

The Corporation of the City of Kawartha Lakes

Agenda

Drainage Board Meeting

DB2019-01

Wednesday, June 12, 2019

7:00 P.M.

Victoria Room

City Hall

26 Francis Street, Lindsay, Ontario K9V 5R8

Members:

Councillor Ron Ashmore

Councillor A. Veale

Charles Clarke

Jim Oriotis

Mike Verbik

Accessible formats and communication supports are available upon request.

1.	Call to Order	
1.1	DB2019-01.1.1 Introductions and Appointment of Chairperson, and Vice-Chairperson	
2.	Administrative Business	
2.1	Adoption of Agenda	
2.2	Declaration of Pecuniary Interest	
2.3	Adoption of Minutes from Previous Meeting Minutes of the July 26, 2018 Drainage Board Meeting	4 - 7
2.4	Drainage Board Code of Conduct and Waiver	8 - 27
3.	Deputations	
4.	New Business	
4.1	DB2019-01.4.1 Review of Terms of Reference	28 - 36
4.2	DB2019-01.4.2 Review Roles and Responsibilities: Court of Revision	37 - 37
4.3	DB2019-01.4.3 Appointment of Members to the Court of Revision	
4.4	DB2019-01.4.4 Verbal Update on 2018 Drain Maintenance	
4.5	DB2019-01.4.5 Verbal Update on 2019 Current and Planned Drain Maintenance	

5. Other Business

5.1 DB2019-01.5.1

Status Update on Waite Drain

5.2 DB2019-01.5.2

Status Update on Webster Drain

6. Adjournment

The Corporation of the City of Kawartha Lakes

Minutes

Drainage Board Meeting

DB2018-02

Thursday, July 26, 2018

7:00 P.M.

Weldon Room

City Hall

26 Francis Street, Lindsay, Ontario K9V 5R8

Members:

Councillor Brian Junkin

Councillor Heather Stauble

Ed Bagshaw

Jim Bedard

Robert Bonis

Matt Hollinger

Jim Oriotis

Accessible formats and communication supports are available upon request.

1. Call to Order

Chair R. Bonis called the meeting to order at 7:03 p.m. Drainage Board members J. Bedard, and Councillors Junkin and Stauble were in attendance.

Supervisor of Technical Services M. Farquhar, and Deputy Clerk and Recording Secretary J. Watts were also in attendance.

Absent: E. Bagshaw, M. Hollinger, and J. Oriotis

2. Administrative Business

2.1 Adoption of Agenda

Moved By Councillor Junkin

Seconded By J. Bedard

That the agenda of the July 26, 2018 Drainage Board meeting be adopted as circulated.

Carried

2.2 Declaration of Pecuniary Interest

There were no declarations of pecuniary interest noted.

2.3 Adoption of Minutes from Previous Meeting

2.3.1 DB2018-02.2.3.1

Minutes of the February 1, 2018 Drainage Board Meeting

Moved By Councillor Junkin

Seconded By J. Bedard

That the minutes of the Drainage Board meeting held on February 1, 2018, be adopted as circulated.

Carried

3. Deputations

4. New Business

4.1 Petition for Drainage Works by Owners - E. Wechsel

Memorandum

Re: Petition for Municipal Drainage to be added to the Webster Petition

Mike Farquhar, Supervisor Technical Services - Engineering and Corporate Assets

Mr. Farquhar provided an overview of the Webster Drain as detailed in his report. He noted that since M. Gerrits has been appointed engineer for the drain, two public meetings have been held with area property owners. E. Wechsel signed a Petition for Drainage Works by Owners with the intent to gain rights to drain subsurface water on their property. He noted that this petition will be merged with the petition submitted by A. Webster, upon approval from Council. He responded to questions from the members of the Board.

Moved By J. Bedard

Seconded By Councillor Stauble

Recommend that the Drainage Board receives the memorandum from the Supervisor of Technical Services- Engineering and Corporate Assets dated July 26, 2018, for information in response to the petition for drainage works by owners of:

Concession 5 N ½, Lot 8 and Lot 9 W ½ Lot 10, Geographic Township of Eldon

From: Ella Wechsel

That the Drainage Board recommends to Council for consideration this petition for a Municipal Drain as prescribed under the Ontario Drainage Act; and

That this petition is added to the current Webster petition

Carried

5. Other Business

5.1 Verbal Update on Waite Drain

Mr. Farquhar provided an update on the Waite Drain, as a public meeting with approximately 25 local area land owners was recently held. He stated that E. DeLay is the appointed engineer and is proposing three branches (Western, Southern, and Eastern). City staff and Mr. DeLay answered questions at the public meeting, including questions about the use of Mr. Waite's land, concerns about wells, and assessments. Mr. Farquhar identified that they will be holding a meeting in the near future for the consideration of the Engineer's report. He responded to questions from the members of the Board.

Moved By Councillor Junkin

Seconded By Councillor Stauble

That the verbal update of M. Farquhar, regarding the Waite Drain Update, be received.

Carried

5.2 Verbal Update on Drainage Issues Task Force

Mr. Farquhar noted that the Drainage Issues Task Force has had three meetings to date, and a fourth meeting is scheduled. He noted some issues that had been discussed at the meetings including engineering costs, Drainage Board authority, Drainage Act timeline compliance, and public education about the Drainage process. He also noted that consultation with Sid Vander Veen, Drainage Coordinator at OMAFRA, has been productive at identifying areas for improvement and change. It is expected that they will be forwarding a report to Council either on or after the August 14, 2018 Regular Council Meeting. Mr. Farquhar and Mr. Watts responded to questions from the members of the Board.

Moved By Councillor Stauble

Seconded By J. Bedard

That the verbal update of Mike Farquhar, regarding the Drainage Issues Task Force Update, be received.

Carried

6. **Adjournment**

Moved By Councillor Stauble

Seconded By Councillor Junkin

That the Drainage Board Meeting adjourn at 8:00p.m.

Carried



Drainage Board Memorandum

Date: June 12, 2019

To: Drainage Board

From: Joel Watts, Deputy Clerk and Recording Secretary

Re: Board Requirements and Responsibilities

Recommendation

That the memorandum dated June 12, 2019 from Deputy Clerk and Recording Secretary J. Watts regarding Board Requirements and Responsibilities, be received.

