

THE REGIONAL MUNICIPALITY OF YORK

**REPORT NO. 2
OF THE REGIONAL COMMISSIONER OF COMMUNITY SERVICES, HOUSING AND
HEALTH SERVICES**

**For Consideration by
The Council of The Regional Municipality of York
on October 19, 2006**

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**YORK REGION'S ACCESSIBILITY ADVISORY COMMITTEE
REVISED TERMS OF REFERENCE AND RECRUITMENT STRATEGY**

1. RECOMMENDATIONS

It is recommended that:

1. Council approve the revised York Region Accessibility Advisory Committee (YRAAC) Terms of Reference as outlined in *Attachment 1*, which includes the following amendments:
 - a. Establish an *Accessibility for Ontarians with Disabilities Act (AODA)* Subcommittee of the YRAAC, with a specific mandate to monitor and assess the Region's compliance with provincially mandated accessibility standards. The AODA subcommittee's review will be reported to the YRAAC who will advise Council of its findings.
 - b. Citizen members on the YRAAC will serve for four consecutive one-year terms and at the pleasure of Regional Council. The length of tenure for a citizen member cannot exceed two consecutive terms of Council or eight consecutive years.
 - c. A member of Regional Council be appointed to the positions of Chair of the YRAAC and Chair of the AODA Subcommittee.
 - d. Citizen members on the YRAAC will be compensated by the Region for approved travel expenses related to carrying out their duties as YRAAC members.
2. Council approve the recommended recruitment strategy, YRAAC membership qualifications and timelines to establish the YRAAC by March 2007.

2. PURPOSE

The purpose of this report is to present the revised Terms of Reference for the YRAAC as outlined in *Attachment 1*. This is necessary given changes due to the AODA and knowledge gained over the past three years. Approval is also sought on the recruitment strategy which outlines the process, committee membership, qualifications and timelines for recruiting members to the YRAAC.

3. BACKGROUND

The *Ontarians with Disabilities Act, 2001* (ODA) includes specific requirements for all municipalities, including York Region. One key requirement is the development of an annual accessibility plan. Under the ODA, the annual accessibility plan must address the identification, removal and prevention of barriers to persons with disabilities in municipal by-laws, policies, practices, programs, services and facilities. The ODA also requires that the accessibility plan is developed in consultation with municipal accessibility advisory committees which are comprised of a majority of persons with disabilities. Since the enactment of the ODA, the Region has worked with the YRAAC to develop and implement three annual accessibility plans.

The YRAAC was appointed in 2003 and will be completing its term in November 2006 to coincide with the end of term for Regional Council. The YRAAC is legislatively required to include a majority of persons with disabilities and is currently comprised of nine citizen members and three members of Regional Council, as follows: Wilf Morley (Chair), Trish Robichaud (Vice-Chair), Regional Councillor Joyce Frustaglio, Regional Councillor Danny Wheeler, Sharon Abrahams, Zahra Brown, Barbara Caiger, Kirsten Hill, Diane Humeniuk, Robert Hunn, Mary Ann Proulx, and Regional Chair Bill Fisch, ex-officio. Eight of the citizen members have been on the YRAAC since it was first established in 2003.

The Accessibility for Ontarians with Disabilities Act, 2005 (AODA) which was proclaimed in June 2005 applies to both the public and private sectors and covers every aspect of life available to the public, except private homes. The goal of the AODA is to ensure that all Ontarians with disabilities have full access to goods, services, facilities, accommodation, employment, buildings, structures and premises by January 1, 2025. This goal will be achieved through the development, implementation and enforcement of provincially-set accessibility standards.

Municipal Accessibility Advisory Committees will still exist under the AODA. However, their role of advising Council on their annual accessibility plans and implementation, as required under the ODA, will now evolve into a role of advising Council on the Region's compliance with the new accessibility standards and in the preparation of accessibility reports, both of which are new requirements under the AODA.

The AODA will eventually replace the current *ODA*. However, the Province has indicated that the *ODA* will remain in effect for the foreseeable future while the AODA is phased in. While the *ODA* and AODA exist simultaneously, the YRAAC and municipalities will be required to perform a dual role.

