

THE CORPORATION OF THE CITY OF KAWARTHA LAKES

OFFICE CONSOLIDATION OF BY-LAW 2007-008

Consolidated on December 10, 2007

Passed by Council on January 16, 2007

Amendments:

1) By-law 2007-295 November 27, 2007 Section 2.02

Note: This consolidation is prepared for convenience only. For accurate reference the original by-laws should be reviewed.

THE CORPORATION OF THE CITY OF KAWARTHA LAKES

BY-LAW 2007 - 008

**A BY-LAW TO ESTABLISH AN ACCESSIBILITY ADVISORY COMMITTEE FOR
KAWARTHA LAKES**

Recitals

1. Subsection 29(1) of the *Accessibility for Ontarians with Disabilities Act, 2005* (S.O. 2005, c. 11) requires that the Council establish an Accessibility Advisory Committee to advise and assist on all matters relating to Part 7 of the Act.
2. Council has resolved to change the name of the Municipal Advisory Committee for Disabled Persons to the Kawartha Lakes Accessibility Advisory Committee. The committee will continue to fulfill its obligations under the Act.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2007-008.

Article 1.00: Definitions and Interpretation

1.01 **Definitions:** In this by-law:

“**Act**” means the *Accessibility for Ontarians with Disabilities Act, 2005* (S.O. 2005, c. 11).

“**City**”, “**City of Kawartha Lakes**” or “**Kawartha Lakes**” means The Corporation of the City of Kawartha Lakes.

“**City Clerk**” means the person appointed by Council to carry out the duties of the clerk described in section 228 of the *Municipal Act, 2001*.

“**Council**” or “**City Council**” means the municipal council for the City.

“**Director of Development Services**” means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council.

“**Disability**” means

- 1) any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness and, without limiting the generality of the foregoing, includes diabetes mellitus, epilepsy, a brain injury, any degree of paralysis, amputation, lack of physical co-ordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, or physical reliance on a guide dog or other animal or on a wheelchair or other remedial appliance or device,
- 2) a condition of mental impairment or a developmental disability,

- 3) a learning disability, or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language,
- 4) a mental disorder, or
- 5) an injury or disability for which benefits were claimed or received under the insurance plan established under the *Workplace Safety and Insurance Act, 1997* (S.O. 1997, c. 16, Schedule “A”).

“KLAAC” is an acronym representing the “Kawartha Lakes Accessibility Advisory Committee”, and is the Accessibility Advisory Committee established by this By-law pursuant to the Act.

1.02 **Interpretation Rules:**

- (a) The Schedules attached to this by-law form part of the by-law, and are enforceable as such.
- (b) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

1.03 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.

1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

Article 2.00: Establishment & Members

2.01 **Establishment:** An accessibility advisory committee, as contemplated by the *Accessibility for Ontarians with Disabilities Act* is established as a committee of the Council, to be known as the “Kawartha Lakes Accessibility Advisory Committee” or “KLAAC”.

2.02 **Members:** KLAAC shall consist of the following twelve (12) to fifteen (15) persons:

- (a) One (1) member of the Council, to be appointed for the term of Council
- (b) A minimum of eleven (11) and a maximum of fourteen (14) other members who meet the qualifications for membership and are appointed by the Council.

2007-295, effective Nov. 27, 2007

2.03 **Membership Requirement:** A majority of the members of KLAAC shall include persons with disabilities.

2.04 **Exclusions:** The following persons do not qualify for membership in KLAAC:

- (a) Full or part-time employees of the City;
- (b) Non-residents of Kawartha Lakes;
- (c) Persons under the age of eighteen (18) years; and
- (d) Persons who do not meet the general requirements for membership on City boards and committees as established by Council through by-law or policy.

2.05 **Staff Support:** The Director may appoint a City employee as a staff liaison person to the KLAAC. That person may provide administrative support and assistance to the KLAAC, but will not constitute a voting member and will not be included in the twelve (12) to fourteen (14) persons described in Section 2.02 of this By-law, and shall not be counted when quorum is considered.

2.06 **Terms of Office:** Unless exempted by legislation, members will be appointed to varying terms to a maximum of a three year term. An equal number of appointees will be for a one year term and two year terms with the balance appointed to a three-year term for the first appointees. Successive appointments will be for a three year term to ensure knowledge succession and that there be no complete turnover of membership in any given year. Members shall continue

to serve beyond the termination of their appointments until the appointments of their successors have been confirmed by Council.

- 2.07 **Reappointment**: All members of the KLAAC are eligible for reappointment, subject to any approved City by-laws or policies governing City boards and committees in general.
- 2.08 **Officers**: The KLAAC shall, at its first meeting in each year, elect from its membership a chairperson and a vice-chairperson. In the event that there is a staff liaison appointed pursuant to Section 2.05, that person shall serve as the KLAAC Secretary-Treasurer. In the event that there is no staff liaison, the KLAAC shall, at its first meeting in each year, elect from its membership a Secretary-Treasurer.