Rationale

The City of Kawartha Lakes Council Committee, Board and Task Force Policy CP2018-017, and the Drainage Board Terms of Reference outline several requirements and responsibilities for members of City committees including the Drainage Board.

It is the responsibility of committee members to review, agree, and adhere to the following documents and material:

- Drainage Board Terms of Reference is Appendix A and attached to Item 4.1 on the Agenda
- Code of Conduct and Ethics – Members of Committees, Board & Task Forces (Council Policy CP2018-018)
 - Attached as **Appendix B**
- Waiver for Volunteers (regarding insurance and risk management)
 - Attached as **Appendix C**
- Accessible Customer Service Requirements
 - “May I Help You” Accessible Customer Service Guide
 - Attached as **Appendix D**
 - Accessible Customer Service Training Video
 - Available online at:
<https://www.youtube.com/watch?v=Gv1aDEFIXq8>



Attachments



Memorandum
Appendix B.pdf



Memorandum
Appendix C.pdf



Memorandum
Appendix D.pdf



Council Policy

Council Policy No.:	CP2018-018
Council Policy Name:	Code of Conduct and Ethics – Members of Committees, Boards & Task Forces
Date Approved by Council:	December 11, 2018
Date revision approved by Council:	
Related SOP, Management Directive, Council Policy, Forms	

Policy Statement and Rationale:

This Code of Conduct and Ethics is established to provide a shared and common foundation and expectations for acceptable behavior, conduct and actions of appointees to City of Kawartha Lakes' Committees, Boards and Task Forces. It is recognized that Committees, Boards and Task Forces are vital to informing and supporting City Council in accomplishing the City's strategic goals and priorities. It is further recognized that appointed volunteer members of these Committees, Boards and Task Forces bring valuable community knowledge, experience and information, and are committed community stakeholders and ambassadors. In addition to being well-informed to undertake delegated decision-making functions and/or provide advice and recommendations effectively, appointed members are expected to carry out their duties in a fair, honest, conscientious, diligent, impartial, transparent and professional manner.

Members of Committees, Boards and Task Forces must operate within the scope of work and requirements outlined in the associated Council-approved Terms of Reference.

This Code of Conduct and Ethics provides positive direction to Committee, Board and Task Force members in support of the following principles:

- That impartial decision-making considers the best interests of the entire Municipality;
- That communications are open, honest, consistent, respectful, consultative and inclusive;
- That private interests are kept separate from public responsibilities;
- That respect and support for others, including Council members, members of City staff and members of the public, is maintained.



Council Policy

Scope:

This policy relates to Council-appointed members of Committees, Boards and Task Forces in the City of Kawartha Lakes.

Definitions:

“City”, “City of Kawartha Lakes” or “Kawartha Lakes” means The Corporation of the City of Kawartha Lakes and includes its entire geographic area;

“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;

“Committee” means any Council Committee/Board/Task Force which is advisory in nature and/or mandate specific and is:

1. Established by Council through resolution or by-law; or
2. Created by another level of government (with jurisdiction), providing the right to Council to appoint one or more persons to it, who are not members of Council.

“Council” or “City Council” means the municipal council for the City;

“Member” means a person appointed to a Committee/Board/Task Force by resolution of Council.

“Person” means a human individual. For the purposes of this policy, the term does not include “artificial” persons recognized by law (for example, Corporations).

Policy:

General

All Members shall serve on Committees, Boards and Task Forces in a transparent and accountable manner. Members shall perform responsibilities assigned to the Committee/Board/Task Force as prescribed within the associated Terms of Reference.

It is the responsibility of all appointed members to comply with:

- the City Code of Conduct and Ethics – Committee, Board & Task Force Members
- the City Procedural By-law
- Other applicable City by-laws and policies



Council Policy

- Municipal Act
- Municipal Freedom of Information and Protection of Privacy Act
- Municipal Conflict of Interest Act

No individual member or the Committee/Board/Task Force as a whole has the authority to make direct representations of the City to Federal or Provincial Governments.

Members shall abide by the rules outlined within the Municipal Conflict of Interest Act. Where a member, either on his or her own behalf or while acting for, by, with or through another, has any pecuniary interest, direct or indirect, in any matter and is present at a meeting of the council or local board at which the matter is the subject of consideration, the member,

- (a) shall, prior to any consideration of the matter at the meeting, disclose the interest and the general nature thereof;
- (b) shall not take part in the discussion of, or vote on any question in respect of the matter; and
- (c) shall not attempt in any way whether before, during or after the meeting to influence the voting on any such question.

At a meeting at which a member discloses an interest, or as soon as possible afterwards, the member shall file a written statement of the interest and its general nature with the Recording Secretary of the Committee/Board/Task Force who shall in turn provide it to the City Clerk for inclusion in the City's Registry of Statement of Disclosure as required by the Municipal Act.

The Committee/Board will abide by any terms and conditions which may be set out by the City's Council, CAO, City Clerk, City Solicitor, Auditor and/or Insurer for any activities relating to Committee/Board business in keeping with the Committee's Terms of Reference and established Policies.

Gifts and Benefits

To ensure and foster a culture of impartiality and objectivity Members shall not, directly or indirectly through family members or otherwise, solicit any gift or accept/receive any gift or personal benefits or rewards which may be tied or inferred to be tied directly or indirectly to their position or the performance of their duties.



Council Policy

No Member shall seek or obtain by reason of his or her appointment any personal privilege or advantage with respect to city services not otherwise available to the general public and not consequent to his or her official duties except as authorized by law or policy of the City.

Confidentiality and Use of Municipal Information

It is every Member's responsibility to ensure information disseminated to other Members, staff and/or the public is accurate. No Member shall willfully mislead other Members, employees or the public about any issue of municipal concern.

No Committee/Board/Task Force information or actions is permitted to be confidential, save and except where permitted in the Committee/Board/Task Force's Council approved Terms of Reference. All business must be conducted in an open and transparent manner.

All requests for City information should be referred to the recording secretary to process through the liaison Department and the City Clerks Office, to be addressed as either an informal request for access to municipal records or as a formal request under the Municipal Freedom of Information and Protection of Privacy Act.

