



## **Accessibility Advisory Committee Terms of Reference**

### **Approved by Council on:**

**July 5, 2004**

(Revised July 4, 2006)

(Revised March 3, 2008)

(Revised March 30, 2015)

(Revised October 22, 2019)

## 1. Enabling Legislation

The Oakville Accessibility Advisory Committee is a legislated committee established to advise Town Council on accessibility initiatives to address requirements under the *Accessibility for Ontarians with Disabilities Act, 2005 (AODA)*.

In 2005, the Government of Ontario passed the *AODA*; its goal is to have an accessible Ontario by 2025. The *AODA* has five standards to help ensure people with disabilities can benefit from accessible:

- Customer service
- Information and communications
- Employment
- Transportation
- Public spaces

Each standard sets out requirements the Ontario government, municipalities, organizations and businesses must follow so persons with disabilities have opportunities to participate in everyday life.

## 2. Mandate

The mandate of the Oakville Accessibility Advisory Committee (AAC) is to provide advice to Town Council on accessibility initiatives to address requirements under the *Accessibility for Ontarians with Disabilities Act, 2005 (AODA)* in promoting accessibility for residents of all abilities.

### Goal

The goal of the AAC is to advise Town Council in identifying and eliminating barriers to people with disabilities about town programs, services, initiatives and facilities.

### Deliverables

The Accessibility Advisory Committee accomplishes its mandate and goal by:

- a) Providing feedback on the town's multi-year accessibility plan and annual updates on accessibility initiatives to comply with the requirements of the *AODA*
- b) Participating in consultation requirements under the *AODA*
- c) Providing feedback on select site plan applications as described in section 41 of the *Planning Act*, as determined by the town
- d) Creating an annual AAC work plan; working to meet the objectives and reporting annually to Council on the committee's achievements
- e) Promoting awareness of accessibility and inclusion
- f) Seeking support and guidance where necessary from town departments and other stakeholders

The Accessibility Advisory Committee is not responsible for the following:

- a) Accessibility issues related to private facilities or businesses.
- b) Administration or implementation of the requirements of the *AODA*.
- c) Administrative matters, including direction to staff.

### **Alignment with the town's strategic goals**

The committee's terms of reference aligns with the town's strategic goals:

1. to provide accessible programs and services
2. to be accountable in everything we do
3. to be highly valued and widely celebrated for the innovative and outstanding way we satisfy the needs of our residents, businesses and employees
4. to enhance our social environment
5. to treat everyone with respect
6. to be the most livable town in Canada

## **3. Type of Committee**

Legislated committee

The *AODA Section 29 (1)* states:

"The Council of every municipality having a population of not less than 10,000 shall establish an accessibility advisory committee or continue any such committee that was established before the day this section comes into force".

Section 29 (3) states:

"A majority of the members of the committee shall be persons with disabilities".

## **4. Membership, roles and responsibilities, qualifications**

### **Committee composition**

The AAC will be composed of seven members from the Oakville community, which includes one member of Council. A majority of the committee will be made up of persons with disabilities, in accordance with the *AODA*. Staff representatives support the committee, but do not form part of the committee.

The chair and vice-chair will be elected from among committee members at the first meeting, and will preside over meetings and committee business. Council representatives cannot serve as Chair or Vice-chair on the committee. In the absence of the Chair, the Vice-chair will chair the meeting. Where both the Chair and Vice-chair are absent, the committee will appoint a temporary acting chair on a majority consensus. The tenure for chair and vice-chair is limited to two consecutive years unless the committee determines otherwise with a unanimous vote of the members present.

Role	Members
Committee Chair	To be elected by committee members annually
Vice-chair	To be elected by committee members annually
Councillor(s)	1 Member of Council appointed by Council annually
Committee member(s)	6 Residents-at-large appointed by Council for the term of Council <i>Note: The AODA states the majority of members must be persons with disabilities</i>
Support staff (Non-voting members)	Council and Committee Services Coordinator, Clerk's Department Election and Special Projects Coordinator, Clerk's Department
Departmental representatives	Town staff as required Manager, Planning and Accessible Services, Transit; Manager, Urban Design, Planning Services; Supervisor, Strategic Initiatives, Strategy, Policy and Communications;

### Roles and responsibilities

- The AAC is an advisory committee to Town Council, not a decision-making body.
- The AAC is established by Council and reports to the Administrative Services Committee and Town Council.
- Written minutes including recommendations from the committee will be submitted to the Administrative Services Committee after each meeting for appropriate action/disposition.
- Any advice or recommendation that requires action or implementation by town staff must be approved by Town Council.

### Qualifications

- Must be a resident of the Town of Oakville;
- Represent all abilities with a focus on facilitating an accessible Oakville
- Awareness and knowledge of the AODA
- Awareness and knowledge of town operations
- Must not have been convicted of a criminal offence in which a pardon has not been granted.

