



City of Kingston
Report to Municipal Accessibility Advisory Committee
Report Number MAAC-24-001

To: Chair and Members of the Municipal Accessibility Advisory Committee

From: Jenna Morley, Director, Legal Services & City Solicitor

Resource Staff: Janet Jaynes, City Clerk

Date of Meeting: January 25, 2024

Subject: Accessible Consultation Process Policy

Council Strategic Plan Alignment:

Theme: Policies & by-laws

Goal: See above

Executive Summary:

The purpose of this report is to provide Committee members with an overview of the process undertaken to update the Accessible Consultation Process Policy. The Policy sets out a clear consultation process that applies to City services and projects, with the intent to meet legislative requirements and ensure that staff reflect the importance of accessibility in their work. The Policy contains provisions that apply specifically to consultations between Municipal Accessibility Advisory Committee members and City staff, as well as between City staff, the public, and persons with disabilities.

Recommendation:

That the Municipal Accessibility Advisory Committee recommends to Council:

That the Accessible Consultation Process Policy, attached as Exhibit A to Report Number MAAC-24-001, be approved.

Authorizing Signatures:

ORIGINAL SIGNED BY DIRECTOR OF LEGAL SERVICES

Jenna Morley, Director, Legal
Services & City Solicitor

ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER

Lanie Hurdle, Chief
Administrative Officer

Consultation with the following Members of the Corporate Management Team:

Paige Agnew, Commissioner, Growth & Development Services	Not required
Jennifer Campbell, Commissioner, Community Services	<input checked="" type="checkbox"/>
Neil Carbone, Commissioner, Corporate Services	<input checked="" type="checkbox"/>
David Fell, President & CEO, Utilities Kingston	Not required
Peter Huigenbos, Commissioner, Major Projects & Strategic Initiatives	Not required
Brad Joyce, Commissioner, Infrastructure, Transportation & Emergency Services	<input checked="" type="checkbox"/>
Desirée Kennedy, Chief Financial Officer & City Treasurer	<input checked="" type="checkbox"/>

Options/Discussion:

Background

The Accessible Consultation Process Policy (the Policy) was approved by Council in June 2016. The purpose of the Policy is to set out a consultation process for City staff and Municipal Accessibility Advisory Committee (MAAC) members to follow with respect to City services and projects. The Policy has not undergone any significant review since its initial approval.

In 2023, Clerk's Department staff initiated a review of the Policy to make updates based on current City practices as well as changes to provincial legislation. As part of this review, staff consulted with internal departments that are most affected by the Policy, as well as members of MAAC through the appointment of a project team. The result of this consultation is an updated Accessible Consultation Process Policy, attached to this report as Exhibit A.

Analysis

The updated Policy contains five purposes:

- To recognize the history of discrimination against persons with disabilities in Ontario;
- To assist the City to achieve accessibility for persons with disabilities with respect to goods, services, facilities, accommodations, employment, buildings, structures and premises as required by the *Accessibility for Ontarians with Disabilities Act, 2005* (AODA);
- To make a statement of organizational commitment to meet the accessibility needs of persons with disabilities in timely manner;
- To assist the City to implement the measures, policies, practices or other requirements of the AODA, including the requirement to consult with MAAC, the public and persons with disabilities in certain circumstances; and
- To recognize that achieving the purposes set out above, and working to the highest level of inclusion, is to the benefit of all members of the community.

The Policy was developed under two overarching principles. First, ensuring that the City consults with persons with disabilities as required by law; and second, that City staff recognize and reflect in their work the importance of making City services, facilities, and information as accessible as possible to all users. For MAAC members and members of the public, the Policy sets out the expectations of volunteers, as well as what level of consultation is to be facilitated by City staff.

The Policy applies to all City work, however, there are specific provisions in Sections 5 through 14 of the Policy (attached as Exhibit A to this report) based on requirements for consultation identified in the AODA and Ontario Regulation 191/11, the Integrated Accessibility Standards

Regulations (IASR). Section 3 of the Policy details the statutory requirements for consultation, and Section 4 details the additional consultation requirements of City staff.