No Member shall

- Use information acquired through their duties for a personal advantage during or after their appointment.
- Speak disrespectfully or negatively about the Corporation, a member of Council, another member or Council's decisions.. Any concerns regarding the conduct of another person including a contravention of the Code of Conduct by another member shall be handled through the appropriate process as defined in this policy.
- Speak or act on behalf of the Corporation or City Council without authorization to do so.

Conduct at Meetings

During meetings, Members shall conduct themselves with decorum and in accordance with the City's Procedural By-Law, as amended from time to time. Respect and courtesy will be provided to delegations, fellow members, Council members, staff and members of the general public. Members shall not distract from the business of the Committee, Board or Task Force during presentations and when other members have the floor. Each member has a responsibility to ensure that such decorum occurs, both through their own conduct and by bringing to the attention of the Chair any offensive conduct that is observed.



Council Policy

Relationships with Staff and Other Members

Members will show respect for other Members and staff and recognize their roles and responsibilities as defined by legislation and the associated Terms of Reference.

Members shall:

- Acknowledge that only Council as a whole shall direct staff members, through the CAO, to carry out specific tasks or functions.
- Provide advice and recommendations that are objective, politically neutral, applicable to the scope of work of the Committee, Board or Task Force, and in the best interest of the community and City.
- Refrain from using their position to improperly influence members of staff or Council members in their duties or functions or to gain an advantage for themselves, or others.
- Refrain from publicly criticizing individual members of staff or Council members and appointed Members in a way that maliciously or falsely injures the professional credibility or ethical reputation of the individual.
- Be respectful that staff work for the City as a body corporate and are charged with providing advice that is objective and based upon their professional expertise, politically neutral, and consider a corporate perspective, without undue influence from any individual member or group of members.
- Be respectful and supportive of the City's commitment to fostering an environment that is free from discrimination, harassment, interference, intimidation or coercion through personal adherence to the City's Respect in the Workplace Policy and the Ontario Human Rights Code.

Use of Municipal Property

Members may be required to borrow City property, equipment, supplies or services only for activities connected with Committee/Board/Task Force activities. The use of municipal property shall be coordinated through the liaison department. Any equipment or supplies borrowed in the exercise of the Members duties is City property and will be returned to the City promptly.

No member shall obtain financial gain from the use of city-developed intellectual property, computer programs, technological innovations or other patentable items, while an appointed member or thereafter. All such property remains the exclusive property of the City of Kawartha Lakes.

All Committee/Board/Task Force meetings must be held within an accessible city-owned facility.



Council Policy

Work of a Political Nature

Members shall be aware of and adhere to the City's policy regarding "Use of Corporate Resources for Municipal Election Purposes."

No member shall use City facilities, services, or property in support of a municipal election or re-election campaign, expression of support for or against a political candidate, or any other outside political activity.

Fraud, Breach of Trust and Other Criminal Activities

Members shall not engage in behaviour that is fraudulent or that constitutes a breach of trust with the City of Kawartha Lakes. A fraudulent activity includes, but is not limited to:

- Using deceit to gain a personal advantage or benefit for oneself and/or others.
- Illegally obtaining money, including the solicitation and/or acceptance of bribes.
- Intentionally providing false or incomplete or withholding information from Council and/or city officials.
- Intentionally circumventing City policies or procedures to gain a personal advantage for oneself and/or others.
- Planning or participating in a theft of City property, or the use of said property to aid or conduct a theft of any kind.
- Inappropriate personal use of or intentional damage to City property.
- Undertaking any other illegal activity.

Conflicts of Interest

A conflict of interest is understood to occur if a Member's personal affairs, business, or relationships overlap with their duties and functions as appointed members of Committees, Boards or Task Forces. In order to avoid any conflict of interest, pecuniary interest or personal gain for members, their family or associates, members are not permitted to carry out any assigned duties for which a conflict of interest is present.

Members shall avoid and remove themselves from these situations of conflict.

Additionally, Members should be aware that some conflicts may be perceived in nature and will need to be considered on an individual basis.

Business/Organization Relations



Council Policy

It is recognized that Members may have work or business activities or associations outside of their duties. Members shall ensure these responsibilities remain distinct and separate from Committee/Board/Task Force business.

Members must demonstrate transparency with regards to business relations and/or organizations conducting business with the City. No member shall act as a paid agent before the Corporation or Council.

Members shall recognize the need for their decision-making to be impartial and transparent by refraining from having any direct or indirect pecuniary association with any business or organization that has interactions with them in the conduct of their duties and responsibilities. Members must disclose to the Chair and members of the public such information at the first opportunity.

Should a Committee/Board/Task Force composition, as per Council approved Terms of Reference, include Members from specified stakeholder organizations, it is acknowledged that such members have been appointed to represent the interests and perspectives of those organizations to further the mission and activities of the Committee/Board/Task Force.

City Expenditures and Purchases

Members are not involved in procurement activities for the City. Any City budget advice or recommendations will be considered by Council and/or the appropriate Department liaison.

Disclosure

Any Member, staff, Council member, Council, or a member of the public has the right to identify any alleged non-compliance. The individual shall bring the matter forward to the Mayor.

Compliance/Contravention

Upon receipt of an alleged Member contravention, the Mayor shall determine the form an investigation will take, and it may be in consultation with the CAO, Committee, Board or Task Force Chair and/or the liaison Department. The Mayor may disclose the alleged contravention with the Member and outline the form of investigation. At the completion of the investigation, the Mayor will provide recommendations to Council to verify any contraventions, and appropriate actions (including immediate termination of appointment).

The Mayor will report any transgressions of an illegal nature to the appropriate police authority.



Council Policy

Implementation & Review

This Code of Conduct and Ethics shall be reviewed by each Council a minimum of once during each Council term.

This Code of Conduct and Ethics shall be reviewed by appointed Committee/Board/Task Force Members at the orientation session held the first meeting of each year following term expiry and appointment of new members, at either the mid-term or full term of Council.

Revision History:

Proposed Date of Review:

Revision	Date	Description of changes	Requested By
0.0	[Date]	Initial Release	



The City of Kawartha Lakes

Waiver for Volunteers

Volunteerism and community participation play an important part in building our community. The City of Kawartha Lakes thanks you for donating your time and talent towards making our community a beautiful place to live, grow and prosper.

