



SUBJECT: Investigation report from Burlington Ombudsman MUN-12244-1220

TO: Corporate Services, Strategy, Risk & Accountability Cttee.

FROM: Clerks Department

Report Number: CL-20-21

Wards Affected: All

File Numbers: 110-03

Date to Committee: July 5, 2021

Date to Council: July 13, 2021

Recommendation:

Receive and file office of the city clerk report CL-20-21 regarding the investigation from the Ombudsman, file MUN-12244-1220.

PURPOSE:

An Engaging City

- Good Governance

Vision to Focus Alignment:

- Deliver customer centric services with a focus on efficiency and technology transformation

Background and Discussion:

The Public Sector and MPP Accountability and Transparency Act came into force on January 1, 2016. This legislation expanded the function of the provincial Ombudsman to include investigation of decisions or recommendations with respect to the administrative actions of a municipality. The Municipal Act enables a municipality to appoint their own Ombudsman, who is tasked with conducting investigations with respect to the administrative actions of the municipality.

In December 2020, Council re-appointed ADR Chambers as the Ombudsman for the City of Burlington. The established procedures require that any investigative reports with recommendations must be considered by Council.

Conclusion and Recommendation from the Investigator outlined in their report (appendix B):

I find that the City followed its processes and procedures appropriately in this case, and this office isn't an avenue to question the merits of the City's procedures themselves. The City is free to set its procedures as it determines fit – for example, their determinations to send out all similar claims to be adjusted, or to set the tree servicing cycle at seven years. There is no basis for this office to advise the City on policy matters, in the absence of significant unfairness resulting from their operation. Accordingly, no recommendation is made against the City. The Complainant remains free to pursue the matter against the City in Small Claims Court, until the limitation period expires.

Process items Specific to Ombudsman Reports

- At the July 9, 2020 meeting committee requested that a summary be included as part of the package submitted with the report. ADR Chambers has complied, and it now forms appendix A to this report.
- Appendix B is an investigation report conducted by ADR Chambers on the file MUN 12244-1220, which features a narrative style of reporting on their investigation, it also includes a recommendation section (no recommendation has been provided).

Financial Matters:

The administrative fee for ADR Chambers is \$1,000 per month. There are additional costs for investigations. Total costs are reported publicly through an annual report process.

Climate Implications:

Not applicable.

Engagement Matters:

Not applicable.

Conclusion:

This report transmits the investigation report from ADR Chambers and staff's response.

Respectfully submitted,

Kevin Arjoon

City Clerk

905-335-7600 ext. 7702

Appendices:

- A. Executive Summary of Investigation MUN-12244-1220 from ADR Chambers
- B. Final Report regarding MUN-12244-1220 with findings from ADR Chambers

Report Approval:

All reports are reviewed and/or approved by Department Director, the Chief Financial Officer and the Executive Director of Legal Services & Corporation Counsel.