4. ANALYSIS AND OPTIONS

The recruitment and appointment of the current YRAAC proved to be very successful and has been promoted as a best practice and model endorsed by the Province. The members of the current YRAAC include people who have different types of disabilities and backgrounds, and who come from across the Region and offer a variety of perspectives. Over the last three years, members of the YRAAC have played an integral role in the success of the Region's accessibility planning process. During their term, the YRAAC members have also had an opportunity to further refine their advisory responsibilities under the *ODA*.

The current Terms of Reference for the YRAAC were developed and approved by Regional Council in December 2002. The Terms of Reference includes a provision for their re-evaluation in the third year of every Council term. While it is recommended that certain areas remain unchanged, this report makes a number of recommendations for amendments to the Terms of Reference based on lessons learned during the Inaugural Term of the YRAAC and to allow the Region to more effectively meet the requirements of the AODA.

The areas which have been identified for review are related to:

- Mandate and duties of the YRAAC.
- Membership selection and qualifications to include new legislative responsibilities under the AODA.
- Membership term.
- Chair and Vice-Chair roles.
- Reimbursement of expenses.

4.1 Areas Unchanged in the YRAAC Terms of Reference

It is recommended that the Terms of Reference remain unchanged in areas of composition and size, reporting structure and resources.

4.1.1 Composition and Size

The composition and size will remain at seven to twelve members from across the Region (i.e. large urban, small urban and rural areas). Up to three members of Regional Council, including one member from the Community Services and Housing Committee, plus the Regional Chair, as an ex-officio member, will be on the YRAAC. The majority of members must be people with disabilities and where feasible other citizen members who may not have a disability may be selected based on their interest and level of expertise.

4.1.2 Reporting Structure

The YRAAC will report to Regional Council through the Community Services and Housing Committee.

4.1.3 Resources

The ODA Staff Committee, which includes regional staff representatives from each department, under the leadership of the Community Services and Housing Department, will continue to provide advisory staff support to the YRAAC. The Regional Clerk's Office will provide general administrative support to the YRAAC and any subcommittees that may form, in accordance with the Region's Procedure By-Law.

4.2 Amendments to the YRAAC Terms of Reference

The following recommended amendments to the Terms of Reference primarily focus on changes that would improve the YRAAC's ability to function effectively, especially given its new and expanding responsibilities under the AODA. The revised draft Terms of Reference are provided in *Attachment 1*.

4.2.1 Mandate and Duties

The current mandate of the YRAAC is to advise Council as required under the ODA, on the development, implementation and effectiveness of its annual accessibility plan.

With the proclamation of the AODA, the responsibilities of the YRAAC will evolve to also include advising Council on the Region's compliance with provincially mandated accessibility standards and in the preparation of accessibility reports.

Recommendation

To ensure that the YRAAC can effectively perform this new dual role, it is recommended that an AODA subcommittee of the YRAAC be established with a specific mandate to monitor and assess the Region's compliance with provincially mandated accessibility standards. The AODA subcommittee's review will be reported to the YRAAC who will advise Council of its findings.

It is also recommended that the subcommittee be comprised of up to three members of Council and two citizen members.

4.2.2 Membership Selection and Term

Currently, the term for YRAAC members coincides with Regional Council's three-year term of office. The current Terms of Reference also provides for the YRAAC to serve for three consecutive one-year terms and members may be reappointed for an additional three consecutive one-year terms, not exceeding six years.

Under the recent changes to the *Municipal Elections Act, 1996*, the term of office for municipal councils has been extended to four years with the new term beginning on December 1, 2006, following this fall's municipal election.

Recommendation

It is recommended that the Terms of Reference for the YRAAC be revised so that members may serve for four consecutive one-year terms and at the pleasure of Regional Council. This will ensure that the YRAAC term still coincides with Council's term of office. The membership will be reviewed annually and following this review a recommendation will be made to the Chair and Council on whether the membership needs to be changed. The criteria that will be used to make this determination will include: ability to carry out advisory roles under the ODA/AODA; attendance; and whether the current membership meets the needs and new requirements of the AODA.