I, _____
(Full Name, address and contact phone no. of the Volunteer)

acknowledge that I will provide services to the Corporation of the City of Kawartha Lakes, on a volunteer basis wherein I will occupy the position of a volunteer for the following purpose:

I further acknowledge, appreciate and agree that:

1. I understand that in performing the above stated duties, I will not perform in any supervisory capacity nor operate any machinery or equipment for which I have not been trained and licensed. I am required to report to _____ (name of staff person) and take instruction from same.
2. I understand that as a volunteer I am responsible while on duty for representing the City of Kawartha Lakes, and will conduct myself in an appropriate manner while doing so.
3. As a volunteer I understand and recognize that my participation in the above-noted activity involves potential risks, both known and unknown, and **I hereby knowingly and freely assume all risks and personally undertake** to act in a responsible and safe manner at all times.
4. I understand that my duties will be rendered without payment for same, and I will not be entitled to any benefits normally provided by the Corporation of the City of Kawartha Lakes, including those provided by the Workplace Safety and Insurance Board of Ontario ("WSIB"). I confirm that I will be responsible for my own medical, disability or health insurance coverage.
5. I, for myself and on behalf of my heirs, assigns, personal representatives and next of kin, agree to release and forever discharge the Corporation of the City of Kawartha Lakes, together with its directors, officers, councilors, employees, agents and lawful successors, and _____ (Name of Committee), from and against all claims and proceedings, in respect of any damage or injury sustained by myself or any loss or damage to personal property arising by reason of my provision of my duties as a volunteer.

I have read this release of liability and assumptions of risk agreement, I fully understand its terms and sign it freely and voluntarily without any inducement.

Signature of Volunteer

Date

“May I Help You?”

Understanding Accessible Customer Service



Thank you to the City of Mississauga for giving us permission to adapt their
handbook for our use.

Background

The Accessibility for Ontarians with Disabilities Act, 2005 (AODA) was passed by the Ontario legislature with the goal of creating standards to improve accessibility across the province.

The AODA allows the government to develop specific standards of accessibility that are designed to help make Ontario more accessible.

One of the specific standards that has been developed, and made law, is the Accessible Customer Service Standard. This standard details specific requirements for all service providers.

The City of Kawartha Lakes Policy Statement

The Corporation of the City of Kawartha Lakes is committed to providing quality goods and services that are accessible to **all persons**. The Corporation of the City of Kawartha Lakes will strive to provide its goods and services in a manner that respects the **dignity and independence** of each individual; that **integrates** each individual as fully as practicable into the method of service delivery; and that ensures that people with disabilities will be given an **equal opportunity** to use and benefit from the goods, services and areas that are provided by the Corporation of the City of Kawartha Lakes.

What is Accessible Customer Service?

Accessible customer service can mean many things. Mostly, it is the understanding that each individual may need a slightly different type of accommodation. For example, a person who is visually impaired may need to have information read aloud to them; an individual with a learning disability may need to have instructions written down; and someone who uses a wheelchair may need help in finding a route they can use. Accessible customer service is **good** customer service – courteous, helpful and prompt.

Implementation of the City Policy

Guide Dogs, Service Animals

If a person with a disability is accompanied by a guide dog or other service animal, the City will permit the person to enter the premises with the animal and keep it with him or her, unless the animal is otherwise excluded by law from the premises. If the service animal or guide dog is excluded by law from the premises, the City will look to other available measures to enable the person with a disability to obtain, use or benefit from the City's goods and services.

“Service Animal” is:

An animal which is specially trained to assist an individual with disabilities.

An animal is a “service Animal” if it is readily apparent that the animal is used by a person with a disability for reasons relating to his or her disability, for example a guide dog wearing a harness.

If it is not readily apparent that the animal is a Service Animal, then a letter from a physician or nurse confirming that the person requires the animal for reasons relating to the disability is required.

Support Persons

If a person with a disability is accompanied by a support person, they are permitted to enter the premises together and are not prevented from having access to each other while on the premises. The City may require a person with a disability to be accompanied by a support person while on its premises, but only if a support person is necessary to protect the health or safety of the person with a disability or the health or safety of others on the premises.

“Support Person” means:

In relation to a person with a disability, another person who accompanies him or her in order to help with communication, mobility, personal care or medical needs or with access to goods or services.

May be a paid professional, a volunteer, a family member or a friend.

The applicable rate payable by a support person for admission to public areas in facilities owned and operated by the City in connection with a person’s presence at the premises shall apply.

Operational Procedures of the City Policy

Feedback Mechanism

The public can provide feedback on the accessibility of the provision of goods and services by the City:

by mail addressed to:

City of Kawartha Lakes, City Hall

Accessibility Feedback, Accessibility Coordinator,

P.O. Box 9000, 26 Francis Street, Lindsay, Ontario K9V 5R8

by phone at: (705) 324-9411 or 1-888-822-2225 ext. 1185

or in person at one of the City of Kawartha Lakes Service Centres

or by email at: bcondie@city.kawarthalakes.on.ca

Feedback will be responded to within five (5) to seven (7) business days of its receipt by the City.

Assistive Devices

If a person with a disability requires assistive devices to access goods or services of the City, they are allowed to use such devices.

Assistive devices include, but are not limited to, wheelchairs, walkers, white canes used by people who are blind or who have low vision, note taking devices, portable magnifiers, recording machines, assistive listening devices, personal oxygen tanks and devices for grasping, pool lifts, and TTY machines.

Disruption of Services

People with disabilities may often go to a lot of trouble to access services, such as booking transit or arranging a ride. By providing notice, you can save that person an unnecessary trip. Notice can be provided on the City's website, by telephone, or in writing. In the event of an unexpected disruption in service, provide notice in a variety of ways and as quickly as possible.

If there is a temporary disruption in a particular facility or service used to allow a person with a disability to access goods or services, the City will give notice of the disruption to the public by posting the reason for the disruption, the anticipated duration of the disruption, and alternative facilities or services that may be available. This posting will be in a conspicuous place on the premises of the City, or by other reasonable methods in the circumstances. If the disruption is anticipated, the City will provide a reasonable amount of advance notice of the disruption. If the disruption is unexpected, notice will be provided as soon as possible.

