



**City of Kingston  
Report to Council  
Report Number 17-301**

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**To:** Mayor and Members of Council

**From:** Mark Van Buren, Acting Commissioner, Transportation and Infrastructure Services

**Resource Staff:** Sheila Kidd, Director, Transportation Services

**Date of Meeting:** November 7, 2017

**Subject:** Kingston Access Services – Service Agreement

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**Executive Summary:**

Public transit service in Kingston consists of two components; a conventional service provided by Kingston Transit and specialized service provided by Kingston Access Services (KAS) who oversee the operation of the Kingston Access Bus. Kingston Transit is a division within the City's Transportation and Infrastructure Group, whereas KAS is a charitable not-for-profit organization that has been providing specialized transportation service in Kingston since 1967. The City of Kingston provides funding to KAS to make up the portion of its operations that is not fully funded through fare revenues.

Municipal records indicate the City entered into an agreement with this service provider in 1979 and the agreement was amended in 1984 to expand the service area to include the former Kingston Township. A new agreement was not established after amalgamation in 1998, however the City of Kingston By-law 2010-2005, *A By-law to Define The Mandate And Meeting Procedures For Committees Established By The Corporation Of The City Of Kingston*, recognizes Kingston Access Services under Schedule D-1 Agencies and Boards with Council Appointees.

The purpose of this report is to seek Council approval to enter into a service agreement to formalize the relationship between the City and Kingston Access Services (KAS). The proposed agreement will not alter the level of service provided or the manner in which KAS seeks budget approval from the City. It will serve to formally establish that KAS is providing specialized transportation service in Kingston, on behalf of the City, in accordance with the terms and conditions of the agreement. The provision of this service fulfills the City's obligations under the *Accessibility for Ontarians with Disabilities Act (AODA)* that requires municipalities who provide conventional transportation service, but do not provide specialized service, to provide an

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alternative accessible method of transportation to any person with a disability who, because of his or her disability, is unable to use conventional transportation services.

The term of the proposed agreement will be for one year, effective January 1, 2018, with an option to renew for an additional 12-month period, at the sole discretion of the City, subject to budget approval. Staff are also recommending that a by-law be presented to amend By-Law Number 2016-189 to delegate authority to the Director of Transportation Services to renew the agreement and that the amending by-law be given all three readings at the same meeting in order to complete the terms of authority in the agreement.

**Recommendation:**

**That** staff be directed to enter into a service agreement with Kingston Bus for the Handicapped, carrying on business as Kingston Access Services, for the purpose of providing specialized public transportation service in Kingston; and

**That** the service agreement include a renewal option for an additional 12 month period, subject to budget approval and the sole discretion of the City; and

**That** the Mayor and Clerk be authorized to execute the agreement, in a form satisfactory to the Director of Legal Services; and

**That** a by-law be presented to amend By-Law Number 2016-189 being, "A By-Law to Consolidate the Delegation of Powers and Duties", attached as Exhibit A, in order to delegate authority to the Director of Transportation Services or designate to renew the agreement; and

**That** the amending by-law be presented to Council on November 7, 2017 for all three readings.

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**Authorizing Signatures:**

ORIGINAL SIGNED BY COMMISSIONER

**Mark Van Buren, Acting  
Commissioner, Transportation  
and Infrastructure Services**

ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER

**Gerard Hunt, Chief Administrative Officer**

**Consultation with the following Members of the Corporate Management Team:**

Lanie Hurdle, Commissioner, Community Services	Not Applicable
Desirée Kennedy, Chief Financial Officer & City Treasurer	<input checked="" type="checkbox"/>
Denis Leger, Commissioner, Corporate & Emergency Services	<input checked="" type="checkbox"/>

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**Options/Discussion:****Background**

The *Accessibility for Ontarians with Disabilities Act (AODA)* aims to identify, remove, and prevent barriers for people with disabilities. The AODA became law on June 13, 2005, and applies to all levels of government, non-profits, and private sector businesses in Ontario that have one or more employees. The AODA includes requirements that all organizations must meet, with deadlines specific to an organization's type and size. The AODA is made up of five parts, or standards, including deadlines for compliance that began on January 1, 2010. The Transportation Standard covers rules for public transportation providers in Ontario to prevent and remove barriers to make it easier for people to travel in Ontario. Under the AODA, Kingston Transit is considered to be a conventional transportation service provider. There is an obligation under the Transportation Standard that requires a conventional service provider, that does not provide specialized transportation services, to ensure that any person with a disability who, because of his or her disability, is unable to use conventional transportation service, is provided with an alternative accessible method of transportation. In Kingston, specialized transportation service has been provided by Kingston Access Services (KAS) for many years.

**Kingston Access Services**

Kingston Bus for the Handicapped, carrying on business as Kingston Access Services, is a charitable not-for-profit corporation incorporated by a number of individuals in 1967, under Letters Patent from the Province of Ontario. KAS has been providing specialized transit service in Kingston since 1967 however it is not a local board, agency, or authority of the City. KAS by-laws provide that up to two members of City Council may sit on its Board of Directors.