Consultation within the Policy can be categorized by that which takes place specifically with MAAC members and consultation that takes place with the general community. Different forms of consultation with MAAC members include annual staff reports to the Committee and the appointment of MAAC members to serve on project teams. Project teams can be for a project with a defined start and completion date (for example, the construction of a new park), or ongoing and related to a general topic (for example, accessible parking). The Policy sets out the process for the appointment of project team members and the requirements and expectations of project teams members and City staff when participating in their work.

For consultation with the public in general, the Policy states that staff must consider the highest level of inclusion for persons with disabilities when determining which processes or combination of processes to use for public engagement for a policy, program, or project development. To achieve this level of inclusion, the Policy states staff must conduct any public engagement in accordance with the key principles of the City of Kingston Public Engagement Framework to ensure the highest level of inclusivity for all participants.

Indigenization, Inclusion, Diversity, Equity & Accessibility (IIDEA) Considerations

A clear framework for consultation with members of MAAC, the public, and persons with disabilities demonstrates that City staff value the knowledge, lived experience and contributions of those groups. Staff strive to incorporate the principles of accessibility and inclusivity into the work of the City, and the Policy recognizes the importance of partnership with MAAC members and the public. By setting a clear process with guidelines and expectations, staff demonstrate the value to public input regarding accessibility.

Existing Policy/By-Law:

Accessible Consultation Process Policy

[Accessibility for Ontarians with Disabilities Act, 2005](#)

[Ontario Regulation 191/11, Integrated Accessibility Standards Regulations](#)

Notice Provisions:

None

Financial Considerations:

None

Contacts:

Derek Ochej, Deputy City Clerk, 613-546-4291 extension 1252

Other City of Kingston Staff Consulted:

Luke Follwell, Director, Engineering Services

Speros Kanellos, Director, Facilities Management and Construction Services

Jen Pinarski, Manager, Communications & Public Engagement

Andrew Reeson, Senior Legal Counsel

Ian Semple, Director, Transportation & Transit Services

Exhibits Attached:

Exhibit A – Accessible Consultation Process Policy

<POLICY NUMBER> - ACCESSIBLE CONSULTATION PROCESS POLICY

Policy #	assigned by the communications officer (web developer).
Effective Date	February 6, 2024
Status	DRAFT.
Final Approver	Council

1.0 Interpretation

1.1 In this policy, unless the context requires otherwise:

"**AODA**" means the *Accessibility for Ontarians with Disabilities Act, 2005*, S.O. 2005, c. 11;

"**City**" means The Corporation of the City of Kingston;

"**City employee**" means a person who performs work or supplies services directly to the *City* for monetary compensation under an employment contract and includes *senior staff persons* and *by-law enforcement officers* but does not include *council members*;

"**CMT member**" means a member of the *City's* corporate management team and includes the person appointed chief administrative officer by the *City*, the person appointed treasurer by the *City*, and a commissioner responsible for the leadership and operation of a portfolio of *City* departments;

"**Committee Clerk**" means the person appointed as committee clerk to the *MAAC* by the *City*;

"**Council Procedural By-Law**" means *City of Kingston By-Law Number 2021-41, A By-Law to Provide Rules for Governing the Order and Procedures of the Council of The Corporation of the City of Kingston, and to Repeal By-Law Number 2010, Council Procedural By-Law, as Amended, in its Entirety*;

"**Deputy City Clerk**" means the person appointed as deputy city clerk by the *City*;

"**director**" means the director of a *City* department;

"**disability**" has the meaning given to it in the *AODA*;

"**FADS**" means facility accessibility design standards which establish *City*-wide standards that build a universally designed and accessible community for residents, visitors and *City employees*;

"**MAAC**" means the Municipal Accessibility Advisory Committee, the *City's* accessibility advisory committee established in accordance with subsection 29 (1) of the *AODA*;

"**MAAC project team**" means one or more members of *MAAC*, appointed by *MAAC*, to be responsible for consultation on behalf of *MAAC* with respect to a particular matter in accordance with clause 4.2 (b);

"**manager**" means a *City employee* who reports directly to a *director*;

"**meeting**" has the meaning given to it in the *Council Procedural By-Law*;

"**park**" means land designated by the *City* for use as a park;

"**recreational program**" means a program for the provision of facilities for recreation or for the supervision, encouragement and guidance of recreational activity;

"**special event**" means a public event that is held by the *City* at a *City*-owned facility, building, structure or premises for the primary purpose of supporting a community, culture, arts, heritage, recreation or sport experience; and

"**supervisor**" means a *City employee* who reports directly to a *manager*.