### Working group(s)

A working group (a sub-group of the Accessibility Advisory Committee), may be created to assist in the research or review of a given item, such as site plan review and will provide a detailed report back to the Accessibility Advisory Committee. A working group is normally comprised of Accessibility Advisory Committee members, however, when required, volunteers may be called upon for their expertise to assist a working group by providing required information. The membership of a working group will not constitute a quorum of the committee. Working groups will operate by consensus and formal motions will not be required. Administrative support will not be available to working

groups and consequently, the preparation of agendas, minutes, and meeting requirements will be the responsibility of the working group, if required. Support staff will not be required to attend working group meetings.

### **Term**

Membership is to align with the term of Council. Committee members may be permitted to serve additional terms at the discretion of Council.

A member may resign from the committee at any time by advising of their intention in writing to the Town Clerk.

### **Interpretation**

Town staff will be responsible for interpreting and providing information on issues related to accessibility or other town information.

Clerk's department staff shall be responsible for interpreting and administering the rules associated with the committee's Terms of Reference and procedural matters.

The rules and regulations in these terms of reference will be observed in all proceedings of the AAC, and shall be the rules and regulations for the order and disposition of business. The Accessibility Advisory Committee cannot pass a motion to suspend the rules pertaining to this document. In all proceedings, the AAC will have regard for its Terms of Reference.

Procedural matters not governed by the provisions of these terms of reference will be governed by the Town of Oakville Procedure By-law (rules governing the procedure of Council).

## **5. Meeting Schedule**

The Accessibility Advisory Committee will hold quarterly meetings to address the mandate of the committee. Meetings will be held on the second Thursday of the designated month, unless determined otherwise by staff. The meetings will begin at 4 p.m. and end no later than 6 p.m.

Exceptions to this include:

- Summer months to recognize holiday and summer schedules as they relate to quorum requirements;
- During a municipal election, meetings may be cancelled in the last quarter of the year;
- Where quorum is not reached; and
- When circumstances warrant special consideration.

All meetings will be held at Oakville Town Hall, unless special circumstances warrant a temporary change of location.

All meetings shall be open to the public unless the subject matter being considered meets the requirements of the Town of Oakville Procedure By-law permitting a meeting or part of a meeting to be closed to the public.

Special meetings may be held to deal with a matter that has specific time constraints and cannot wait until a regularly scheduled meeting, with the consent of the Chair in conjunction with the staff representative and the Clerk's department. The only item of business at a special meeting shall be that for which the meeting was called.

Three or more consecutive cancellations of meetings will result in a report to Council for evaluation as to the committee's mandate and functionality.

### **Quorum**

Quorum will consist of a majority of the committee members.

The meeting will be called to order at the time fixed for the holding of the meeting or as soon thereafter as quorum is present. If there is no quorum present within 30 minutes of the scheduled time for the meeting, the meeting will stand adjourned until the date and time of the next regular meeting, and the names of those present shall be recorded by the clerk.

Where a member has resigned or has been removed from the committee, quorum will be adjusted temporarily to reflect the decrease in voting membership, and will return to regular quorum requirements when the vacancy is filled by Town Council.

## **6. Reporting requirements**

### **Minutes and Agendas**

- a) The Clerk's department will give notice of every meeting to staff representatives and committee members, and any relevant material will accompany the notice in the form of an agenda.
- b) The notice/agenda of a meeting shall be sent either by courier, mail, or electronically to the address of choice for each member so as to be received not later than 48 hours before the hour appointed for the meeting.
- c) The Clerk's department shall prepare an agenda as follows:
  - a. Regrets
  - b. Declaration of Pecuniary Interest
  - c. Confirmation of Minutes of Previous Meeting(s)
  - d. Discussion Item(s)
  - e. Information Item(s) (no delegations permitted)
  - f. Date and Time of Next Meeting
  - g. Adjournment

- d) An information item on an agenda or raised at a meeting is for the purpose of informing committee members of the matter only and if action or discussion is required, it shall be listed on a future agenda.

## **7. Budget and Resources**

Committees are not given a budget. Town Council may approve one-time expenditures to help the committee achieve its goals and objectives. Any budget requests should be identified in the town's annual operating budget.

Staff will provide advisory support to the committee including background information, resources and advice to assist the AAC in its role.

Staff will provide administrative support to the committee through taking minutes of meetings, distribution of agenda and general administrative coordination of meetings.

## **8. Code of Conduct**

The town is committed to fostering an environment where there is Respect for yourself; Respect for others; and Responsibility for your actions. All volunteers, delegates and staff will be guided by town policies and procedures including, but not limited to, the Employee Code of Conduct and Respectful Conduct Policy. These policies ensure that all volunteers, delegates and staff are treated with respect and dignity and can be found on oakville.ca.

### **Public communications from the committee**

When appearing before Town Council or a town standing committee on behalf of, or as a representative of the AAC, members will present the committee's official position on a particular matter. However, where a committee member appears before Town Council or a town standing committee and clearly indicates that they are appearing as an Oakville resident or on behalf of an organization and not in their capacity as a member of the AAC, they may present a position which is in their personal position or position of the organization they represent.