It is also recommended that the length of tenure for a citizen member cannot exceed two consecutive terms of Council or eight consecutive years. Citizen members who have already served a three-year term, can only sit for another term of Council or four more consecutive one-year terms. Current YRAAC citizen members who are interested in remaining on the YRAAC will be required to reapply for a position.

4.2.3 Appointments of Chair and Vice-Chair for YRAAC and AODA Subcommittee

Currently, any member of the YRAAC is eligible to become the Chair or the Vice-Chair. Elections are held by the YRAAC each year for the Chair and Vice-Chair positions, in accordance with the Region's Procedure By-Law.

Recommendation**Chair and Vice Chair of YRAAC**

- (a) It is recommended that the Terms of Reference be amended to require that a member of Regional Council be appointed to the position of Chair of the YRAAC. As a statutory Committee, it is important that there be political representation that performs the key role of chairing the YRAAC. This will ensure that there is direct liaison between the YRAAC and Regional Council. Given the complexities of the new AODA and the evolving role for the YRAAC which will be to advise Regional Council on its compliance with provincially mandated standards, it will be important to establish better and more direct communication between the YRAAC and Regional Council.

The YRAAC will be required to elect a Vice-Chair in accordance with the Region's Procedure By-Law.

Recommendation**Chair and Vice-Chair of AODA Subcommittee**

- (b) The Chair of the YRAAC will serve as the Chair of the AODA Subcommittee. The Vice-Chair of the AODA Subcommittee will be elected in accordance with the Region's Procedure By-law.

4.2.4 Reimbursement of Expenses

YRAAC members currently serve without remuneration, with the exception of those members with disabilities who are provided with resources related to their disability that are deemed necessary for them to fully participate in the Committee (e.g. sign language interpretation services, transportation, note taking services, etc.).

Recommendation

Given that all YRAAC members must travel to the Regional Administrative Centre for their meetings and often participate in meetings at other locations in their capacity as YRAAC members, it is recommended that the Terms of Reference be amended so that all members regardless of whether they have a disability or not will be compensated by the Region for any approved travel expenses related to carrying out their duties as YRAAC members.

4.3 Proposed YRAAC Qualifications, Recruitment Activities and Timelines

4.3.1 Committee Qualifications

Until the ODA is phased out, the YRAAC will have a dual function under the ODA and the AODA. It will continue to advise Regional Council on the development and implementation of the Region's accessibility plan and it will also have the additional responsibilities of monitoring and advising Council on the Region's compliance with the accessibility standards and accompanying accessibility reports.

For example, in order to carry out these new responsibilities, recruitment criteria could be expanded to include an interest, experience in or understanding of:

- Barrier free initiatives or interest in issues affecting people with disabilities.
- The AODA and accessibility standards (i.e. transportation, customer service, employment, built environment, information and communication).
- The legal process of compliance and the formulation and interpretation of legislation.
- Regional government budgetary and decision-making processes, building processes and planning and development issues.

Recommendation

To ensure that the YRAAC can effectively carry out the new responsibilities under the AODA, it is recommended that the recruitment criteria be expanded in consultation with Human Resource Services and Corporate Services in an effort to recruit individuals with the necessary skill sets to understand and interpret the new accessibility standards under the AODA, while complementing knowledge and skills gained by members through their life experiences with disabilities.

4.3.2 Recruitment Activities

York Region's recruitment activities in the past have proven to be very successful and it is recommended that similar activities be implemented for the 2007 YRAAC recruitment.

Recommendation

It is therefore recommended that an application package be developed that will include:

- A cover letter.
- The application form.
- A copy of the final Terms of Reference.
- A fact sheet highlighting the selection criteria and process for appointing members to the YRAAC.
- A fact sheet highlighting the Region's accessibility plans and contributions of the previous YRAAC.
- The Province's website address to provide potential applicants with more detailed information about the ODA and AODA and the requirements of municipal governments.
- A contact person at York Region to answer any questions related to the selection process.

