



Report: HRC-CIT-16-06

Region of Waterloo
Human Resources and Citizen Service
Citizen Service

To: Chair Sean Strickland and Members of the Administration and Finance Committee

Date: December 6, 2016 **File Code:** C05-40

Subject: Grand River Accessibility Advisory Committee Terms of Reference Update

Recommendation:

That the Regional Municipality of Waterloo approve the Terms of Reference for the Grand River Accessibility Advisory Committee (GRAAC) as amended, as outlined in Report HRC-CIT-16-06, dated December 6, 2016.

Summary:

The Grand River Accessibility Advisory Committee (GRAAC) was established by Regional Council on August 12, 2003, to meet the requirements of the *Ontarians with Disabilities Act, 2001* (ODA). This joint committee of seven area municipalities (The Region of Waterloo, the cities of Kitchener and Waterloo, and the townships of North Dumfries, Wellesley, Wilmot, and Woolwich) provides vision and direction to members of Council and staff as the participating municipalities develop plans to remove barriers and improve accessibility for people with disabilities.

The present report provides an update to the Terms of Reference for the committee. These updates are in response to legislative changes, to allow for community agency representation on the committee, and to provide clarity on committee roles.

Report:

GRAAC Terms of Reference

The current GRAAC Terms of Reference were approved by Regional Council on April

14, 2015. Within the Terms of Reference, the authority to establish the committee is granted by the *Ontarians with Disabilities Act, 2001* and the *Accessibility for Ontarians with Disabilities Act, 2005*. In December, 2015 sections of the *Ontarians with Disabilities Act, 2001* related to the establishment and mandate of municipal accessibility advisory committees were repealed by the Province of Ontario, as such authority and mandate are duplicated in the AODA. The revised GRAAC Terms of Reference updates all references to the legislative authority for the committee.

The proposed Terms of Reference also includes an update to the Committee Size and Composition, allowing for staff representatives of community agencies to serve as members on the committee. Certain disability areas are consistently under-represented on the committee, such as members with experience with mental health disabilities. The inclusion of agency representation can allow the committee to recruit for agencies that serve people with disabilities that are under-represented. Applications from agencies will be reviewed and accepted based on the agency's merit to represent persons with disabilities. The agency will be appointed to the committee for a 4-year term, eligible for one renewal, as with any membership appointee. However, the agency may determine who from their organization may represent them on GRAAC. This provides flexibility for the agency, in the event of any agency staffing changes that may arise, while providing an end date to the commitment of serving on GRAAC. It is expected that this change will strengthen the committee's ability to serve people with a wide range of disabilities.

Additional updates to the Terms of Reference provide clarity on the role of municipal staff advisors to the committee and outlines the committee's decision making limitations when the committee does not have quorum.

These revised Terms of Reference were drafted collaboratively with staff from the cities of Kitchener and Waterloo, and the townships of North Dumfries, Wellesley, Wilmot, and Woolwich. The draft Terms of Reference were provided to the Grand River Accessibility Advisory Committee on November 24, 2016, for comment.

Appendix A of this report contains a final proposed version of the revised Terms of Reference.

Corporate Strategic Plan:

Establishment of the Grand River Accessibility Advisory Committee is a requirement under the *Accessibility for Ontarians with Disabilities Act, 2005*. Having an accessibility advisory committee supports the Corporate Strategic Plan Focus Area 5: Responsive and engaging government services; Objective 5.2: Provide excellent citizen-centred services.

Financial Implications:

Nil

Other Department Consultations/Concurrence:

Nil

Attachments

Appendix A: Grand River Accessibility Advisory Committee Terms of Reference

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Appendix A: Grand River Accessibility Advisory Committee Terms of Reference

Name of Committee

The Committee shall be known as the Grand River Accessibility Advisory Committee or "GRAAC".

Legislated Definitions

"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 communications barrier, an attitudinal barrier, a technological barrier, a policy or practice; ("obstacle").

"Councils" means the elected councils of the participating municipalities.

"Disability" means,

- (a) 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,
- (b) a condition of mental impairment or a developmental disability,
- (c) a learning disability, or a dysfunction in one or more of the processes, involved in understanding or using symbols or spoken language,
- (d) a mental disorder, or
- (e) 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").

"Legislation" means the *Ontarians with Disabilities Act, 2001*, as amended or the *Accessibility for Ontarians with Disabilities Act, 2005*, as amended, as applicable.

"Participating Municipalities" means the municipalities listed in Section 15 of these terms of reference.

Purpose of Provincial Legislation

The purpose of the Province of Ontario's accessibility Legislation is to improve opportunities for persons with disabilities and to provide for their involvement in the identification, removal and prevention of barriers to their full participation in the life of the Province.

