



THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF THE CAO

Mission Statement: As stewards of the Town of Amherstburg, we strive to improve the quality of life of all residents through the delivery of effective, efficient, and affordable services.

Author's Name: Kevin Fox	Report Date: May 7, 2024
Author's Phone: 519 736 0012 ext. 2272	Date to Council: May 13, 2024
Author's E-mail: kfox@amherstburg.ca	Resolution #:

To: Mayor and Members of Town Council

Subject: Motion from Amherstburg Accessibility Advisory Committee
Regarding Funding Source for Downtown Sidewalk Repairs

1. RECOMMENDATION:

It is recommended that:

1. In accordance with the Administrative Report of May 13, 2024, the Amherstburg Accessibility Advisory Committee recommendation regarding reconsideration of the funding source for sidewalk rehabilitation work **BE RECEIVED**.

2. BACKGROUND:

The Accessibility for Ontarians with Disabilities Act (AODA) has the stated purpose of benefiting all Ontarians by developing, implementing and enforcing accessibility standards.

AODA Compliance Reserve Fund was introduced in 2017 as an annual contribution to the reserves of the Town of Amherstburg for municipal building and infrastructure improvements to eliminate barriers with regards to accessibility.

The Town of Amherstburg adopted a Multi-Year Accessibility Plan in 2021 which sets objectives, targets and standards with regards to removing or reducing barriers that may be encountered and ensuring the provision of equitable access to goods and services to all residents.

As part of the associated strategy tied to this Multi-Year Accessibility Plan the Town engages in annual public consultations designed to solicit feedback on accessibility.

The public consultation undertaken as part of the Multi-Year Accessibility Plan revealed that only 36% of respondents felt that Town sidewalks met their accessibility needs, while 44% responded felt that they did not (20% neither agreed, nor disagreed). Specific reference to the challenges encountered in the downtown core and regarding sidewalks impacted by tree roots have been noted during every Town wide public consultation regarding accessibility.

On January 29, 2024, Administration identified the need to rehabilitate the sections of the sidewalk within the downtown core. In seeking to perform the associated works, Administration recommended utilizing funds accrued within the Accessibility Compliance Reserve Fund which are intended for repairs and improvements designed to reduce or remove barriers and promote greater access to public spaces, goods and services.

Council moved the following recommendation:

That:

1. Administration **BE DIRECTED** to prepare a tender for works associated with the sidewalk repairs in the downtown core as noted in the report of January 29, 2024 with a budget not to exceed \$31,000 (excluding HST);
2. Administration **BE DIRECTED** to consult with its advisory committees on the proposed works in the following manner:
 - a. Heritage Committee – Regarding Historic Interlocking Brick Sidewalks
 - b. Environmental Advisory Committee – Regarding Carolingian Species
 - c. Accessibility Advisory Committee – Regarding Barrier Free Routes of Travel
 - d. Economic Development Advisory Committee – Regarding Streetscape Beautification
3. A transfer not to exceed \$31,000 (excluding HST) from the AODA Compliance Reserve Fund **BE AUTHORIZED** to perform works associated with the noted sidewalk repairs within the downtown core.

On April 10, 2024, the Amherstburg Accessibility Advisory Committee considered and supported this initiative by way of the following motion:

That:

1. The proposal for the maintenance of the barrier free route of travel within the repaired corridor of Richmond **BE ENDORSED** by the Amherstburg Accessibility Advisory Committee; and,
2. A reconsideration of the funding source for reduction and reassignment, by 50 percent, **BE CONSIDERED** by Council.

3. DISCUSSION:

During deliberation of this matter, the Amherstburg Accessibility Advisory Committee discussed the rationale provided for the reconsideration of the funding source as follows:

1. If the funding source were changed to only fund this project in part, with funding being identified from another source, then the unused portion of the associated

funds in the AODA Compliance Reserve Fund would remain available to undertake additional activities.

2. While the works did address a noted accessibility concern, the repairs would also have additional impacts on other considerations and therefore the funding should be derived from other areas that stand to benefit from the rehabilitation of the sidewalks, such as with regards to risk management activities.

In consideration of the Administrative recommendation behind the funding source to be applied for a given proposal, Administration considers such elements, not limited to, but including:

1. The type of reserve and the type of expenditure to ensure that we are following the council direction and terms set out in the creation of the reserve funds and alignment with same;
2. The current balance of the reserve fund and are they at risk for long-term plans; and,
3. The future approved commitments based on the operating budget, capital budgets, or council resolutions.

The Administrative recommendation to utilize the AODA Compliance Reserve Fund is in alignment with the council direction that has been provided for the creation of the reserve funds. The current balance of the reserve fund is sufficient to undertake the works, and is also contributing to other activities designed to ensure compliance with legislative requirements and to remove or reduce barriers in the provision of goods or services.

While projects may have many rationalizations for being undertaken the funding that is provided is subject to the reserves which are established to address such concerns. In having noted that rehabilitation of sidewalks may impact whether the town encounters risk and liability, no such reserve has yet been established by Council to proactively address liability and prevent further cost from arising in relation to claims and future insurance expenses.