What Else Can I Do?

Always start with people first. In language, that means saying "person with a disability", rather than "a disabled person". In any interaction, it means addressing the person's access and accommodation needs, rather than focusing on the disability.

Let's take some time to understand the definition of different disabilities and some tips to assist you in providing accessible customer service.

How to Welcome People with Disabilities

People with disabilities have dreams, hopes and goals. They have problems, challenges and needs.

Just like you and me.

Treat people with disabilities with patience, understanding and courtesy.

After all, isn't that how you like to be treated?

Here are some general tips to help you welcome people with disabilities.

- Don't make assumptions about what type of disability or disabilities a person has.
- Some disabilities are not visible. Be patient. People with some kinds of disabilities may take a little longer to understand and respond.
- If you're not sure what to do, ask, "Can I help?"
- If you can't understand what someone is saying, just politely ask again.
- Ask before you offer to help — don't just jump in. People with disabilities know if they need help and how you can provide it.

- Find a good way to communicate. A good start is to listen carefully.
- Look at the person, but don't stare. Speak directly to a person with a disability, not to their interpreter or someone who is with them.
- Use plain language and speak in short sentences.
- Don't touch or address service animals — they are working and have to pay attention at all times.
- Ask permission before touching a wheelchair or a piece of equipment.

How to Talk to People with Disabilities on the Phone

Here are some tips on talking to people with disabilities on the phone:

- Speak normally, clearly and directly.
- Don't worry about how their voice sounds. Concentrate on what's being said.
- Be patient, don't interrupt and don't finish your customer's sentences. Give the person time to explain.
- Don't try to guess what the person is trying to say. If you don't understand, don't pretend. Just ask again.
- If you're not certain what the person said, just repeat or rephrase what you've heard.
- If the person is using an interpreter or a TTY line, just speak normally to the person, not to the interpreter.
- If the person has great difficulty communicating, make arrangements to call back when it's convenient to speak with someone else.

How to Welcome People with Physical Disabilities

There are many types and degrees of physical disabilities and not all require a wheelchair. People who have arthritis, heart or lung conditions or amputations may also have difficulty with moving, standing or sitting. It may be difficult to identify a person with a physical disability.

Here are some tips on welcoming people who have physical disabilities:

- Speak normally and directly to your customer. Don't speak to the person who is with them.
- People with physical disabilities often have their own ways of doing things. Ask before you help.
- Be patient. People will identify their needs to you.
- Don't touch assistive devices, including wheelchairs, unnecessarily unless it's an emergency.
- Provide the person information about accessible features of the immediate environment (automatic doors, accessible washrooms, etc.).
- Remove obstacles and rearrange furniture to give them clear passage.

How to Welcome People Who Are Deaf or Hard of Hearing

People who have hearing loss may be Deaf or hard of hearing. Like other disabilities, hearing loss has a wide variety of degrees. Some people who are Deaf or hard of hearing may use assistive devices to communicate.

Tips on welcoming people who are Deaf or hard of hearing:

- Always ask how you can help. Don't shout.
- Attract the person's attention before speaking. The best way is a gentle touch on the shoulder or gently waving your hand.
- Make sure you are in a well-lighted area where the person can see your face.
- Look at and speak directly to the person. Address them, not their interpreter.
- If necessary, ask if another method of communicating would be easier, for example a pen and paper.
- Don't put your hands in front of your face when speaking.
- Be clear and precise when giving directions, and repeat or rephrase if necessary. Make sure you have been understood.
- Don't touch or address service animals — they are working and have to pay attention at all times.
- Any personal (e.g., financial) matters should be discussed in a private room to avoid other people overhearing.
- Be patient. Communication for people who are deaf may be different because their first language may not be English. It may be American Sign Language (ASL) or Langue des signes québécoise (LSQ).

If the person uses a hearing aid, try to speak in a quiet area. Background noise can be distracting.

How to Welcome People with Vision Disabilities

Vision disabilities reduce a person's ability to see clearly. Very few people are totally blind. Many have limited vision such as tunnel vision, where a person has a loss of peripheral or side vision, or a lack of central vision, which means they cannot see straight ahead. Some can see the outline of objects while others can see the direction of light.

Vision disabilities can restrict a person's abilities to:

- read signs
- locate landmarks, or
- see hazards.

It may be difficult to tell if a person has a vision disability. Some people with vision disabilities use a service animal or a white cane. Others may not.

Tips on welcoming people with vision disabilities:

- Identify yourself when you approach the person and speak directly to them.
- Speak normally and clearly.
- Never touch the person without asking permission, unless it's an emergency.
- If you offer assistance, wait until you receive permission.
- Offer your arm (the elbow) to guide the person and walk slowly.
- Don't touch or address service animals — they are working and have to pay attention at all times.
- If you're giving directions or verbal information, be precise and clear. For example, if you're approaching a door or an obstacle, say so.
- Don't just assume the person can't see you.

- Don't leave the person in the middle of a room. Show them to a chair, or guide them to a comfortable location.
- Identify landmarks or other details to orient the person to the environment around them.
- Don't walk away without saying good-bye.
- Be patient. Things may take a little longer.

How to Welcome People Who are Deaf-Blind

A person who is deaf-blind cannot see or hear to some extent. This results in greater difficulties in accessing information and managing daily activities. Most people who are deaf-blind will be accompanied by an intervenor, a professional who helps with communicating.

Intervenors are trained in special sign language that involves touching the hands of the client in a two-hand, manual alphabet or finger spelling. They may guide and interpret for their client.

Here are some tips on serving customers who are deaf-blind:

- Don't assume what a person can or cannot do. Some people who are deaf-blind have some sight or hearing, while others have neither.
- A person who is deaf-blind will probably tell you how to communicate with them by giving you an assistance card or a note.
- Speak directly to the person as you normally would, not to the intervenor.
- When you approach a person who is deaf-blind, make sure you identify yourself to the intervenor.
- Don't touch or address service animals — they are working and have to pay attention at all times.
- Never touch a person who is deaf-blind suddenly or without permission unless it's an emergency.