Article 3.00: Meetings; Procedures

- 3.01 **Meetings**: The KLAAC shall hold a minimum of nine (9) meetings in each calendar year. The Chair shall cause notice of the meetings, including the agenda for the meetings, to be provided to members of the KLAAC a minimum of three (3) business days prior to the date of each meeting. Quorum for meetings shall consist of a majority of the members of KLAAC.

A copy of the Agenda shall be provided to the Clerk's Office.

- 3.02 **Procedures**: Meetings of the KLAAC shall be governed by Robert's Rules of Order, Procedural By-law and Legislation.
- 3.03 **Closed Meetings**: KLAAC may, upon affirmative vote of the majority of its members present at a meeting, determine to hold any meeting or part of a meeting as a closed session in order to discuss sensitive personal issues or legal matters. If KLAAC elects to hold a closed session, all persons not entitled to vote (with the exception of the staff liaison, if any, and all persons excepted by the members) shall vacate the premises where the meeting is taking place. Closed meetings can only be held in accordance with the *Municipal Act, 2001*.
- 3.04 **Conflicts of Interest**: Members shall abide by the rules outlined within the Municipal Conflict of Interest Act and shall disclose the pecuniary interest to the Secretary and absent himself or herself from meetings for the duration of the discussion the voting (if any) with respect to that matter.
- 3.05 **Errors/Omissions**: The accidental omission to give notice of any meeting of the KLAAC to its members, or the non-receipt of any notice by any member, or any error in any notice that does not affect its substance, does not invalidate any resolution passed or any proceedings taken at the meeting. Any member of the KLAAC may at any time waive notice of any meeting.
- 3.06 **Meeting Attendance**: Any member of KLAAC who misses three consecutive meetings, without being excused by the Committee, may be removed from the Committee. The Committee shall make recommendations, by a report to Council, for the removal of any member.
- 3.07 **Location of Meetings**: The location of the meetings will be set by the Committee.
- 3.08 **Purchasing Policy**: All Committees that have purchasing responsibilities shall follow the Procurement Policy of the City unless another purchasing policy has been endorsed by Council.
- 3.09 **Budget**: Committee will prepare by September 15th of each year a projected budget and work program for the succeeding year, for presentation to, and adoption by, Council during the budget presentation process.
- 3.10 **Volunteer Positions**: Unless approved by Council, as part of the Terms of Reference or establishing by-law, all committee members are considered volunteer positions. Mileage costs and other minor expenses related to committee activities may be eligible for reimbursement subject to budget approvals by Council.

- 3.11 **Dissolution:** At the discretion of Council or upon the mandate of the Board/Committee being fulfilled, the Committee may be dissolved by resolution of Council.
- 3.12 **Expulsion of Member:** The Committee may recommend to Council the expulsion of a member for reasons as listed, but not limited to, the member being in contravention of the Municipal Act, the Municipal Freedom of Information and Protection of Privacy Act, the Provincial Offences Act, the Municipal Conflict of Interest Act; disrupting the work of the Board/Committee or other legal issues.

Article 4.00: Goals and Objectives

- 4.01 **Enumerated Goals and Objectives:** The following are the goals and objectives of the KLAAC:
- (a) The KLAAC shall promote public awareness and sensitivity to accessibility issues.
 - (b) The KLAAC shall encourage co-operation among all service and interest groups to ensure a better community for the disabled.
 - (c) The KLAAC shall communicate with all levels of government and service agencies and make recommendations on policy and legislation related to accessibility.
 - (d) The KLAAC shall identify and document relevant accessibility issues and concerns.
 - (e) The KLAAC shall help to facilitate improved access to housing, mobility, education, recreation employment and information, which are the qualities of a six star community.
 - (f) The KLAAC shall promote the recognition that the needs of all disabled persons are constantly changing, growing and in need of refinement.

Article 5.00: Terms of Reference

- 5.01 **Evaluation:** The KLAAC shall advise Council annually about the preparation, implementation and effectiveness of its accessibility plan.
- 5.02 **Building Accessibility:** The KLAAC shall advise Council on the accessibility for persons with disabilities to a building, structure or premises, or part of a building structure or premises:
- a) that the Council purchases, constructs or significantly renovates;
 - b) for which the Council enters into a new lease; or
 - c) that a person provides as a municipal capital facility.
- 5.03 **Site Plans:** The KLAAC shall review in a timely manner the site plans and drawings described in Section 41 of the *Planning Act*. If the committee selects site plans and drawings described in Section 41 of the *Planning Act* to review, the Council shall supply them to KLAAC in a timely manner for the purpose of the review.
- 5.04 **Advice:** KLAAC shall assist Council by advising, reviewing and making comment and recommendations on Federal and Provincial legislation and municipal by-laws of the City in the interest of people with disabilities. Within the framework of the goals and objectives set out in Section 4.01, KLAAC will deal with community issues relevant to disabled persons.
- 5.05 **Report:** KLAAC shall prepare, before the commencement of each calendar year, a report of the previous year's activities.

Article 6.00: Administration and Effective Date

- 6.01 **Administration:** The Director of Development Services is responsible for the

administration of this by-law.

6.02 **Effective Date:** This By-law shall come into force on the date it is finally passed.

By-law read a first, second and third time, and finally passed, this 16th day of January, 2007.

Mayor

Clerk