

TO:	CHAIR AND MEMBERS COMMUNITY AND PROTECTIVE SERVICES COMMITTEE MEETING ON JUNE 18, 2018
FROM:	CATHY SAUNDERS CITY CLERK
SUBJECT	REQUESTED AMENDMENTS TO THE TERMS OF REFERENCE FOR THE ACCESSIBILITY ADVISORY COMMITTEE

RECOMMENDATION

That, on the recommendation of the City Clerk, with the concurrence of the Specialist I, Municipal Policy (AODA), the attached proposed revised Terms of Reference (Appendix "B") for the Accessibility Advisory Committee BE APPROVED.

PREVIOUS REPORTS PERTINENT TO THIS MATTER

None.

BACKGROUND

On March 1, 2016 Municipal Council resolved:

- "b) the following matters with respect to the Terms of Reference for the Accessibility Advisory Committee (ACCAC) BE REFERRED to the City Clerk to review and report back to a future meeting of the Community and Protective Services Committee with a recommendation with respect to the proposed changes being recommended by the ACCAC to the Committee's Terms of Reference:
 - i) the Municipal Council BE ADVISED that the ACCAC supports the attached revised proposed amendment to its Terms of Reference; and
 - ii) the City Clerk BE DIRECTED to amend the ACCAC Terms of Reference in accordance with the amendments noted in part b)i);".

Attached as Appendix "A" to this report, is a summary of the proposed revisions to the above-noted Terms of Reference as recommended by the Accessibility Advisory Committee (ACCAC), and staff's response to ACCAC's proposed revisions.

The attached Appendix "B" is the draft proposed revised Terms of Reference which incorporates those recommended changes from the ACCAC that are supported by staff.

CONCURRED BY:	PREPARED AND RECOMMENDED BY:
CHANTEL DA SILVA SPECIALIST I, MUNICIPAL POLICY (AODA)	CATHY SAUNDERS CITY CLERK

APPENDIX "A"

Summary of Accessibility Advisory Committee Proposed Changes to Terms of Reference and Staff Response

Role

ACCAC proposed to remove the following words: "While it is the legislative mandate of the Municipal Council to make the final decisions on all matters that affect the Municipality"

Staff Response

This proposed change is not recommended. This wording is contained in the Municipal Council's "General Policy for Advisory Committees" and applies to all Advisory Committees. The purpose of the sentence is to clarify the role of Advisory Committees in a consistent manner. Every Advisory Committee has this statement in their terms of reference.

Definitions

ACCAC proposed to change legislation reference from *Ontarians With Disabilities Act, 2001 (ODA 2001)* to *Accessibility for Ontarians with Disabilities Act (AODA 2005)*.

Staff Response

Staff recommends maintaining the reference to the *Ontarians with Disabilities Act, 2001 (ODA 2001)* until such a time it is fully repealed and also recommends including the proposal from ACCAC to reference the *Accessibility for Ontarians with Disabilities Act, 2005 (AODA 2005)* and regulations.

Mandate

ACCAC proposed to change the paragraph below to read as follows:

"The mandate of the Accessibility Advisory Committee (ACCAC) is to develop an awareness and understanding of issues and concerns of all citizens of the City of London, including persons with disabilities to identify, prevent and remove barriers with the goal to improving the quality of life for those with disabilities

The Accessibility Advisory Committee reports to Municipal Council, through the Community and Protective Services Committee. The Accessibility Advisory Committee is responsible for the following:"

Staff Response

Staff recommends maintaining the current Mandate wording, with some modifications in response to the recommendation of the ACCAC and accepts the correction of the Standing Committee name to the Community and Protective Services Committee. The *Accessibility for Ontarians with Disabilities Act (AODA 2005)*, specifically O. Reg. 191/11, sets out the duties and matters that municipalities must consult their Accessibility Advisory Committees on. The wording below is recommended by staff:

"The Accessibility Advisory Committee (ACCAC) shall advise and assist "the organizations" in promoting and facilitating a barrier-free London for citizens of all abilities (universal accessibility). This aim shall be achieved through the review of municipal policies, programs and services, which may include the development of means by which an awareness and understanding of matters of concern can be brought forward and the identification, removal and prevention of barriers faced by persons with disabilities, and any other functions prescribed under the *Ontarians with Disabilities Act, 2001 (ODA 2001)*, *Accessibility for Ontarians with Disabilities Act, 2005 (AODA 2005)* and regulations.

