

PERSONS WITH DISABILITIES ADVISORY COMMITTEE

TERMS OF REFERENCE

WHEREAS section 190(1) of the *Municipal Act (RSY 2002)* provides that Whitehorse City Council (Council) may establish Council committees to consider matters referred to them by Council, may appoint the members of the Council committees, and may require reports of the findings or recommendations of the Council committees; and

WHEREAS it is deemed appropriate to establish a special committee to be known as the "Persons with Disabilities Advisory Committee" (Committee) to advise Council and City of Whitehorse administration (administration) on services for persons with disabilities within the City of Whitehorse (City); Council hereby establishes the following Terms Of Reference to prescribe the powers, duties, functions, structure and procedures of the Committee.

INTRODUCTION AND BACKGROUND

1. In striving to fulfil the City's Mission Statement "We provide leadership as one of Canada's best local governments that enables Whitehorse to be an exceptional community to live, work, and play", the City recognizes the particular and diverse needs of persons with disabilities, and endeavours to provide services and facilities that meet those needs.

VISION

2. The City's vision for the Committee is to promote the inclusion of Whitehorse citizens with disabilities in all aspects of City life and to promote recognition of the needs of citizens of Whitehorse with disabilities, by facilitating implementation of best practices in City policy and practice.

PURPOSE

3. Reporting to Council, it is the responsibility of the Committee to:
 - (1) Express the needs of people with disabilities;
 - (2) Review and advise on the development and implementation of the City's plans to address accessibility for persons with disabilities in areas where the city has jurisdiction and/or influence;
 - (3) Promote awareness such that the Committee can guide decisions affecting the City's capital plans and operations; and
 - (4) Promote a culture in the City and the community that appreciates accessibility.

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SCOPE

4. In meeting its purpose the Committee shall meet to discuss areas of concern with regard to accessibility and inclusion issues within the community.

APPROACH

5. In meeting the Committee's objectives, the responsibility of Committee members will be:
 - (1) To attend regular meetings of the Committee, including attending by means of teleconferencing and videoconferencing as needed; and
 - (2) To bring forward to the Committee any concerns or accessibility issues for discussion purposes, and to make recommendations to Council and/or administration, with the full understanding that it is ultimately the role of City Council to make capital and operational decisions and investments.

TIMELINE

6. This is an ongoing advisory Committee and therefore no set timelines have been established.

DEFINITION OF DISABILITY

7. A disability⁽¹⁾ is a physical condition, a mental condition, or a health problem that restricts the performance of one or more of a person's significant life activities⁽²⁾ for an extended period⁽³⁾.
 - (1) "Disability" includes hearing, seeing, communicating, mobility, agility, pain, learning, confusion, memory, developmental, emotional, psychological, or other.
 - (2) "Activities" include school, work, transportation, recreation, housing, family, relationship, or other.
 - (3) "Extended period" means for continuous periods longer than six months or on a recurring or intermittent basis.

COMPOSITION

8. Committee Selection Process: Advertising will be conducted by the City to ask for expressions of interest. This will be done by way of application/nomination forms from organizations, the business community and/or public/ individuals for persons wishing to sit on the Committee. The names put forward to form the Committee will be individuals who have credibility within the disability community and part of the application/nomination form

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will require the self-identification of the persons' familiarity with a disability and/or disability issues.

- (1) Disability issues dealt with by peers increases the credibility of the Committee to the rest of the community at large. Therefore, potential participants without disabilities may apply, but they must identify on the application form how they anticipate their involvement will add perspective consistent with the Vision, Purpose, and Scope. It is recognized that there are persons who, due to disability, are unable to participate; however, the intent is to be as inclusive as possible.
9. The applications will be collated by administration for selection by the Committee. A proposed selection would then be put forward to City Council for ratification by Council resolution.
 10. There will be membership goals, but not a quota system. Membership in the Committee should have:
 - (1) 51% of the members self-identified as having a disability;
 - (2) Gender balance;
 - (3) Seniors' representation;
 - (4) Business community representation; and
 - (5) Culture and language representation, i.e., First Nations and French communities as well as new Canadians.
 11. Representation will be by disability, rather than by an organizational basis, meaning that Committee members are appointed 'as an individual' and not as a representative of a group that may have nominated them to serve on the Committee.
 12. In any event, prior to any selection being finalized, Council will review the recommended selections, hear the Committee's rationale at a City Standing Committee meeting, and ultimately approve or not approve the selections or an amended selection list by way of Council resolution.
 13. The Committee shall consist of eight members who shall be appointed by resolution of Council for a term of not more than three years and shall incorporate the following principles:
 - (1) Initial appointments may be made for one, two or three year terms at Council's discretion in order to maintain continuity;
 - (2) Committee members may be re-appointed for additional one, two or three year terms at Council's discretion;
 - (3) One member will be a member of City Council (ex-officio) who will be non-voting for the purposes of the Committee but will act in an advisory, information and resource capacity to the Committee;