Mission Statement of the Grand River Accessibility Advisory Committee

The Grand River Accessibility Advisory Committee shall assist the participating municipalities in fulfilling the purpose of the Legislation by providing vision and advice in regards to the identification, prevention, and removal of barriers.

Mandate

- 1.1 The authority to establish the Grand River Accessibility Advisory Committee exists under the provisions of the Legislation.
- 1.2 The Grand River Accessibility Advisory Committee shall operate in accordance with the procedures set out in this document.
- 1.3 The Grand River Accessibility Advisory Committee is the advisory committee to participating municipalities for fulfilling the purpose of the Legislation.

Legislated Duties and Functions

In fulfilling the purpose of the Legislation, the Grand River Accessibility Advisory Committee shall:

- 1.4 Advise Councils, as required by legislation, regarding the preparation, implementation and effectiveness of the accessibility plans of the participating municipalities.
- 1.5 Advise participating municipalities on the accessibility of buildings, structures or premises, or part of a building, structure or premise, that the municipalities lease, purchase, construct or significantly renovate.
- 1.6 Review in a timely manner and advise participating municipalities on the accessibility of site plans and drawings described in Section 41 of the Planning Act that the Grand River Accessibility Advisory Committee selects, having regard to the approved barrier-free best practices of the participating municipalities.
- 1.7 Perform other functions specified in the Legislation and any associated regulations.

Other Duties

The Grand River Accessibility Advisory Committee may undertake the following duties provided that the legislated duties and functions set out in Section 6 are being addressed to meet statutory requirements:

- 1.8 Review matters provided for review from participating municipalities and respond with advice as appropriate.
- 1.9 Consult with persons with disabilities, community groups and organizations representing persons with disabilities in order to capture and communicate emerging issues to participating municipalities.
- 1.10 Refer issues and make recommendations or suggestions for action to appropriate groups, agencies, committees and organizations in the community to address barriers that affect persons with disabilities.
- 1.11 Provide advice to participating municipalities on ways to address issues for the inclusion of persons with disabilities relating to the provision of the services provided by the participating municipalities.
- 1.12 Provide advice to participating municipalities with respect to government directives and regulations relating to the status of persons with disabilities including regulations for the Legislation.
- 1.13 Provide advice on existing and proposed procurement processes of the participating municipalities with respect to the purchase of goods or services with regard to accessibility for persons with disabilities.
- 1.14 Liaise with other local accessibility advisory committees including, but not limited, to the City of Cambridge and the City of Guelph.
- 1.15 Provide feedback to participating municipalities regarding these terms of reference and advise on changes if required. Changes must comply with statutory requirements and shall require the ratification of participating municipalities.

Committee Size and Composition

1.16 Voting Members

The Committee will be comprised of 11-15 volunteer laypersons or agency representatives appointed by the councils of the participating municipalities, with one vote each, represented as follows:

- A majority of the members shall include persons with disabilities representing the interests of citizens with varying disabilities. These Committee members shall reflect the cross-disability nature of the definition of “disability”.

- Remainder of the committee could include;
 - a) parents/caregivers of a person with a disability, who may also be persons with a disability.
 - b) laypersons interested in disability issues, who may also be persons with a disability.
 - c) staff representatives from agencies related to disability issues.

Although no residency requirement is outlined under Provincial legislation, municipalities will strive to ensure representation of members from all the participating municipalities.

1.17 Other Participants

Council Liaisons:

Mayors of participating municipalities and the Regional Chair will serve in a non-voting ex officio capacity. Members of Councils of the participating municipalities are invited to attend all meetings and may liaise on issues relating to their municipality and communicate their municipality's perspective on matters. Councillors will act in a non-voting capacity.

Staff Advisors:

Each participating municipality will assign one Staff Advisor to attend meetings of the Grand River Accessibility Advisory Committee to serve in an advisory/resource capacity. Other staff may participate for specific issues. Staff Advisors will serve in a non-voting capacity.

Staff Advisors may advise on procedural matters relative to how a meeting is to be conducted giving regards to these terms of reference and Roberts Rules of Order. When appropriate, Staff Advisors may consult with the Co-chairs to clarify such matters.

Staff Advisor Group

Staff Advisors shall participate on the GRAAC Staff Advisor Group and assist in identifying issues that need review by the Grand River Accessibility Advisory Committee. The Grand River Accessibility Advisory Committee may call upon the resources of the Staff Advisors as needed. The Co-Chairs of the Grand River Accessibility Advisory Committee will work in consultation with the Staff Advisors to set the agenda for each meeting. The Staff Advisors will convey the feedback and advice of the Grand River Accessibility Advisory Committee back to participating municipalities.

