of the Ombudsman for the City of Winnipeg Also includes legal opinions and other material pertaining to legal matters, as well as publications and other reference materials	Retain permanently – Archival value

**Office of the Ombudsman for the City of Winnipeg**  
**Schedule B: Permanent Records (cont'd)**

<b>Records Series</b>	<b>Description</b>	<b>Retention &amp; Disposition</b>
Ombudsman Advisory Committee	Minutes record the deliberations and decisions of the City's internal Ombudsman Advisory Committee	Retain permanently – Archival value
Ombudsman Correspondence	Files consists of Ombudsman Office external correspondence not related directly to receipt or investigation of complaints	Retain permanently – Archival value

City Clerk's Department  
City Archives and Records Control  
December 10, 2002