Should Council proceed to act upon the request from the Accessibility Advisory Committee, a Member on the prevailing side of the original motion would need to move, and another such Member would need to second, the reconsideration of the above noted motion of Council and its associated Council Resolution. Should such reconsideration be successful, the motion would be placed back on the floor and would be open for deliberation. It is debatable whether such a motion would be permissible though, as portions of the original motion which would be the subject of the reconsideration have already been acted upon, and as such, are not open to be reconsidered. The reconsideration of the funding source would need to be considered outside of the reconsideration on the consultation and/or whether the works should be undertaken. A less procedurally fraught motion would be to cause \$16,000 worth of funding to be redirected to the AODA Compliance Reserve fund, from another funding source to offset the associated costs. That said, such a motion is not recommended by Administration as funding this \$16,000 from another reserve creates a need to identify \$16,000 of unbudgeted and unplanned expense which may have adverse impacts on other projects.

4. RISK ANALYSIS:

The Council direction provided for the establishment of reserve accounts and provides the framework for how funding is to be aligned. While individual deviations from the established process may be manageable with existing funds, there is a risk that the cumulative impact of associated decisions will erode the financial position of the Town and other service delivery objectives. While such considerations represent a risk in relation to patterns of repeated behaviour, there is also the impact that changes in direction from Council can have on the interpretation and understanding of the funding source considerations provided to Administration.

5. FINANCIAL MATTERS:

Council approved a 5-year balanced Capital Budget which includes the use of reserves as identified for each project. Changing the funding source on this initiative will have a \$16,000 impact on another initiative although an equal and opposite impact would be effected to the AODA Compliance Reserve Fund. This project was approved outside of that process and as such the alignment of the AODA reserve funds met the needs and did not require a realignment of project funding.

The AODA Compliance Reserve fund has annual funding provided specifically to target such initiatives which is renewed in each budget cycle to enable available funding when such projects are proposed. Utilizing the AODA Compliance Reserve Fund for this project will not impact any other planned projects or initiatives as existing funding is adequate for proposed activities.

6. CONSULTATIONS:

Valerie Critchley, Chief Administrative Officer
Melissa Osborne, Deputy CAO/Director of Development Services
Tracy Prince, Chief Financial Officer/Director of Corporate Services/Treasurer

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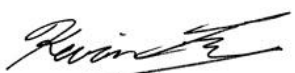
7. CORPORATE STRATEGIC ALIGNMENT:

Vision: Preserving our past while forging our future.

Amherstburg Community Strategic Plan 2022 - 2026	
<p style="text-align: center;">PILLAR 1 Deliver Trusted & Accountable Local Government</p> <ul style="list-style-type: none"> <input type="checkbox"/> Improve trust between council and staff, and residents, by strengthening governance and internal accountability structures. ✓ Deliver transparent and efficient financial management. <input type="checkbox"/> Increase effective communication and engagement with residents. <input type="checkbox"/> Develop our staff team, resources, and workplace culture. <input type="checkbox"/> Continue to deliver strong core municipal services. ✓ Ensure Amherstburg is an inclusive accessible and welcoming community committed to reconciliation. 	<p style="text-align: center;">PILLAR 3 Encourage Local Economic Prosperity</p> <ul style="list-style-type: none"> ✓ Encourage development of commercial and industrial lands. ✓ Continue to promote local tourism industry, especially overnight accommodation. ✓ Continue to facilitate downtown development for residents and visitors. <input type="checkbox"/> Continue to leverage partnership opportunities with other provincial, federal, and local governments, agencies, and organizations.
<p style="text-align: center;">PILLAR 2 Invest in Community Amenities and Infrastructure</p> <ul style="list-style-type: none"> ✓ Maintain safe, reliable and accessible municipal infrastructure and facilities. <input type="checkbox"/> Increase access to recreation opportunities for all ages. <input type="checkbox"/> Finalize and execute plans for town-owned lands (e.g. Duffy’s site, Belle Vue) <input type="checkbox"/> Create public access to water and waterfront <input type="checkbox"/> Prioritize opportunities to reduce environmental impacts of Town operations and increase Town resilience to climate change. 	<p style="text-align: center;">PILLAR 4 Shape Growth Aligned with Local Identity</p> <ul style="list-style-type: none"> <input type="checkbox"/> Define and communicate a vision for the Town’s future and identity. <input type="checkbox"/> Promote and plan for green and “climate change ready” development. <input type="checkbox"/> Review and implement policies that promote greater access to diverse housing. <input type="checkbox"/> Protect the Town’s historic sites and heritage. <input type="checkbox"/> Preserve the Town’s greenspaces, agricultural lands, and natural environment.

8. CONCLUSION:

Administration recommends that the Amherstburg Accessibility Advisory Committee recommendation regarding reconsideration of the funding source for sidewalk rehabilitation efforts be received.



 Kevin Fox

Clerk / Risk Manager

Report Approval Details

Document Title:	Motion from Amherstburg Accessibility Advisory Committee Regarding Funding Source for Downtown Sidewalk Repairs.docx
Attachments:	
Final Approval Date:	May 10, 2024

This report and all of its attachments were approved and signed as outlined below:



Tracy Prince

**No Signature - Task assigned to Valerie Critchley was completed by assistant
Melissa Osborne**

Valerie Critchley

**No Signature - Task assigned to Kevin Fox was completed by workflow
administrator Sarah Sabihuddin**

Kevin Fox