
SUBJECT: Transmittal of Investigation report from ADR Ombudsman, MUN-28167-1223

TO: Committee of the Whole

FROM: Legal and Legislative Services
Legislative Services

Report Number: LLS-06-25

Wards Affected: All

Date to Committee: January 13, 2025

Date to Council: January 28, 2025

Recommendation

Receive for information legal and legislative services report LLS-06-25 regarding the investigation from the Ombudsman, file MUN-28167-1223.

Executive Summary

Purpose of report:

- This report provides an investigation report from ADR Chambers regarding communications for the Robert Bateman School project.

Key findings:

- The Investigator has concluded that they are satisfied that City staff followed City policies, and professional practices in the communications field.
- The Investigator notes that it is not in their jurisdiction to address complaints directed towards the decision-making processes of Council in this context.

Implications:

- There is no financial impact associated with the proposed recommendation.

Recommendation Report

Background

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, 2001* enables a municipality to appoint their own local Ombudsman, who is tasked with conducting investigations with respect to the administrative actions of the municipality.

In June 2023, 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.

Analysis

A complaint was filed with the City's Ombudsman, ADR Chambers, in February 2024 by a publication that alleged the City insufficiently communicated with the public in 2022 with respect to the Robert Bateman School project. The complaint was assigned for investigation on May 24, 2024. The investigation included interviews with the complainant and city staff. On December 11, 2024, the City received a final investigation report from ADR Chambers, attached as Appendix A.

Ultimately, the Investigator concluded that:

"I am satisfied from the evidence that the City's Communications staff followed City policies, and professional practices in the communications field. I further accept that City staff can only publish information they are authorized to share. I interpret that the remainder (and bulk, frankly) of Complainant's concerns are directed to the City's political processes or decision-making – which isn't appropriately within this Office's jurisdiction to address. Such questions must be addressed within the political process itself."

Recommendation Details

There are no actionable recommendations resulting from this investigation. As such, staff are recommending that the report be received for information.

Key Dates & Milestones

N/A

Implications

- There is no financial impact associated with the proposed recommendation.
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References

- [City of Burlington Get Involved webpage – Robert Bateman Community Centre](#)
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Strategic Alignment

- Designing and delivering complete communities
 - Providing the best services and experiences
 - Protecting and improving the natural environment and taking action on climate change
 - Driving organizational performance
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Appendices:

A. Final Report regarding MUN-28167-1223 with findings from ADR Chambers

Draft By-laws for Approval at Council:

None

Notifications:

None

Report Approval:

All reports are reviewed and approved by the Head of Corporate Affairs, Commissioner, the Chief Financial Officer, and the Commissioner of Legal Services and Legislative Services/City Solicitor.