1.2 In this policy,:

- (a) "include", "includes" and "including" indicate that the subsequent list is not exhaustive;
- (b) to "consult" includes to seek advice from; and
- (c) a reference to a department includes, in the event of organizational changes, the successor department or division responsible for the performance of the department's obligations under this policy.

1.3 A reference to any legislation, regulation, by-law, rule, policy or provision thereof includes a reference to any legislation, regulation, by-law, rule or provision thereof enacted in substitution thereof or amendment thereof.

1.4 A reference to legislation includes all of the regulations made thereunder.

1.5 A reference to the position or title of any *City employee* includes a reference to any position or title created in substitution thereof.

2.0 Purpose

2.1 The purpose of this policy is to:

- (a) recognize the history of discrimination against persons with disabilities in Ontario;
- (b) assist the *City* to achieve accessibility for persons with disabilities with respect to goods, services, facilities, accommodations, employment, buildings, structures and premises as required by the *AODA*;
- (c) make a statement of organizational commitment to meet the accessibility needs of *persons* with disabilities in timely manner; and
- (d) assist the *City* to implement the measures, policies, practices or other requirements of the *AODA*, including the requirement to consult with *MAAC*, the public and persons with disabilities in certain circumstances; and
- (e) recognize that achieving the purposes set out in clauses (a), (b), (c) and (d), and working to the highest level of inclusion is to the benefit of all members of the community.

3.0 Statutorily Required Consultation

3.1 The *City* must, in accordance with the *AODA*, consult with *MAAC*:

- (a) on a building, structure or premises, or part of a building, structure or premises,
 - (i) that the *City* purchases, constructs or significantly renovates;
 - (ii) for which the *City* enters into a new lease; or
 - (iii) that a *person* provides as municipal capital facilities under an agreement entered into with the *City* in accordance with section 110 of the *Municipal Act, 2001*;

3.2 The *City* must, in accordance with the *AODA*, consult with *MAAC*, the public and persons with disabilities:

- (a) in the development of accessible design criteria to be considered in the construction, renovation or replacement of bus stops and shelters;
- (b) to determine the proportion of on-demand accessible taxicabs required in the community;

- (c) on the following before the *City* constructs new or redevelops existing recreational trails:
 - (i) the slope of the trail;
 - (ii) the need for, and location of, ramps on the trail;
 - (iii) the need for, location and design of rest areas, passing areas, viewing areas, amenities on the trail, and any other pertinent feature;
 - (d) on the needs of children and caregivers with various disabilities when constructing new or redeveloping existing outdoor play spaces;
 - (e) on the design and placement of rest areas along an exterior path of travel when constructing new or redeveloping existing exterior paths of travel that the *City* intends to maintain; and
 - (f) on the need, location and design of accessible on-street parking spaces when constructing or redeveloping existing on-street parking spaces;
- 3.3 The *City* must, in accordance with the *AODA*, consult with *persons* with disabilities and with *MAAC* when establishing, reviewing or updating its accessibility plan.
- 3.4 The *City* must, in accordance with the *AODA*, consult with *MAAC* on:
- (a) the requirements and implementation of accessibility standards; and
 - (b) the preparation of accessibility reports.
- 3.5 When sections 3.1, 3.3 or 3.4 of this policy require the *City* to consult with *MAAC*, the *City* must do so at a *meeting* of *MAAC* in accordance with the *Council Procedural By-Law*.
- 3.6 When this policy requires consultation with the public and persons with disabilities, the *City* must do so in accordance with the [City of Kingston Public Engagement Framework](#) and its six key principles, those being:
- (a) inclusivity;
 - (b) early involvement and timely communication;
 - (c) respect;
 - (d) transparent and accountable;
 - (e) clear and coordinated approach; and

(f) continuous improvement.

3.7 The *City* must supply site plans and drawings described in section 41 of the *Planning Act* that *MAAC* selects to *MAAC* in a timely manner for the purpose of review.