Selection and Qualifications of Members

GRAAC is an advisory committee of the participating municipalities. Recruitment and selection of members is the responsibility of the participating councils. The task of

recommending members is assigned to the members of the Staff Advisor Group who are responsible for carrying out a bias-free recruitment and selection process, and for submitting the names of persons or agencies recommended for appointment to their respective councils for approval.

Committee members are chosen for their life experience with a disability and their knowledge of such and/or expertise in barrier-free initiatives or disability issues. Each member of the Committee shall serve as an independent representative to the Committee and shall give regard to the concerns of diverse disability groups.

Applications from agencies are accepted based on the agency's merit to represent persons with disabilities; the agency may determine who from their organization may represent them on GRAAC.

In order to avoid potential conflict of interest, employees of participating municipalities are not eligible to be voting members of the Committee.

Term of Appointments

The term of appointment for voting members of the Grand River Accessibility Advisory Committee shall be 4 years to a maximum of 8 continuous years.

Committee Procedures and Operations

1.18 Co-Chairs

Co-Chairs will be elected from among the Committee members annually at the first meeting of the new Committee and will preside over meetings and committee business. Co-Chairs may not chair sub-committees of the Grand River Accessibility Advisory Committee.

1.19 Sub-Committees

As required, sub-committees may be established. The Committee will approve terms of reference for each sub-committee created and each sub-committee shall operate in accordance with its terms of reference. Sub-committees may draw upon members from the Grand River Accessibility Advisory Committee and may also include individuals who are not members. This may include, from time to time, individuals or organizations with a particular area of expertise. Staff Advisors and Council Liaisons shall not be voting members of sub-committees. Their role is to serve in an advisory/resource capacity and provide input on matters that relate to their respective municipalities.

1.20 Minutes and Agendas

The GRAAC Staff Advisor Group will assign an Administrative Support Person to serve the Grand River Accessibility Advisory Committee. Minutes will be taken and distributed by the Administrative Support Person. Agendas will be assembled and distributed by the Administrative Support Person in consultation with the Co-Chairs. Agendas and

minutes will be distributed electronically or in an alternate format upon request no less than one (1) week prior to the meeting and will be sent to all members of the Grand River Accessibility Advisory Committee, the GRAAC Staff Advisor Group and Council Liaisons.

Minutes of meetings will be managed in accordance with municipal records management practices. Minutes and agendas will be made available in alternate formats upon request. Approved minutes will be posted on all participating municipalities websites. The participating municipality that provides administrative support to GRAAC shall be the keeper of the original agendas and minutes.

1.21 Meetings

Members of the Grand River Accessibility Advisory Committee will determine a schedule of dates, times and location of meetings. The Committee will meet no less than four (4) times each year. Meetings will be open to the public except if the subject matter being considered is within a category defined in Section 239 (2), (3) or (3.1) of the Municipal Act 2001 as amended, in which case the meeting may be closed. When a matter is considered in a closed meeting, members shall maintain confidentiality of the subject matter.

1.22 Quorum

A quorum shall consist of a majority of the Voting Members appointed to the Committee. If quorum is not achieved at a meeting, the meeting may continue but no decisions may be made and no resolutions may be passed. Any items on the Agenda requiring a decision or resolution of the Committee will be deferred to the next scheduled meeting.

1.23 Voting

Members will work toward a consensus model for decision making; if this is not possible a simple majority vote will be held. In the event of a majority vote all voting members who are present have the right to vote in favour of the motion, in opposition of the motion or to abstain from voting. In the instance of a tie, the Co-chair chairing the meeting will break the tie. The Co-chair may vote on any motion.

1.24 Delegations

Delegations are welcome to attend meetings of the Grand River Accessibility Advisory Committee for issues that fall within the guidelines of these terms of reference. Delegations may address the Committee for five minutes and the Committee may grant an additional five minutes. Delegations will be approved by the Co-Chairs and a delegation guide will be completed for each delegation.

1.25 Reporting and Communication

The Committee will provide advice and feedback to participating municipalities through the GRAAC Staff Advisor Group. The Co-Chairs or other approved member of the Committee will be the official spokesperson to the media and the public.

1.26 Conflict of Interest

Voting members will be subject to the Conflict of Interest Policy attached as Schedule "A" to these terms of reference. All Voting Members, Staff Advisors and Council Liaisons shall abide by the policy. Persons in violation of the policy may be asked to refrain from active participation with the Committee at the discretion of the participating municipalities.

1.27 Absences

If a Committee member is absent for three consecutive meetings without notice or justifiable reason, their membership will be reviewed by the GRAAC Staff Advisor Group.