The KAS mission statement is "to provide, in a safe and courteous manner, a reliable, efficient, specialized transit service for persons whose disabilities impair their use of Kingston Transit". The City provides funding to assist KAS in paying for its operations, which are not fully funded from passenger revenue and other sources of revenue. Although there is no legal requirement for the City to provide funding for KAS, the City has the authority to do so should Council determine that is appropriate.

A search of City records indicates that the City of Kingston entered into an agreement with Kingston Bus for the Handicapped in 1979, for the provision of public transportation for those with physical disabilities within the municipality. This agreement was replaced with a new agreement in 1984 that expanded the service area to include Kingston Township. It appears the agreement has not been updated since 1984, however the City of Kingston By-law 2010-2005, *A By-law to Define The Mandate And Meeting Procedures For Committees Established By The Corporation Of The City Of Kingston*, recognizes Kingston Access Services under Schedule D-1 Agencies and Boards with Council Appointees.

Recent events related to a Human Rights complaint and a federal funding opportunity have demonstrated the need for a formal agreement to define the terms and conditions under which

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KAS provides the specialized transportation service in Kingston. The purpose of this report is to seek Council approval to enter into an agreement. Working with Legal Services, City staff prepared a draft agreement that has been reviewed by the Administrative Director and the Board of Directors of Kingston Access Services. The key aspects of the draft agreement include:

- a clear definition of the service to be provided;
- the requirement for KAS to fully satisfy their obligations as a specialized accessible transportation service provider under the *Accessibility for Ontarians with Disabilities Act*, any associated regulations, and the *Human Rights Code*;
- the ongoing obligation to ensure the KAS employees are adequately trained to deliver the services and meet or exceed the requirements of the *Accessibility for Ontarians with Disabilities Act* and the *Highway Traffic Act*;
- the requirement for KAS to ensure that its employees have a valid Criminal Reference Check (CPIC) in accordance with the City's CPIC Reference Check Policy;
- the requirement to report to the City on performance indicators related to the delivery of the service, in addition to ongoing financial reporting requirements.

The draft agreement does represent a minor change to current practice as it relates to KAS assets. Currently, KAS by-laws provide that the Board cannot voluntarily dissolve the organization without the ratification by City Council of the Board's motion to dissolve. Upon dissolution, any assets net of debts and liabilities are required to be distributed to charitable organizations.

The new agreement provides the City the right to assume ownership of KAS assets should they wind up operations or otherwise terminate the services. This change will require KAS to amend its by-laws. KAS leases their office space so their assets primarily consist of their fleet, which has been funded by the City. The recent Public Transit Infrastructure Fund (PTIF) from the federal government did not allow funds to be flowed to KAS because the funding was for municipally owned and/or operated public transit systems and therefore did not include third-party operators. Staff anticipates this restriction may be resolved for future funding opportunities by having a formal service agreement in place that specifies the assets would be transferred to the City in the event of dissolution.

Since KAS receives funding approval from the City on an annual basis, the recommended term of this agreement will commence on the first day of January 2018 and will terminate on the 31<sup>st</sup> day of December 2018. The agreement provides an option to renew for an additional 12-month period, at the sole discretion of the City and subject to budget approval for the renewal period.

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**Existing Policy/By-law:**

Not Applicable

**Notice Provisions:**

Not Applicable

**Accessibility Considerations:**

The recommendation in this report is to enter into a service agreement to formalize the existing relationship between the City and Kingston Access Services for the provision of specialized transit service in Kingston. The terms of the service agreement will not change or impact the existing service level.

**Financial Considerations:**

The recommended service agreement and renewal are subject to Council approval of the budget for Kingston Access Services.

**Contacts:**

Sheila Kidd, Director, Transportation Services, 613-546-4291, extension 2221

**Other City of Kingston Staff Consulted:**

Andrew Reeson, Associate Legal Counsel

Stephen Dickey, Director, Financial Services

**Exhibits Attached:**

Exhibit A – Proposed Amendments to By-Law 2016-189

**By-Law Number 2017-XX**

**A By-Law to Amend By-Law Number 2016-189, A By-Law to Consolidate the Delegation of Powers and Duties (Option to Renew Agreement with Kingston Access Services)**

**Passed:** Month XX, 2017

**Whereas** Kingston’s City Council has deemed the delegation of authority to the Director of Transportation Services or designate to renew the agreement between the City of Kingston and Kingston Access Services for an additional 12-month period; and

**Whereas** the Council of The Corporation of the City of Kingston deems it advisable to amend By-Law Number 2016-189;

**Therefore be it resolved that** By-Law Number 2016-189, be amended as follows:

1. By adding the following delegated authority to Schedule A:

<b>Delegate</b>	<b>Delegated Authority Description</b>	<b>Enabling By-Law or Council Motion/ Resolution</b>
<b>Director of Transportation Services or designate</b>	Authority to renew the agreement between the City of Kingston and Kingston Access Services for an additional 12-month period.	By-Law 2017-XX

2. This by-law shall come into force and take effect on the date of its passing.

Given All Three Readings and Passed: Month XX, 2017

(Signed)

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**John Bolognone**  
City Clerk

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**Bryan Paterson**  
Mayor