Application packages will be made available on the web, and at the York Region Administrative Centre and South Services Centre Kiosks.

Other recruitment activities will include:

- Advertisements in Metroland newspapers.
- Application packages to be sent to organizations in York Region that represent or provide services to persons with disabilities.
- Multi-faceted advertising at selected York Region facilities.

Following the outcome of the interviews, the Community Services and Housing Committee will make recommendations to Regional Council for appointments to the YRAAC.

4.3.3 Next Steps and Key Dates

Application Packages Made Available and Distributed, Ads Placed and Outreach Activities Underway.	November 2006
Application Deadline	December 2006
Interviews Held	Between January - February 2007
Regional Council Appointments to YRAAC	March 2007
Inaugural Meeting and Orientation of YRAAC	April 2007

4.4 Relationship to Vision 2026

Regional Council has taken a strategic approach to accessibility planning that is grounded in Vision 2026. This approach has enabled the Region to focus its efforts in a way that supports and balances the needs of York Region residents.

5. FINANCIAL IMPLICATIONS

Ongoing costs to administer and manage *ODA* implementation, including YRAAC support, were approved as part of the 2006 Business Plan and Budget, and will require no enhancements to the proposed 2007 budget.

6. LOCAL MUNICIPAL IMPACT

Local municipalities will also be engaging in recruitment activities related to the appointment of their local accessibility advisory committees. The YRAAC and regional staff have established strong relationships and valuable networks with their counterparts in the local municipalities. Opportunities to share information and learn from one another will be continued.

7. CONCLUSION

For the past three years, the YRAAC has provided sound advice on the Region's accessibility plans. It has been actively involved in the development and implementation of these plans, taking part in focus groups, advising Council and staff on barriers to our facilities and ways to remove them, and providing input on our policies and practices. The YRAAC members are to be commended for their leadership, sound advice, dedication and commitment.

The Region will continue to recruit and select members to the YRAAC that can effectively advise on accessibility legislation, and reflect the diversity of York Region while being representative of the large urban, small urban and rural areas of the Region and inclusive of a range of disabilities.

The Senior Management Group has reviewed this report.

(The attachment referred to in this clause is attached to this report.)

Respectfully submitted,

**October 4, 2006
Newmarket, Ontario**

**Joann Simmons
Commissioner of Community
Services, Housing and Health Services**

(Report No. 2 of the Commissioner of Community Services, Housing and Health Services was adopted, without amendment, by Regional Council at its meeting held on October 19, 2006.)

**THE YORK REGION ACCESSIBILITY ADVISORY COMMITTEE
TERMS OF REFERENCE**

1.0 MANDATE

The York Region Accessibility Advisory Committee (YRAAC) shall assist Council in improving opportunities for persons with disabilities by promoting the implementation of the *Ontarians with Disabilities Act, 2001* (ODA) and the *Accessibility for Ontarians with Disabilities Act, 2005* (AODA) in York Region. The AODA will eventually replace the ODA, however, while the ODA and AODA exist simultaneously, the YRAAC will be required to perform a dual role.

To assist the YRAAC in meeting its mandate, Regional Council will establish an AODA Subcommittee of the YRAAC with specific responsibilities to monitor and assess the Region's implementation of the AODA requirements.

The YRAAC shall also assist Regional Council in realizing the Region's vision as stated in Vision 2026, which promotes access to Regional programs and services for York Region's citizens.

1.1 ODA Mandate:

The YRAAC will advise Community Services and Housing Committee and Regional Council each year, as required by the ODA, on its annual accessibility plan which will focus on the identification, removal and prevention of barriers to people with disabilities. The YRAAC shall also advise Regional Council on the implementation and effectiveness of its accessibility plan.

1.2 AODA Subcommittee Mandate:

An AODA Subcommittee of the YRAAC will monitor and assess the Region's compliance with AODA accessibility standards. The AODA Subcommittee's review will be reported to the YRAAC who will advise Community Services and Housing Committee and Regional Council on the Region's compliance with the accessibility standards and in the preparation of accessibility reports.

2.0 DEFINITIONS

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

2.2 "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*").