How to Welcome People with Speech or Language Impairments

Some people have problems communicating. It could be due to cerebral palsy, hearing loss, or another condition that:

- makes it difficult to pronounce words
- causes slurring or stuttering
- prevents someone from expressing themselves or understanding written or spoken language.

Some people who have severe difficulties may use communication boards or other assistive devices.

Here are some tips on welcoming people with speech or language impairments:

- Just because a person has one disability doesn't mean they have another. For example, if a person has difficulty speaking, don't assume they have an intellectual or developmental disability as well.
- If you don't understand, ask the person to repeat the information.
- If you are able, ask questions that can be answered 'yes' or 'no'.
- Be patient and polite, and give the person whatever time they need to get their point across.
- Don't interrupt or finish the person's sentences. Wait for them to finish.

- Patience, respect and a willingness to find a way to communicate are your best tools.

How to Welcome People with Intellectual or Developmental Disabilities

People with intellectual or developmental disabilities may have difficulty doing many things most of us take for granted. These disabilities can mildly or profoundly limit their ability to learn. You may not be able to know that someone has this disability unless you are told, or you notice the way they act, ask questions or use body language.

As much as possible, treat people with an intellectual or developmental disability like anyone else. They may understand more than you think, and they will appreciate your treating them with respect.

Here are some tips on welcoming people who have an intellectual or developmental disability:

- Don't assume what a person can or cannot do.
- Use plain language and speak in short sentences.
- Make sure the person understands what you've said.
- If you can't understand what's being said, don't pretend. Just ask again.
- Provide one piece of information at a time.
- Be supportive and patient.
- Speak directly to the person, not to their companion or attendant.

How to Welcome People with Learning Disabilities

Learning disabilities can cause many different communications difficulties for people. The difficulties can vary in degree, but they all can interfere with a person's ability to receive, express, or process information. You may not be able to know that someone has one of these disabilities unless you are told, or you notice how people act, ask questions or use body language.

Here are some tips on welcoming people with learning disabilities:

- Patience and a willingness to find a way to communicate are your best tools.
- When you know that someone with a learning disability needs help, ask how you can best help.
- Speak normally and clearly, and directly to the person.
- Take some time — people with some kinds of learning disabilities may take a little longer to understand and respond.
- Try to find ways to provide information in a way that works best for them. For example, have a paper and pen handy.
- If you're dealing with a child, be patient, encouraging and supportive.
- Be courteous and patient. The person will let you know how to best provide service in a way that works for them.

How to Welcome People with Mental Health Disabilities

People with mental health disabilities look like anyone else. You won't know that a person has a mental health disability unless you're informed of it.

Usually it will not affect how you interact with the person. But if someone is experiencing difficulty in controlling their symptoms or is in a crisis, you may need to help out. Be calm and professional and let the person tell you how you can best help.

Here are some tips on welcoming people who have mental health disabilities:

- Treat a person with a mental health disability with the same respect and consideration you have for everyone else.
- Be confident and reassuring. Listen carefully and work with the person to meet their needs.
- If someone appears to be in a crisis, ask them to tell you the best way to help.

Conclusion:

Most importantly **relax!** People with disabilities are generally aware they may need some accommodations and will work with you. Just remember to ask how you can help.

It is important to recognize that there are available internal and external resources for you to use to assist you in delivering service to persons with disabilities:

- Speak to your Team Leader, Supervisor and/or Manager
- Review the Government of Ontario Website: <http://www.accesson.ca>
- Review the City Website: <http://www.city.kawarthalakes.on.ca/residents/accessibility>
- The Bell Relay Service Operator is available to assist in placing or receiving calls to/from persons who use a TTY. There is no charge for local calls. To place a call through the BCRS (Bell Canada Relay Service), call: 1-800-855-0511. The Bell Relay Operator will ask if you have used this service in the past. If you have not, they will provide you with simple instructions on how to use the service.
- Book a Sign Language Interpreter* through the Ontario Interpreting Services at the Canadian Hearing Society at: 1-888-363-0373

Contact: Barb Condie, Accessibility Coordinator @ 705-324-9411 ext. 1185

*The City is responsible for providing Sign Language Interpretation to provide information that is accessible to the public. Our written materials, forms and communications are in English and this is generally the second language for persons who are Culturally Deaf in The City of Kawartha Lakes. Prior to scheduling a meeting with a person who is Culturally Deaf, it is advisable to book the Interpreter first since their schedules can be very busy. If you have any written materials that will be used at the meeting, send them to both the Interpreter and the person who is Culturally Deaf prior to the meeting. This will give them time to review the materials and ensure accurate Interpretation. Remember, at the meeting, you will be speaking to your customer, not the Interpreter.

Terms of Reference

Name: City of Kawartha Lakes Drainage Board

Date Established by Council:
(Terms of Reference revised December 11, 2018)

Mission:

The City of Kawartha Lakes Drainage Board is established to provide advice and recommendations to Staff and/or Council with the objective of recommending improvements to Policy and/or Management Directive and/or Standard Operating Processes for establishing and maintaining municipal drains and providing outlets to tile drain relative to the Drainage Act and other legislated mechanisms with a goal to reduce time and costs to the landowner and the municipality while supporting and effective municipal drain system and following the Drainage Act.

Roles and Responsibilities:

It is the responsibility of all appointed members to comply with:

- the City Code of Conduct for Board Members
- the City Procedural By-law
- Other applicable City by-laws and policies
- Municipal Act
- Municipal Freedom of Information and Protection of Privacy Act
- Municipal Conflict of Interest Act
- Act as a facilitator in carrying out the procedures of the Drainage Act
- Provide advice and recommendations respecting process improvements to the City current Drainage processes. Improving the drain establishment and maintenance processes would include reviewing practices in other municipalities with similar drainage systems in Ontario to identify a set of best practices for adoption.
- Process improvements to be focused on the customer (landowner) with time and cost as key factors.

No individual member or the Board as a whole has the authority to make direct representations of the City to Federal or Provincial Governments.

Members shall abide by the rules outlined within the Municipal Conflict of Interest Act and shall disclose any pecuniary interest to the Secretary and absent himself or herself from meetings for the duration of the discussion and voting (if any) with respect to that matter.