The Accessibility Advisory Committee reports to Municipal Council, through the Community and Protective Services Committee. The Accessibility Advisory Committee is responsible for the following:"

Duties

ACCAC proposed change to legislation reference from *Ontarians With Disabilities Act, 2001 (ODA 2001)* to *Accessibility for Ontarians with Disabilities Act (AODA 2005)* and update the required duties associated with the Act.

Staff Response

Staff supports the suggested amendment and recommends that the Terms of Reference be amended to reflect the change to *Accessibility for Ontarians with Disabilities Act, 2005 (AODA 2005)* and regulations. The section of the *Ontarians with Disabilities Act, 2001 (ODA 2001)* that historically prescribed the duties of the municipal Accessibility Advisory Committee was repealed in 2015 as those requirements were adopted by the *Accessibility for Ontarians with Disabilities Act, 2005*, Part VII section 29. The Duties section has been updated to include the role of consulting on specific matters as prescribed under the *Accessibility for Ontarians with Disabilities Act, 2005 (AODA 2005)*.

Duties

ACCAC proposed to remove the following section from the “Duties” listed in the Terms of Reference:

- “(a) participating in the annual development and/or refinement of “the organizations” Accessibility Plan(s) which are intended to improve the quality of life for all Londoners, including persons with disabilities;”

Staff Response

Staff does not support the removal of section (a) from the list of “Duties” as this is a legislative role of the Accessibility Advisory Committee. Staff is however supportive of the following modified wording:

- “(a) participating in the development and/or refinement of the City of London’s Multi-Year Accessibility Plan, which outlines the City of London’s strategy to prevent and remove barriers for persons with disabilities;”

Duties

ACCAC proposed change to add the following additional duty:

“advise Council on transportation issues, including conventional transit, specialized transit (Para-Transit) and taxi services related to measures to enable barrier-free access for persons with disabilities;”

Staff Response

Staff believes that the above-noted proposal is currently contained in the Terms of Reference under section (h) under “Other Duties”. Section (h) reads as follows:

- “(h) advising “the organizations” on universal transportation issues and how to enable barrier-free access for persons with disabilities. Issues related to universally accessible forms of transportation, conventional transit and taxi services, specialized services such as Para-transit, sidewalk design (curb cuts), traffic signalization, etc. shall be considered;”

Duties

ACCAC proposed change to add the following additional duty:

“may advise council on any issues which relate to the prevention or risk reduction of acquired disabilities;”

Staff Response

Staff does not support the proposed additional duty related to “prevention or risk prevention of acquired disabilities as the legislation does not set this out as the role of the Accessibility Advisory Committee. This would not however restrict Municipal Council for seeking advice on a specific matter should they wish to do so.

Composition

ACCAC proposed to change the paragraph below to read as follows:

Voting Members

- “a majority of the members (minimum 7) shall be persons with disabilities. The Committee members shall be representative of gender, ethnicity and different types of visible and invisible disabilities wherever possible; and noted in the "ODA 2001" such as persons with physical (visual, speech, hearing, deaf, brain injury, use of a wheelchair); cognitive (intellectual impairments); perceptual (learning disability) and mental health disabilities; and”

Staff Response

Staff recommends deleting any references to specific types of disabilities as the definition of ‘disability’ is provided within the Terms of Reference. This definition is consistent with the AODA and *Ontario Human Rights Code*.

Staff is supportive of the following modified wording:

“a majority of the members (minimum of 7) shall be persons with disabilities as required under the *Accessibility for Ontarians with Disabilities Act, 2005 (AODA 2005)*. The Committee members shall be representative of gender, ethnicity and diverse types of disabilities, wherever possible.”

Non-Voting Resource Group

ACCAC proposed updating *Ontarians with Disabilities Act (ODA) Regional Committee* to *Accessibility for Ontarians with Disabilities Act (AODA 2005) Regional Committee*

ACCAC proposed the removal of the following: One representative from the Association for the Elimination of Hate

ACCAC proposed the addition of the following: One representative from the Multicultural or New Comers to Canada sector

Staff Response

Staff is supportive of the above-noted proposed amendments.

Staff Resources at Sub-committees and Working Groups

ACCAC proposed the Terms of Reference be amended to provide for staff support at subcommittee meetings.