2.3 "accessibility plan" is a document approved by Regional Council on an annual basis which is made available to the public. The Plan includes:

- (a) a report on the measures the Region has taken to identify, remove and prevent barriers to persons with disabilities;
- (b) a report on how the Region assesses its proposals for by-laws, policies, programs, practices and services to identify barriers;
- (c) a list of the by-laws, policies, programs, practices and services the Region will review in the coming year to identify barriers;
- (d) a report on the measures that the Region will undertake in the coming year to identify, remove and prevent barriers;
- (e) all other information required by Regulations to the *Ontarians with Disabilities Act, 2001*.

2.4 "accessibility report" means:

A report that a person or organization must file with the province if an accessibility standard applies to the person or organization.

2.5 “accessibility standard” means:

A rule that persons and organizations must follow to identify, remove and prevent barriers to accessibility.

3.0 REPORTING STRUCTURE

The YRAAC will report to Regional Council through the Community Services and Housing Committee.

4.0 DUTIES

4.1 Duties to support the implementation of the *Ontarians with Disabilities Act, 2001*

The YRAAC shall be responsible for the following:

- (a) Advise Community Services and Housing Committee and Regional Council regarding the annual accessibility plan (which is approved by Regional Council) generally including the implementation and effectiveness of the plan to ensure that it addresses the identification, removal and prevention of barriers in the Region’s by-laws, policies, programs, practices, and services.
- (b) At the beginning of each term, the AAC will assess the needs of persons with disabilities and identify issues of concern as they relate to barriers to persons with disabilities. Using their knowledge and expertise, AAC members will provide strategic advice to Community Services and Housing Committee and Regional Council on ways to remove and prevent those barriers.

4.2 Duties to support the implementation of the *Accessibility for Ontarians with Disabilities Act, 2005*

Based on the YRAAC - AODA Subcommittee’s review and recommendations on the Region’s compliance with the requirements of the AODA, the YRAAC shall be responsible for the following:

- (a) Monitoring and advising Community Services and Housing Committee and Regional Council on the Region’s compliance and implementation of accessibility standards and in the preparation of accessibility reports.

4.3 Duties to support the implementation of both the ODA and AODA

The YRAAC shall be responsible for the following:

- (a) Advise Community Services and Housing Committee and Regional Council on the accessibility of buildings, structures or premises (or parts thereof) that the Region purchases, constructs, significantly renovates, leases and uses as a regional municipal building.
- (b) Perform other functions that are specified in the Regulations to these Acts when they are developed.

4.4 Other Duties:

- (a) Establish subcommittees/working groups, of its members, with Regional Council's approval, as deemed necessary by the Region to address specific issues connected to the accessibility of persons with disabilities (e.g. public transit).
- (b) Notify and make recommendations regarding accessibility issues to other jurisdictions and organizations on issues that fall outside of the Region's scope and mandate.

5.0 MEMBERSHIP

5.1 Composition and Size:

The YRAAC will consist of seven to twelve members from across the Region (i.e. large urban, small urban and rural areas of the Region). The composition of the YRAAC is as follows:

- (a) The majority of members must be people with disabilities and, where feasible, will represent a range of disabilities as defined in Section 2 above.
- (b) Up to three members of Regional Council, including one member from the Community Services and Housing Committee, plus the Regional Chair as an ex-officio member, will be on the Committee.
- (c) Citizens-at-large who may not have a disability will be selected based on their interest or particular expertise in the identification, removal and prevention of barriers.
- (d) Organizations representing people with disabilities and that provide services to York Region residents may be part of the YRAAC.

5.2 Regional Council will make a determination of the specific number of representatives within each of these membership categories following an assessment of the range of applicants and their skills.

5.3 The YRAAC – AODA Subcommittee will be appointed by Regional Council and will be comprised of members from the YRAAC including: up to three members from Regional Council and two citizen members.

5.4 Members of the YRAAC shall be qualified electors of York Region pursuant to the *Municipal Elections Act*. A regional employee would not qualify to be a member of the YRAAC.