The Board will abide by any terms and conditions which may be set out by the City's Council, CAO, City Clerk, City Solicitor, Auditor and/or Insurer for any activities relating to Board business in keeping with the Committee's Terms of Reference and established Policies.

Additional duties and responsibilities include:

Authority:

- a) Pursuant to the provisions of the City of Kawartha Lakes Act, the Board shall have all the powers and duties of Council under the Drainage Act, including the power to receive public input on matters where Council would otherwise be required to hold a hearing or afford an opportunity for the public to be heard
- b) Except as is otherwise hereinafter expressly set out, the Board has no power to pass by-laws or resolutions the effect of which would be to bind the municipal Council to either a course of action or expenditures

Petition for Drainage Works:

- a) The Board shall forthwith convene and review all petitions for Drainage Works filed with the City Clerk and shall make a recommendation to Council at a regularly scheduled meeting of Council as to whether the petition should proceed or not and, if it is recommended to proceed, further recommend the Engineer or Engineering firm to be appointed from the pre-approved list of qualified Engineers.
- b) In the event that there is no pre-approved list of qualified Engineers from which to recommend an Engineer, staff may recommend to the Board such other Engineer as it deems suitable, but in no circumstance is such a recommendation binding upon Council.

Engineer's Report:

In the event that an Engineer's report is prepared under either Section 4 or Section 78 of the Drainage Act, the Board shall receive and review the report and recommend to Council whether or not the report should proceed to a formal meeting of the Board for consideration of the report and establish a date and time for such consideration in its recommendation to Council which allows sufficient time for the Director of Engineering and Corporate Assets to receive the direction of Council and, if Council's resolution is to proceed, send out the notices required by Section 41 of the Drainage Act.

Consideration Meeting:

The Board shall hold the meeting required to consider the Engineer's report pursuant to Section 42 of the Drainage Act, including addressing the sufficiency of the petition, excepting that the Board has no power to authorize the Head of Council to sign the petition but may recommend to Council that it do so and shall recommend whether or not Council should adopt the report and pass the by-law provisionally.

Progress Reports:

The Director of Engineering and Corporate Assets, or designate, shall receive and review progress reports from the appointed Engineer and shall report to the Drainage Board at a scheduled meeting.

Engineer's Report Extension:

In the event the Engineer will be unable to complete the report within the time frame for completion provided by Section 39 of the Drainage Act and has requested an extension in writing to the Board, the Board shall so advise Council of that fact, the reasons why and provide Council with a recommendation with respect to whether or not to extend the time for the filing of such report and recommended period of time for the extension.

Court of Revision:

3 members of the Drainage Board (Section 97(1) of the Drainage Act) shall sit as a Court of Revision to hear appeals on assessments in accordance with Section 52 to 56 of the Drainage Act. The Board shall appoint the Court of Revision at the first meeting of each term 3 members plus an alternate to serve in place of an absent member. If a position on the Court of Revision becomes vacant for any reason another member of the Drainage Board shall be appointed by the Board.

Notwithstanding the provisions of the Municipal Conflict of Interest Act, in no circumstances can a member of the Board who may wish to exercise the right of appeal of the Court of Revision to the Tribunal sit as a member of the Court of Revision. A member of the Board who may wish to appeal the decision of the Court of Revision to the Tribunal shall withdraw from the deliberations of the Court of Revision or else forfeit the right of appeal. In the event that more than two members declare a pecuniary interest, the Board shall appoint another member to achieve the 3 member Court of Revision.

Drain Construction:

The Director of Engineering and Corporate Assets, or designate shall receive and review the tenders for construction of the Drainage Works in accordance with the City's procurement policy.

The Drainage Superintendent be required to assist and monitor the progress of new drain construction and bring updates back to the Drainage Board for their information.

Municipal Drains:

In all instances not otherwise provided for, issues related to the cost, repair, improvement or abandonment of a municipal drain shall be directed to Council which may seek the advice and recommendations of the Board if it so chooses, bearing in mind the special knowledge, ability and expertise of the members of the Board. The Board's purpose, intent and function are otherwise hereby confirmed and intended to be advisory only, with the exception of the role of Court Revision.

Activities:

The following represent the general activities of the Board:

- a) To review the existing policies, procedures and operating processes for establishing and maintaining municipal drains and the outlet of tile drains relative to the Drainage Act and other legislative mechanisms and recommend strategies and improvements for consideration
- b) To facilitate a public forum through regular meetings for Council, City Staff, development stakeholders and the public to provide input to comments respecting the Drainage installation and maintenance processes.

- c) The Drainage Board and the Drainage Superintendent will consult with the Communications, Advertising and Marketing division to develop new and improved communication and public education processes.

Composition:

The Board shall be comprised of a maximum of 7 members consisting of up to 5 members of the public and 2 Council representative(s) all of whom will have full authority to debate and vote. The Committee/Board shall consist of a minimum of 3 members. Board members will be appointed by Council in accordance with established policy.

The following persons do not qualify for membership on the Board:

- a) Full or part-time employees of the City;
- b) Non-residents of the City of Kawartha Lakes
- c) Persons under the age of eighteen 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.

Appointment of Officers:

The Board shall, at its first meeting in each year, elect from its membership a Chair, and Vice-Chair. It is acknowledged that there are no per diems for any Board positions and it is acknowledged that none of the above positions shall be paid for their services. All Board members are considered volunteer positions.

Term of Appointment:

Unless exempted by legislation, members will be appointed for the full term of Council. Members shall continue to serve beyond the end of their term until the appointments of their successors have been approved by Council.

Resources:

The Engineering and Corporate Assets Department will provide support in the form of advice, day-to-day liaison with the City, updates on program and promotional ideas and initial assistance in their implementation to the

degree resources are available. The Engineering and Corporate Assets Department will also assist in the preparation and submission of budget recommendations/grant submissions, if needed and attend meetings of the Board.

The City Clerk, or alternate, shall be designated as Recording Secretary by the Engineering and Corporate Assets Department. The Recording Secretary shall prepare and publish agendas; attend all formal business Board Meetings for the purpose of taking Minutes; and prepare and publish minutes in an accessible format acceptable to the City Clerk's Office.

The Recording Secretary shall ensure that a current Terms of Reference for the Board has been provided to the City Clerk's Office and is posted on the City website.