Staff Response

Staff is not supportive of this request. Sub-committees and Working Groups are not decision-making bodies, but rather provide recommendations to the Accessibility Advisory Committee for its consideration. As indicated in the “General Policy for Advisory Committees”, staff support is determined by the Managing Director, with the City Clerk’s Office providing support to the Accessibility Advisory Committee, not Sub-committees or Working Groups. Furthermore, there are not sufficient resources to do so.

APPENDIX "B"

Accessibility Advisory Committee Terms of Reference

Role

While it is the legislative mandate of the Municipal Council to make the final decision on all matters that affect the Municipality, the role of an advisory committee is to provide recommendations, advice and information to the Municipal Council on those specialized matters which relate to the purpose of the advisory committee, to facilitate public input to City Council on programs and ideas and to assist in enhancing the quality of life of the community, in keeping with the Municipal Council's Strategic Plan principles. Advisory committees shall conduct themselves in keeping with the policies set by the Municipal Council pertaining to advisory committees, and also in keeping with the Council Procedure By-law.

Definitions

"the organizations" refers to:

- the City of London and may refer to the City's Agencies, Boards and Commissions, to be determined subject to the *Ontarians with Disabilities Act, 2001* (ODA 2001) and the *Accessibility for Ontarians with Disabilities Act, 2005* (AODA 2005) and its regulations. It is intended that the Accessibility Advisory Committee shall advise comprehensively upon issues for a barrier-free London which may entail forwarding recommendations to the City's Agencies, Boards and Commissions and/or other outside organizations;

"barrier" means:

- anything that prevents a person with a disability from fully participating in all aspects of society because of his or her disability, including a physical barrier, an architectural barrier, an information or communication barrier, an attitudinal barrier, a technological barrier, a policy or a practice ("obstacle");

"disability" means:

- 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;
- a condition of mental impairment or a developmental disability;
- a learning disability, or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language;
- a mental disorder; or
- an injury or disability for which benefits were claimed or received under the insurance plan established under the *Workplace Safety and Insurance Act, 1997*; ("handicap").

Mandate

The Accessibility Advisory Committee (ACCAC) shall advise and assist "the organizations" in promoting and facilitating a barrier-free London for citizens of all abilities (universal accessibility). This aim shall be achieved through the review of municipal policies, programs and services, which may include the development of means by which an awareness and understanding of matters of concern can be brought forward and the identification, removal and prevention of barriers faced by persons with disabilities, and any other functions prescribed under the *Ontarians with Disabilities Act, 2001* (ODA 2001), *Accessibility for Ontarians with Disabilities Act, 2005* (AODA 2005) and regulations.

The Accessibility Advisory Committee reports to Municipal Council, through the Community and Protective Services Committee. The Accessibility Advisory Committee is responsible for the following:

Duties Required by the Accessibility for Ontarians with Disabilities Act, 2005 (AODA 2005)

- (a) participating in the development and/or refinement of the City of London's Multi-Year Accessibility Plan, which outlines the City of London's strategy to prevent and remove barriers for persons with disabilities;
- (b) advising the City of London on the implementation and effectiveness of the City's Multi-Year Accessibility Plan to ensure that it addresses the identification, removal and prevention of barriers to persons with disabilities in the City of London's by-laws, and all its policies, programs, practices and services;
- (c) selecting and reviewing in a timely manner the site plans and drawings for new development, described in section 41 of the *Planning Act*;
- (d) reviewing and monitoring existing and proposed procurement policies of the City of London the purpose of providing advice with respect to the accessibility for persons with disabilities to the goods or services being procured;
- (e) reviewing access for persons with disabilities to buildings, structures and premises (or parts thereof) that the City purchases, constructs, significantly renovates, leases, or funds for compliance with the City of London's Accessibility Design Standards (FADS);
- (f) Consulting on specific matters as prescribed under the Accessibility for Ontarians with Disabilities Act, 2005 (AODA 2005)