6.0 MEMBERSHIP SELECTION AND TERM

6.1 Term of YRAAC Citizen Members

- (a) YRAAC citizen members may serve for four consecutive one-year terms and at the pleasure of Regional Council. Members may be reappointed for an additional four consecutive one-year terms. The length of tenure of a Committee member cannot be longer than eight (8) consecutive years.
- (b) The membership will be reviewed annually by Regional Council. Membership will be reviewed and evaluated based on the following criteria: ability of members to carry out advisory duties; attendance and whether the current membership meets the needs and new requirements of the AODA.
- (c) Citizen members who have already served a three-year term, can only sit for another term of Regional Council or four consecutive one-year terms.

6.2 Chair and Vice-Chair

- (a) A member of Regional Council will be appointed by Council to the position of Chair of the YRAAC.
- (b) The YRAAC will elect a Vice-Chair in accordance with the Region's Procedure By-Law.
- (c) The Chair of the YRAAC will also serve as Chair of the YRAAC-AODA Subcommittee.
- (d) The Vice-Chair of the YRAAC-AODA Subcommittee will be elected in accordance with the Region's Procedure By-law.

7.0 RESIGNATIONS

7.1 Any resignation from the YRAAC during the term of the YRAAC shall be tendered in writing to the Chair of the YRAAC, who will advise Council through the Community Services and Housing Committee. Regional Council or the Regional Chair shall appoint, considering the advice of the YRAAC, where feasible, a replacement member who will serve the remainder of the term.

7.2 In order to maintain a high level of commitment, members may be required to resign if they have been absent for three consecutive meetings without good cause.

8.0 MEMBERSHIP RESPONSIBILITY

- (a) Members shall be familiar with the ODA and the AODA and these Terms of Reference.
- (b) Each 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 shall work together for the purpose of developing a common approach that is reasonable and practical.
- (c) Members are expected to contribute their expertise actively during YRAAC meetings.
- (d) Members shall declare any situation that is, or has the potential to be, a conflict of interest.

9.0 REIMBURSEMENT OF EXPENSES

- (a) Members of the YRAAC serve without remuneration, but will be compensated by the Region for any approved travel expenses related to carrying out their duties as YRAAC members.
- (b) Members who are persons with disabilities will be provided with the resources related to their disability and that are deemed necessary for them to fully participate in the Committee (e.g. sign language interpretation services, Braille translation services, transportation, support care services, etc.).

10.0 FREQUENCY OF MEETINGS

Meetings will be held every other month (except July and August, when no regular meetings will be held) or on an as needed basis. The Chair of the YRAAC may call special meetings. All meetings will be held at the Region's Administrative Centre (17250 Yonge Street, Newmarket) except as otherwise directed by the Committee. Appropriate public notice of any location changes for YRAAC meetings must be made.

11.0 RESOURCES

- (a) The ODA Staff Committee, under the leadership of the Community Services and Housing Department will provide advisory staff support to the YRAAC. Any advisory support required by an AODA subcommittee of the YRAAC or any other subcommittee that may be struck and approved by Regional Council will be determined on an ad-hoc basis dependent on the needs of the subcommittee and the availability of resources.
- (b) The ODA Staff Committee will, where feasible, and to the extent where human resources will allow, provide the YRAAC with information to enable it to provide sound strategic advice to Community Services and Housing Committee and Regional Council. Other staff expertise will be made available, where feasible, and to the extent where human resources will allow, to support the YRAAC.
- (c) The Regional Clerk's Office will provide administrative support to the YRAAC and any of its subcommittees in accordance with the Region's Procedure By-Law.

12.0 PROCEDURE

All meetings will be conducted in accordance with Region's Procedure By-law except as otherwise provided herein.

13.0 EVALUATION AND REVIEW

The Terms of Reference for the YRAAC will be re-evaluated in the fourth year of every Council term. Regional Council will have the prerogative of making changes to the Terms of Reference as required. The Terms of Reference could be modified due to the upcoming release of the Provincial Regulations of the *Accessibility for Ontarians with Disabilities Act, 2005*, and/or the eventual repeal of the *Ontarians with Disabilities Act, 2001*.

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