4.0 Additional Required Consultation

4.1 The *City* must consult with *MAAC* on the accessibility for persons with disabilities:

- (a) when constructing new or significantly redeveloping existing buildings, structures or premises, or parts of buildings, structures or premises;
- (b) when constructing new or redeveloping existing recreational trails;
- (c) when constructing new or redeveloping existing outdoor play spaces;
- (d) when constructing new or redeveloping existing exterior paths of travel that the *City* intends to maintain;
- (e) when constructing new or redeveloping existing *park* spaces;
- (f) when providing new or redeveloping existing *recreational programs*;
- (g) when providing new or redeveloping existing *special events*; and
- (h) on any other matter council considers it necessary or desirable to seek advice from *MAAC*.

4.2 When section 4.1 requires consultation with *MAAC*, the *City* may do so in one or more of the following manners:

- (a) at a *meeting* of *MAAC* in accordance with the *Council Procedural By-Law*; and/or
- (b) by consulting with a *MAAC project team* in accordance with the procedures set out in section 4.3.

4.3 The procedure for consulting with a *MAAC project team* is:

- (a) a *city employee* responsible for the particular matter must prepare and submit a "MAAC Project Team Request Form - Director Approval" in the form attached as *Appendix D* to this policy to the *Committee Clerk*;
- (b) the *Committee Clerk* must place the submitted "MAAC Project Team Request Form - Director Approval" on the agenda for the next *meeting* of *MAAC* in accordance with the *Council Procedural By-Law* and, at that

meeting, MAAC must appoint one or more members of MAAC to be a MAAC project team, except where it is not practicable to do so;

- (c) if the *Committee Clerk* determines that it is not practicable to do so, the *Committee Clerk* may distribute the submitted "MAAC Project Team Request Form - Director Approval" to the members of MAAC by email, and:
 - (i) MAAC may appoint one or more members of MAAC to be a MAAC project team with respect to the particular matter described in the submitted form;
 - (ii) the *Committee Clerk* must place the submitted form and the appointment of one or more members of MAAC on the agenda for the next *meeting* of MAAC in accordance with the *Council Procedural By-Law*; and
 - (iii) MAAC may confirm the appointment of one or more members to the MAAC project team or may revoke the appointment of one or more members and appoint one or more other members to the MAAC project team;
- (d) when MAAC appoints one or more members to a MAAC project team, the *Committee Clerk* must provide contact information for each member of the MAAC project team to the city employee who submitted the "MAAC Project Team Request Form - Director Approval";
- (e) when the city employee receives contact information for the MAAC project team from the *Committee Clerk*, the city employee must, as soon as practicable, submit to the MAAC project team:
 - (i) the planned schedule for the matter; and
 - (ii) the planned frequency, location and format of consultation with the MAAC project team;
- (f) when required, based on the nature of the consultation, the city employee must:
 - (i) prepare and maintain a "FADS Design Checklist" in the form attached as *Appendix A* to this policy in order to document the compliance or noncompliance of the construction or redevelopment with the City's FADS;
 - (ii) submit to the MAAC project team a concept introduction of the matter;

- (iii) consult with the *MAAC project team* at the design phase of the matter;
- (iv) consult with the *MAAC project team* at the mid-construction or mid-redevelopment phase of the matter; and
- (v) consult with the *MAAC project team* at the final construction review or redevelopment review phase of the matter;

except where it is not practicable to do so;

- (vi) if the *city employee* determines that it is not practicable to do so, the *city employee* must provide, upon request by a member of *MAAC project team*, an explanation;
- (vii) if, at any phase of the matter, the *city employee* believes that any part of the construction or redevelopment does not comply with any standard in the *FADS*, the *city employee* must give notice to the members of the *MAAC project team*, except where the noncompliance was described in an "Alternate Design from FADS Proposal Form" previously submitted to the *MAAC project team*;
- (viii) if the *city employee* gives notice pursuant to subclause (vi), a member of the *MAAC project team* may inspect the noncomplying part of the construction or redevelopment and may give the *city employee* advice with respect to that noncomplying part; and
- (ix) when the construction or redevelopment is complete, the *city employee* must prepare and submit to the *Committee Clerk* a "MAAC Project Team Completion Form" in the form attached as *Appendix E* to this policy.