## **9. Declaration of Pecuniary Interest**

A member shall declare a direct or indirect pecuniary interest in accordance with the *Municipal Conflict of Interest Act*, and

- a. Prior to any consideration of the matter at a meeting, shall disclose the interest and the general nature thereof verbally and by filing a written statement of the interest with the Clerk at the meeting or as soon as possible afterwards;
- b. Shall not take part in the discussion of, or vote on any motion in respect of the matter;

- c. During or after the meeting, shall not attempt in any way to influence the voting on any such motion; and
- d. Shall be included in the minutes.

A copy of each written statement shall be kept in a registry which will be available for public inspection.

Where the interest of a member of the committee has not been disclosed as required above, by reason of his/her absence from the meeting the member shall disclose his/her interest at the first subsequent meeting thereafter.



## 10. Definitions

- a) **Barrier:** 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 communications barrier, an attitudinal barrier, a technological barrier, a policy or a practice (“obstacle”).
- b) **Delegation(s):** A person or group of persons permitted to address the committee, for a maximum of ten minutes, individually or on behalf of a group on a matter on the agenda for that meeting. Delegations are required to provide the clerk of the meeting with their name and address for the record.
- c) **Declaration of Pecuniary Interest:** a direct or indirect pecuniary (monetary) interest within the meaning of the *Municipal Conflict of Interest Act*.
- d) **Disability:**
  - i. 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,
  - ii. a condition of mental impairment or a developmental disability,
  - iii. a learning disability, or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language,
  - iv. a mental disorder, or
  - v. 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”)

## 11. Background

The Accessibility Advisory Committee is provided for under the AODA Section 29 which states:

“The Council of every municipality having a population of not less than 10,000 shall establish an accessibility advisory committee or continue any such committee that was established before the day this section comes into force.”

Section 29 (3) states:

A majority of the members of the committee shall be persons with disabilities.

**The Accessibility Advisory Committee is established by Resolution of Council, September 16, 2002.** The resolution states:

“That the establishment of an Accessibility Advisory Committee be authorized; and

That the Clerk’s Department be directed to advertise for seven (7) candidates to sit as members on the Accessibility Advisory Committee and to forward all applications to the Town of Oakville’s Striking Committee for consideration; and

That the Draft Terms of Reference for the Accessibility Advisory Committee be adopted in principle and the Accessibility Advisory Committee consider and finalize these Terms of Reference for ratification by Council”.

**The new Terms of Reference resulting from the Corporate Committee Rationalization Project were adopted by Council on July 5, 2004.**

The resolution states:

1. That the Terms of Reference for the following Advisory Committees attached as Appendices to the June 29, 2004 report of the Town Clerk, be approved:
  - a) Accessibility Advisory Committee

**The July 5, 2004, Accessibility Advisory Committee’s Terms of Reference were revised by Council on July 4, 2006 as follows:**

The resolution states:

“That the terms of reference for the Town’s Accessibility Advisory Committee, attached as Appendix A to the report from the Commissioner of Community Services dated June 14, 2006, be revised to address the following changes:

- a) Increasing the membership of the Committee from 8 to 11 members; and
- b) Increasing the number of times the Committee meets per year from quarterly to monthly.”

**The Accessibility Advisory Committee’s Terms of Reference were revised by Council on March 3, 2008, as follows:**

The resolution states, in part:

1. That Advisory Committee Terms of Reference be amended to delete the mandate for any agency representatives within the “Membership Composition” section and include the provision for such representation as criteria to be considered for qualifications of members as citizen appointments, effective January 1, 2009
2. That budget provisions not be included in any Advisory Committee Terms of Reference, recognizing that where funding may be required for a given project, such requests would be subject to Council’s approval on an individual basis
3. That the usual term of membership for Advisory Committees be extended to be no greater than four (4) years and that appointees to such Committees continue to be limited to serving a maximum to two (2) consecutive terms on any one Committee
4. That all Advisory Committee Terms of Reference, appended to the January 28, 2008 report of the Clerk’s Department be approved as amended to incorporate the staff recommendations as noted.”

**The Accessibility Advisory Committee’s Terms of Reference were revised by Council on August 30, 2010, as follows:**

That the citizen appointments to advisory committees and boards that are to expire in 2010 be extended “until their successors are appointed and not later than March 31, 2011” and that the term of all future citizen appointments include a proviso to enable the continuation of a term of appointment for no greater than 3 months into the year following an election year.

**The Accessibility Advisory Committee’s Terms of Reference were revised by Council on March 30, 2015, as follows:**

That the Terms of Reference for the Accessibility Advisory Committee attached as Appendix A to the staff report dated January 27, 2015, be approved. *(Note: This approval reduced the committee membership from 11 to 7 - Six citizens and one member of Council.)*

**The Accessibility Advisory Committee's Terms of Reference were revised by Council on September 24, 2018, as follows:**

That the meeting time be changed from 7 p.m. – 9 p.m. to 4 p.m. – 6 p.m. on the second Thursday of each month for the new term of the committee commencing in 2019.

**The Accessibility Advisory Committee's Terms of Reference were revised by Council on October 22, 2019, as recommended by the Administrative Services Committee of October 15, 2019, as follows: (in part)**

That the Terms of Reference for the Accessibility Advisory Committee (AAC) attached as Appendix A to the staff report dated September 30, 2019, be approved.