



TO: Mayor Shaun Sipma

Members of the City Council

FROM: Tom Barry, City Manager

DATE: February 12, 2019

SUBJECT: OMBUDSMAN POSITION

I. RECOMMENDED ACTION

To direct staff to:

- 1) expand the customer service training program to include implementation of a customer complaint/response/tracking process; and
- 2) conduct a complete review of the existing request/complaint tracker program and evaluate where improvements and efficiencies can be made (e.g., the number of tracker licenses necessary; current utilization of system; process for receipt, response, and tracking; and leadership involved in the process); and
- 3) evaluate the efficacy of a 311 program.

II. DEPARTMENT CONTACT PERSONS

Tom Barry, City Manager	(701) 857-4750
Kelly Hendershot, City Attorney	(701) 857-4755

III. DESCRIPTION

The City Council originally planned to discuss the ombudsman position at the City Council Retreat on October 25, 2018, but time did not permit for the discussion.

On November 27, 2018, the City Council met as the Committee of the Whole and discussed adding an ombudsman position on the City Council. At that time, the City Manager explained that an ombudsman position could be effective because, as a result of the change in government from ward representation to at-large representation, the public may not know who to contact about a particular issue. The City Council was informed that an ombudsman position could be created to be that general point of contact for the citizens and could respond to complaints or inquiries or, if necessary, could direct complaints or inquiries to the appropriate authority.

At that time, the City Council determined the ombudsman position was worth exploring and requested that the City Manager develop an approach for the ombudsman position by identifying a job description and determining the process for administration of the position.

City staff evaluated the ombudsman position further and formulated the following potential job description, goals, and process:

A. Job Description

1. The ombudsman shall be a member of the governing body, appointed to hear and investigate complaints made by private citizens against the city. The ombudsman shall serve as the liaison between private citizens and the governing body.
2. Duties and Responsibilities Include:
 - a. Provide impartial and confidential conflict resolution services to members of the community who are aggrieved or concerned about an issue.
 - b. Remain independent, neutral and impartial, and exercise good judgment.
 - c. Assist complainants in obtaining and providing relevant information regarding city policies and procedures.
 - d. Assist complainants in clarifying issues and generating options for resolution.
 - e. Facilitate complainant's assessment of the pros and cons of possible options.
 - f. If direct action by the ombudsperson is an appropriate option, obtain the complainant's agreement and permission before proceeding.
 - g. If necessary, and while maintaining discretion, engage in informal information gathering in order to better understand an issue from all perspectives.
 - h. Consult with City manager, Department Heads, Council Members and appropriate individuals to develop cooperative strategies for resolving concerns and complaints.
 - i. With the complainant's permission, consult with all parties to clarify and analyze problems, focus discussions, and develop a mutually-satisfactory process for resolution.
 - j. When appropriate, facilitate group meetings, use shuttle diplomacy, or negotiation skills to facilitate communication among parties in conflict.
 - k. Encourage flexible administrative practices to maximize the City's ability to meet the needs of all members of the community equitably.
 - l. Whenever possible and appropriate, provide complainants with referrals to other community resources or programs.
 - m. Follow up with complainants as appropriate to determine outcome and further need of assistance.
 - n. Provide a written or oral report to the City Council each month on the activities of the Ombudsperson including the concerns and resolution of complaints made against the city.

B. Goals of Ombudsman

1. To serve to promote and encourage an engaged citizenry and an approachable, responsive, and accountable government.
2. To establish relationships based on trust and respect by demonstrating high professionalism, high ethical standards, and fairness in responding to citizen complaints.
3. To provide timely responses to citizen complaints and report complaints and resolutions to the City Council.
4. To centralize the complaint process and improve accountability and tracking of complaints and responses.

C. Ombudsman Process

1. Initial Complaint
 - a. Create electronic form on City's website for an electronic submission with automatic transmission to Ombudsman and PIO/City Clerk; and
 - b. Create hard copy submission form available at different departments with submission information to PIO/City Clerk.
 - c. PIO/City Clerk shall track complaint(s) and status of complaint(s).

2. Review Complaint
 - a. If Ombudsman can review and analyze complaint without additional information, Ombudsman shall review complaint.
 - b. If Ombudsman needs additional information from staff in order to review and analyze the complaint, Ombudsman can forward request for additional information to PIO/City Clerk.
 - i. PIO/City Clerk shall serve as liaison between Ombudsman and City staff.
 - ii. PIO/City Clerk shall obtain additional information for Ombudsman.
 - iii. City staff shall provide timely responses for additional information to PIO/City Clerk.
 - iv. Ombudsman shall determine whether additional information is sufficient and, if so shall review and analyze the complaint.
 - v. If City Council action is required prior to conclusion of any review, the Ombudsman shall communicate with the complainant regarding the status of the complaint and shall obtain direction from the City Council.
3. Respond to Complainant
 - a. The Ombudsman shall communicate with Complainant about complaint, review, and conclusion.
4. Report to City Council
 - a. Each month, the Ombudsman shall provide an oral or written report to the City Council regarding the complaints received and/or responded to during the past month. The Ombudsman shall also provide any citizen recommendations that developed from the process and the City Council shall consider whether to implement any of the said recommendations.

D. City Staff Support

1. PIO/City Clerk
2. City Manager
3. Directors and staff, as needed

City staff analyzed potential thresholds which would launch the ombudsman process and, throughout that evaluation, determined that the majority of complaints received are most efficiently addressed at the staff level (i.e. complaints or questions about snow removal; potholes; streetlights, etc.). City staff determined including another layer of review or evaluation could, in turn, make the process less efficient and our City less responsive to citizen questions or complaints. With regard to larger picture issues (i.e. a formal complaint against an employee, department, official, etc.), City staff determined would be most appropriately addressed by the full City Council, rather than one member of the City Council. Citizens currently have the ability to communicate directly with the Mayor or Aldermen at each City Council meeting (Personal Appearances), as well as by telephone or email.

After the full analysis, City staff determined that an ombudsman position is not a position that is necessary at this time. However, as indicated in Section I, City staff now recommends that the City expand the customer service training to include implementation of a complaint/response/tracking process. While the City does currently use (in a limited capacity) an online receipt and tracking program through the City's website, the recommendation includes conducting a complete review of the existing request/complaint tracker program to evaluate where improvements and efficiencies can be made (i.e. the number of tracker licenses necessary; current utilization of system; process for receipt, response, and tracking; and leadership involved in the process).

IV. IMPACT:

There would potentially be a fiscal impact with adding additional complaint tracker software licenses through the current website request/complaint tracker program, however, that impact is not expected to be significant.

V. ALTERNATIVES

The City Council could discuss and consider other options for improving the City's existing request/complaint/tracking processes or the City Council could direct no action be taken at this time.

VI. TIME CONSTRAINTS

There is no time constraint affiliated with this item.

VII. LIST OF ATTACHMENTS

N/A