5.0 Accessibility Policies

5.1 The *City* must develop, implement and maintain policies governing how the *City* achieves or will achieve accessibility through meeting its requirements referred to in the *AODA*.

5.2 The *City* must include a statement of organizational commitment to meet the accessibility needs of persons with disabilities in a timely manner in such policies.

5.3 The *City* must:

- (a) prepare one or more documents describing the policies it develops under section 5.1; and

- (b) make the documents publicly available and, on request, provide them in an accessible format.

6.0 Accessibility Plan

6.1 The *City* must:

- (a) establish, implement, maintain and document a multi-year accessibility plan which outlines the *City's* strategy to prevent and remove barriers and meet its requirements under the *AODA*;
- (b) post the accessibility plan on its website and provide the plan in an accessible format upon request;
- (c) review and update the accessibility plan at least once every five years;
- (d) prepare an annual status report on the progress of measures taken to implement the strategy referenced in clause 6.1 (a), including steps taken to comply with the *AODA*; and
- (e) post the status report on its website and provide the report in an accessible format upon request.

7.0 Procurement

- 7.1 The *director* of the Financial Services Department must incorporate accessibility design, criteria and features, including the *City's FADS*, when procuring or acquiring goods, services or facilities for the *City*, except where it is not practicable to do so.
- 7.2 If the *director* of the Financial Services Department determines that it is not practicable to incorporate accessibility design, criteria and features when procuring or acquiring a good, service or facility, the *director* must provide, upon request by *MAAC* or any other *person*, an explanation.

8.0 Purchase, Construction & Significant Renovation of Buildings, Structures & Premises

- 8.1 Subject to the exemptions and limitations that are specifically set out in the *City's FADS*, the *director* of the Facilities Management & Construction Services Department must incorporate accessibility design, criteria and features, including the *City's FADS*, for a building, structure or premises, or part of a building, structure or premises,:
- (a) that the *City* purchases, constructs or significantly renovates;

- (b) for which the *City* enters into a new lease; or
- (c) that a *person* provides as municipal capital facilities under an agreement entered into with the *City* in accordance with section 110 of the *Municipal Act, 2001*;

except where it is not practicable to do so.

8.2 If the *director* of the Facilities Management & Construction Services Department determines that it is not practicable to incorporate accessibility design, criteria and features, including the *City's FADS*, for a building, structure or premises, or part of a building, structure or premises, the *director* must:

- (a) prepare and submit to a *MAAC project team*, a "Technical Impracticability Explanation Form" in the form attached as *Appendix B* to this policy; and
- (b) prepare, in consultation with a *MAAC project team* and submit to the *MAAC project team* an "Alternate Design from FADS Proposal Form" in the form attached as *Appendix C* to this policy.

9.0 Recreational Programming & Special Events

9.1 The *director* of the Recreation & Leisure Services Department must:

- (a) provide *recreational programs* in accordance with the *AODA*; and
- (b) hold *special events* in accordance with the *AODA*, and the Accessibility Directorate of Ontario's "Guide to Accessible Festivals and Outdoor Events", and the *City's "Corporate Accessibility Standards Policy"*; and
- (c) prepare and submit a report to *MAAC* once every calendar year with respect to *special events* planned for the year, accessibility considerations included in the conduct of *special events* or *recreational programs* in the previous year, and any training regarding service provision for persons with disabilities that has been provided or will be provided to *city employees*.

10.0 Building, Structure & Premises Reporting

10.1 The *director* of the Facilities Management & Construction Services Department must prepare and submit a report to *MAAC* once every calendar year with respect to the accessibility of buildings, structures and premises, or parts of buildings, structures and premises, that the *City*:

- (a) plans to purchase, construct or significantly renovate in the following year;
- (b) purchased, constructed or significantly renovated in the preceding year;

- (c) plans to enter into a new lease in the following year;
- (d) entered into a new lease in the preceding year;
- (e) plans to have a *person* provide as a municipal capital facility under an agreement entered into with the *City* in accordance with section 110 of the *Municipal Act, 2001*; and
- (f) had a *person* provide as a municipal capital facility under an agreement entered into with the *City* in accordance with section 110 of the *Municipal Act, 2001*.