The Supervisor, Technical Services, for the Department of Engineering and Corporate Assets, or alternate, shall provide technical support, but will not constitute a voting member and shall not be counted when quorum is considered.

Timing of Meetings:

Meetings will be held on a set day and time as may be determined by the Board or at the call of the Chair.

Location of Meetings:

The location of the meetings will be set by the Board and must be held in an accessible City facility.

Meetings:

The Board shall hold a meetings as required in each calendar year to report on municipal drain work programs. The Chair, through the Engineering and Corporate Assets Department, shall cause notice of the meetings, including the agenda for the meetings, to be provided to members of the Board and posted to the City website a minimum of six (6) business days prior to the date of each meeting through the Recording Secretary. Quorum for meetings shall consist of a majority of the members of the Board. No meeting shall proceed without quorum.

Procedures:

Procedures for the formal business meetings of the Board shall be governed by the City's Procedural By-law and Legislation or, where both of these are silent, by Robert's Rules of Order.

Council approves the delegation of responsibilities assigned to the City Clerk under the Drainage Act to the Director of Engineering and Corporate Assets where the City Clerk has provided such delegation in writing in accordance with Section 228 (4) of the Municipal Act.

Closed Meetings:

The Board 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 subject matter allowed to be discussed in a closed session under the Municipal Act.

If the Board elects to hold a closed session, all persons not entitled to vote (with the exception of the staff liaison and visiting members of Council, if any, and all persons excepted by the members) shall vacate the premises where the meeting is taking place. Closed session meetings can only be held in accordance with Section 239 of the Municipal Act. Prior to the commencement of the closed session, a resolution shall be passed stating the general nature of the matter to be discussed and what section of the Municipal Act applies.

Agendas and Minutes:

A copy of the Agenda shall be provided to the City Clerk's office at the same time it is provided to Board Members. The City Clerk's office will distribute the agenda to Council members as per established procedures.

Minutes of all formal business meetings and notes from working meetings of the Board shall be forwarded to the Engineering and Corporate Assets Department, and to the City Clerk's Office, not later than two weeks after the meeting. Action items requested of staff and/or Council will be brought to the attention of the Engineering and Corporate Assets Department at that time. The City Clerk's Office will electronically circulate the formal business meeting minutes to all members of Council for their information. The City Clerk's Office will maintain a set of printed minutes on file for public review.

The Recording Secretary shall ensure that all Board Agendas and Minutes are posted to the City website at the same times as they are circulated to the City Clerk's Office.

Reports:

If there are recommendations of the City of Kawartha Lakes Drainage Board that fall outside of this report, they are to be forwarded to Council, through the Engineering and Corporate Assets Department in a formal written report on the City report template. It will be the responsibility of the Board Chair to provide a memo to the Engineering and Corporate Assets Department identifying the Board recommendations for final preparation of the report.

Purchasing Policy:

The City of Kawartha Lakes Drainage Board shall follow the Procurement Policy of the City unless another policy has been endorsed for the City of Kawartha Lakes Drainage Board by Council.

Insurance:

The City of Kawartha Lakes' General Liability Policy and Errors and Omissions Liability Policy will extend to this Board and its members. The applicable insurance policies extend to Board members while in the performance of his/her duties and to those activities authorized by the City of Kawartha Lakes and Council. Members must adhere to the policies and procedures of the City of Kawartha Lakes and Council, including the Terms of Reference.

The Board must provide, via the Engineering and Corporate Assets Department an annual updated listing of all members, including member positions, to the City of Kawartha Lakes to ensure the applicable insurance coverage remains in force.

Board members are not entitled to any benefits normally provided by the Corporation of the City of Kawartha Lakes, including those provided by the Workplace Safety and Insurance Board of Ontario ("WSIB") and are responsible for their own medical, disability or health insurance coverage.

Expulsion of Member:

Any member of the Board who misses three consecutive formal business meetings, without being excused by the Board, may be removed from the Board in accordance with adopted policy.

Any member of the Board may be removed from the Board at the discretion of Council for reasons including, 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 or the Code of Conduct for Board Members; disrupting the work of the Board; or other legal issues. The process for expulsion of a Board member is outlined in the City's **Council Committee, Board and Task Force Policy**.

Terms of Reference:

The Recording Secretary shall ensure that a current Terms of Reference for the Board has been provided to the City Clerk's Office and is posted on the City website.

Any responsibilities not clearly identified within these Terms of Reference shall be the responsibility of the City of Kawartha Lakes. Council may, at its discretion, change the Terms of Reference for this Board at any time. Any changes proposed to these Terms of Reference by the Board shall be recommended to Council via the Engineering and Corporate Assets Department through a report to Council.

At the discretion of Council the Board may be dissolved by resolution of Council.

Courts of Revision

Court of revision

97 (1) Subject to subsections (3), (4) and (5), a court of revision shall consist of three or five members appointed by the council of the initiating municipality and such members other than members of the council may be paid such remuneration and expenses as the council may by by-law provide. R.S.O. 1990, c. D.17, s. 97 (1).

Qualification

(2) Every such member shall be a person eligible to be elected a member of council or shall be a member of council. R.S.O. 1990, c. D.17, s. 97 (2).

Where more than one municipality

(3) Where the lands assessed for the drainage works extend from the initiating municipality into a neighbouring municipality, the court of revision shall consist of two members appointed by the council of the initiating municipality, of whom one shall be chair and one member appointed by the council of each of the neighbouring municipalities and the court shall hear and rule on appeals as if the entire area affected by the drainage works were in one municipality. R.S.O. 1990, c. D.17, s. 97 (3).

Quorum

(4) A majority of the members of the court of revision shall constitute and, despite the decision of any court, shall be deemed always to have constituted a quorum. R.S.O. 1990, c. D.17, s. 97 (4).

Jurisdiction and powers of quorum

(5) A quorum of the court of revision is sufficient and, despite the decision of any court, shall be deemed always to have been sufficient to exercise all of the jurisdiction and powers of the court of revision. R.S.O. 1990, c. D.17, s. 97 (5).

**Court of Revision – The Court of Revision hears appeals on
assessments – the portion of the cost of a proposed
drainage work to be collected, as taxes, from the landowner**