Other Duties

- (g) advising "the organizations" on issues and concerns (barriers) faced by persons with disabilities and the means by which "the organizations" may work towards the elimination of these barriers;
- (h) advising "the organizations" on universal transportation issues and how to enable barrier-free access for persons with disabilities. Issues related to universally accessible forms of transportation, conventional transit and taxi services, specialized services such as Para-transit, sidewalk design (curb cuts), traffic signalization, etc. shall be considered;
- (i) advising, consulting and reporting findings and recommendations to "the organizations" on matters related to the status of persons with disabilities. The Committee shall be informed on matters of government policy (municipal, provincial or federal) affecting persons with disabilities and shall inform "the organizations" about the impact of these policies on London;
- (j) annually reviewing and recommending changes to The City of London's Facility Accessibility Design Standards (FADS);
- (k) reviewing and making recommendations on barriers faced by persons with disabilities to existing facilities owned, leased, or operated (in full or part) by the City of London;
- (l) reviewing public works policies and standards (sidewalks, snow removal, etc.) and advising "the organizations" on the accessibility for persons with disabilities;
- (m) coordinating the immediate and ongoing dissemination of information in various formats to the disabled community, etc. and to the public at large regarding issues faced by persons with all types of disabilities and regarding the work undertaken by the Accessibility Advisory Committee; and
- (n) supporting, encouraging and being an ongoing resource to "the organizations", individuals, agencies and the business community by educating and building community awareness about measures (such as the availability of employment, leisure and educational choices) for improving the quality of life for persons with disabilities, through the removal of physical barriers, incorporation of universal design standards, and education to overcome attitudinal barriers to make London an accessible, livable City for all people.

Composition

Voting Members

A maximum of thirteen members consisting of:

- a majority of the members (minimum 7) shall be persons with disabilities as required under the *Accessibility for Ontarians with Disabilities Act, 2005 (AODA 2005)*. The Committee members shall be representative of gender, ethnicity and diverse types of disabilities wherever possible; and
- a maximum of six members who may have a disability:
 - one member (parent) representing children with disabilities; and
 - five members at large, interested in issues related to persons with disabilities

Non-Voting Resource Group

Members from each of the following specific sector organizations;

- Two representatives from the Boards of Education
- One representative from the *Accessibility for Ontarians with Disabilities Act, 2005* (AODA 2005) Regional Committee
- One representative from the Employment Sector
- One representative from the seniors' community of London
- One representative from the housing and development sector
- One Health Care or Wellness Practitioner
- One representative from the Multicultural or New Comers to Canada sector
- One representative from Mental Health Sector
- One Post-Secondary Student Representative

Staff Resources

- Policy Analyst
- Facilities Planning
- Environmental and Engineering Services Department
- Housing Division
- Purchasing Division
- Recreation Division
- Dearness Services
- Building Division

Sub-committees and Working Groups

The Advisory Committee may form sub-committees and working groups as may be necessary to address specific issues; it being noted that the City Clerk's office does not provide secretariat support to these groups. These sub-committees and working groups shall draw upon members from the Advisory Committee as well as outside resource members as deemed necessary. The Chair of a sub-committee and/or working group shall be a voting member of the Advisory Committee.

Term of Office

Appointments to advisory committees shall, in all but one case, be for a four-year term, commencing March 1 of the first year of a Council term and ending on February 28 or, in the case of a leap year, February 29 of the first year of the following Council term. In the case of the Non-Voting Post-Secondary Student Member, the term shall be for one year, commencing March 1 of each year and ending on February 28 or, in the case of a leap year, February 29 of the following year.

Appointment Policies

Appointments shall be in keeping with Council Policy. Non-voting Post-Secondary Student Members shall be cooperatively nominated by the Fanshawe Student Union and the University Students' Council, Western University.

Qualifications

Each voting member of the Committee is an independent representative to the Committee and does not represent the concerns of only one disability or group. The members of this Committee shall work together for the purpose of developing a common approach which is reasonable and practical.

Members shall be chosen for their special expertise, experience, dedication and commitment to the mandate of the Committee in promoting and facilitating a barrier-free London to persons of all abilities. Non-voting representatives from local resource groups shall be members or employees of the organization they represent. Non-voting Post-Secondary Students shall be current students at either Fanshawe College, Western University, Brescia University College, Huron University College or King's University College.

Conduct

The conduct of Advisory Committee members shall be in keeping with Council Policy.

Meetings

Meetings shall be once monthly at a date and time set by the City Clerk in consultation with the advisory committee. Length of meetings shall vary depending on the agenda. Meetings of working groups that have been formed by the Advisory Committee may meet at any time and at any location and are in addition to the regular meetings of the Advisory Committee.

Remuneration

Advisory committee members shall serve without remuneration.