10.2 The report required to be prepared and submitted by section 10.1 must include:

- (a) accessibility design, criteria and features, including the *City's FADS*, planned to be incorporated for buildings, structures or premises, or parts of a building, structure or premises, during the following year; and
- (b) any requests for advice from *MAAC* with respect to changes in the accessibility design, criteria and features, including the *City's FADS*, planned to be incorporated for buildings, structures or premises, or parts of a building, structure or premises, during the following year.

11.0 Bus Stops & Shelters Reporting

11.1 The *director* of Transportation and Transit must prepare and submit a report to *MAAC* once every calendar year with respect to:

- (a) accessible design criteria to be considered in the construction, renovation or replacement of bus stops and shelters planned for the following calendar year; and
- (b) the accessibility of bus stops and shelters constructed, renovated or replaced in the preceding calendar year.

12.0 Accessible Taxicabs Reporting

12.1 The Chair of the Kingston Area Taxi Commission must prepare and submit a report to *MAAC* once every calendar year with respect to:

- (a) the proportion of on-demand accessible taxicabs required in the community in the following calendar year; and
- (b) the use of on-demand accessible taxicabs in the preceding calendar year.

13.0 Recreational Trails & Park Spaces Reporting

- 13.1 The *director* of the Engineering Services or the *director's* delegate must prepare and submit a report to *MAAC* once every calendar year with respect to:
- (a) how accessibility is addressed in newly constructed or redeveloped existing recreational trails planned for the following year; and
 - (b) how accessibility design, criteria and features will be incorporated in newly constructed or redeveloped existing outdoor play spaces and recreational trails planned for the following year;

14.0 Exterior Paths of Travel Reporting

- 14.1 The *director* of the Engineering Services Department or the *director's* delegate must prepare and submit a report to *MAAC* once every calendar year with respect to the accessibility of the design and placement of rest areas along an exterior path of travel of:
- (a) newly constructed or redeveloped existing exterior paths of travel that the *City* intends to maintain planned for the following year;
 - (b) new exterior paths of travel that the *City* intends to maintain constructed in the preceding year; and
 - (c) existing exterior paths of travel that the *City* intends to maintain redeveloped in the preceding year.

15.0 Information & Communication

- 15.1 All information and communication required or permitted under this policy must be in accordance with the *City's Accessible Information and Communication Procedure*.

16.0 Administration

- 16.1 *CMT members* must take reasonable steps within their authority to:
- (a) direct compliance with this policy.
- 16.2 *Directors* must take reasonable steps within their authority to:
- (a) direct compliance with this policy.
- 16.3 *Managers* must take reasonable steps within their authority to:
- (a) direct compliance with this policy.

16.4 Supervisors must take reasonable steps within their authority to:

- (a) direct compliance with this policy.

16.5 The Deputy City Clerk is responsible for:

- (a) resolving any issues or conflicts relating to this policy;
- (b) approving any terms or conditions negotiated outside of this policy;
- (c) providing support to project managers and staff responsible for projects subject to this policy; and
- (d) updating the policy to ensure consistency with provincial legislation or other City of Kingston policies or procedures.

16.6 A *City employee* who breaches this policy may be subject to discipline up to and including dismissal.

17.0 Application

17.1 This policy applies to all *City employees*.

18.0 Approval Authority

Role	Position	Date Approved
Quality Review	City Clerk	November 22, 2023
Subject Matter Expert	Deputy City Clerk	October 24, 2023
Legal Review	Senior Legal Counsel	November 15, 2023
Management Review	Director of Recreation & Leisure Services Director of Facilities Management & Construction Services Director of Engineering Services Director of Transportation & Transit Services	November 16, 2023

	Director of Financial Services	
Final Approval	Council	

19.0 Revision History

Effective Date	Revision	Description of Change
Date of the change		describe the sections that have been changed, added or deleted

20.0 Appendix

- 20.1 Appendix A - FADS Design Checklist
- 20.2 Appendix B - Technical Impracticability Explanation Form
- 20.3 Appendix C - Alternate Design from FADS Proposal Form
- 20.4 Appendix D - MAAC Project Team Request Form - Director Approval
- 20.5 Appendix E - MAAC Project Team Completion Form - Director Approval.