Remuneration

Committee members shall serve without remuneration. Expenses related to the accommodation of Voting Members who are persons with disabilities and which are necessary to facilitate a Voting Member's participation in the activities of the Grand River Accessibility Advisory Committee shall be compensated in accordance with the GRAAC Accommodation Procedure.

Dissolution of the Committee

Formal dissolution of the Committee will require a resolution from the Councils of the participating municipalities. Dissolution of the Committee may be triggered by one of the following:

- Expiration of term
- Completion of task or mandate
- Resolution of issues
- Legislative requirement no longer exists
- Merger with another committee
- Following the annual review process
- Recommendation by the Grand River Accessibility Advisory Committee, staff, or Council of the participating municipalities.

Participating Municipalities

The participating municipalities are the municipalities of:

- City of Kitchener
- City of Waterloo
- Township of North Dumfries
- Township of Wellesley
- Township of Wilmot
- Township of Woolwich
- Regional Municipality of Waterloo

GRAAC Terms of Reference

Schedule “A”

Conflict of Interest Policy

Operating Principles:

Members of the Grand River Accessibility Advisory Committee (GRAAC) have a duty to conduct themselves in an impartial and objective manner. While the municipalities value the participation of citizens on GRAAC, it is recognized that appointees have a broad range of interests and, from time to time, actual or potential conflicts of interest or the appearance of such conflicts may arise. The purpose of this policy is to enable the Committee to deal with such conflicts in as open and appropriate a way as possible.

It is understood that members of the GRAAC will perform their duties in such a way as to promote public confidence and trust in the integrity, objectivity and impartiality of the Committee. No member shall directly or indirectly receive any profit from his/her position, provided that reasonable expenses may be paid in the performance of their duties.

If the Councils of the participating municipalities determine, at their discretion, that a Member has failed to fulfill their obligations pursuant to this policy, the Councils may remove the Member from the Committee. No notice is required, nor any hearing of the matter, prior to the Councils making the decision to remove the Member.

Policy Definitions

“Affected Party” means any individual, partnership, corporation, organization or other legal entity which has an interest in property, objects or other assets which are the subject matter of consideration by the Committee; “Business associate” means an individual in a formal partnership or in a shared ownership of a company or enterprise with a Member;

“Participating Municipalities” means, the municipalities listed in Section 15 of the Grand River Accessibility Advisory Committee Terms of Reference.

“Committee” is the Grand River Accessibility Advisory Committee as established by the participating municipalities;

“Immediate family” means a parent, child, spouse, partner or common-law spouse of a Member;

“Member” is an individual formally appointed to the Committee by the councils of the participating municipalities, but does not include any elected member of Municipal Council or a member of municipal staff.

Conflicts

Conflicts of interest arise when Members may financially benefit, directly or indirectly, from their membership on a Committee. Such involvements include, but are not limited to, the following:

- Members being the Affected Party or employed by or doing business with the Affected Party
- Members' immediate family being the Affected Party or employed by or doing business with the Affected Party
- Members' business associates being the Affected Party or employed by or doing business with the Affected Party
- A conflict of interest may be actual, potential or apparent. The same duty to disclose applies to each. The pecuniary interests of a Member's immediate family or business associate are considered to also be the pecuniary interests of the Member. Full disclosure in itself does not remove a conflict of interest.

Declaring a Conflict

It is important that Members be sensitive to appearance and perception, and err on the side of transparency. In case of conflicts, whether actual, potential or apparent, Members are expected to fully disclose the conflict as soon as it arises and before the Committee makes any decisions in the matter where the conflict exists.

Once such a disclosure has been made, the Member involved shall abstain from voting and shall not participate in the discussion of the matter which gave rise to the conflict. The affected Member must not in any way, whether before during or after the meeting, attempt to influence the outcome of any discussion or voting on the matter. If the meeting at which the matter is discussed is not open to the public, in addition to the above, the Member must leave the meeting room for the duration of any discussion and voting on the matter.

In cases where one or more of the Committee's Members has abstained from voting as a result of conflict, such Members shall be identified in the minutes of the meeting.

Individual Members are encouraged to seek independent advice on conflicts or potential conflicts.

Where the number of Members who, by reason of conflict, are disallowed from participating in a meeting such that the remaining Members no longer constitute a quorum as set out in the Committee's Terms of Reference, then remaining Members shall be deemed to constitute a quorum provided there are not less than two Members present.

Solicitation

No Member may in any way, either overtly or otherwise, use the fact of their membership on the Committee to solicit business for their own benefit or the benefit of their immediate family or business associates.

Acceptance of Policy

Each Member will receive a copy of this policy. Members will be asked to sign an acknowledgement stating that they have received, read and accepted the policy in its entirety and that they agree to be bound by its terms.