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- (4) One member will be a member of the Yukon Government (ex-officio) who will be non-voting for the purposes of the Committee but will act in an advisory, information and resource capacity to the Committee;
- (5) All members of the Committee shall be City of Whitehorse residents and shall not be current members of Council, notwithstanding subsection 14(3) of these Terms of Reference,
- (6) Members of the Committee shall hold office until their successors are appointed;
- (7) Members may appoint an alternate to represent that member and act on their behalf during absences as long as the alternate is authorized in advance by the Committee Chair. Such authorization shall not be unreasonably denied. Furthermore, notwithstanding the foregoing, whoever needs a support person brings that support person. That support person shall not be denied access; however, does not assume Committee member privileges;
- (8) Where a member of the Committee fails to attend (including teleconference and videoconference) three consecutive meetings of the Committee, the member's seat shall become vacant unless the member has been excused by resolution of the Committee. If any member misses three consecutive meetings without approval of the Committee, the member shall be struck from the Committee membership and replaced by appointment of Council;
- (9) In the event that any member ceases to be a member of the Committee before the expiration of their term, Council may appoint another person to be a member for the un-expired portion of the term;
- (10) In the event that a member of the Committee is unable or unwilling to continue to serve on the Committee, for whatever reason, Council may, by resolution, appoint a replacement;
- (11) Council may remove any member of the Committee for any good and sufficient cause which means serious misconduct, habitual neglect of duty, incompetence, conduct incompatible with this Terms of Reference or prejudicial to the City, or wilful disobedience of the Committee's resolutions in a matter of substance. For greater clarity, it is expected that the Committee members will follow the Code of Conduct for Council members.

SUB-COMMITTEES

14. The Committee may establish sub-committees as required.
15. The Chair will be an ex-officio member of all sub-committees.

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16. The Committee may appoint persons from outside the Committee to a sub-committee.
17. Sub-committees:
 - (1) Shall be chaired by a Committee member, and
 - (2) Shall report back to the Committee for consideration of findings; and
 - (3) May solicit input from the public.

MEETINGS

18. The Committee shall select a Chairperson and Vice-Chairperson annually after appointment from amongst its voting members. No member of Council shall be eligible for selection as Chairperson or Vice-Chairperson.
19. Regular meetings of the Committee shall be held monthly, with the date and place to be determined by the Chairperson in consultation with the Committee.
20. All meetings shall be open meetings, particularly meetings held expressly for the purpose of gathering public input.
21. Notwithstanding Section 20, Special meetings which are open and in addition to the regular meetings, may be called by the Chairperson.
22. Notwithstanding Sections 20, 21, and 22, Special 'In Camera' meetings of the Committee may be called by the Chairperson.
23. A quorum of Committee shall consist of three voting members.
24. The Chairperson may cancel any scheduled meeting of the Committee if it is felt that a quorum will not be achieved or if there are no items for the agenda.
25. If, within 20 minutes from the time appointed for a meeting, a quorum is not present, the meeting will be terminated and re-scheduled for another date and time that falls within two weeks of the terminated meeting.
26. In all other respects, the rules of procedure for the Committee shall be governed by the City's Council Procedures Bylaw insofar as it may be applicable.
27. Anyone is eligible to be present at Advisory Committee meetings conducted in public unless the City representative at any meeting expels a person for a breach of the Code of Conduct (Please see Appendix A for clarification).
28. Advisory Committee meetings must be conducted in public unless the matter to be discussed is still under consideration by City Council and discussion in public would prejudice the City's ability to carry out its activities or negotiations. In that event, the Committee may choose to conduct the meeting "IN CAMERA". All those in attendance who are not

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members of the Advisory Committee will be required to leave the meeting while the matter is under discussion.

29. All decisions of the Committee shall be in the form of resolutions duly passed by a majority of its members present. The Committee shall strive to reach consensus on issues, and shall forward recommendations in the form of Committee resolutions to the Council.
30. The Committee may request the attendance of administration and administration may request to be placed on the Committee agenda; the intent is for a two-way ability to present and hear issues.
31. Meetings may take place via teleconferencing or video conferencing as required.

REMUNERATION

32. The members of the Committee, including the Chairperson, shall serve in a volunteer capacity only, with no remuneration. The City Handy Bus will be provided. However, the Handy Bus must be booked by the members in the normal fashion. It is not contemplated that the City would provide other access at City cost. The City will provide teleconferencing. Videoconferencing may be provided if required.

REPORTING RELATIONSHIP

33. A representative from City administration will act as a liaison between the Committee and City Council and will attend all meetings. The representative will be designated by the City Manager and/or his/her delegate.

CITY PROJECT PLANNING OBLIGATION

34. The City shall make every effort to ensure all projects, programs, and services undertaken by the City are referred to the Committee during the City's planning stage and not subsequent to plans being developed.

COMMITTEE DUTIES

35. The Committee shall give due consideration to all issues brought to it by Council, Committee members, City administration and/or the public at large, and shall submit recommendations back to Council, City administration, or the public at large through the representative on the Committee as resolutions of the Committee. Recommendations / resolutions will consist of measures to be used in the City's bylaws, policies, programs, practices and services for accessibility and/or inclusion for persons with disabilities.
36. The Committee shall be available to consult frequently, outside of regular Committee meetings, with City Council, Committee members, City

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- administration, and/or the public at large, and particularly those with disabilities, to identify barriers in the City of Whitehorse.
37. Subject to the provisions of this Terms of Reference and all other City, Territorial or Federal laws, the Committee can study and report to Council on matters within the City's jurisdiction which affect or may affect persons with disabilities, and in particular may:
- (1) Advise Council on the conditions of persons with disabilities;
 - (2) Consult with City departments to promote City services and facilities which meet the needs of persons with disabilities;
 - (3) Provide information upon request to citizens and organizations within the City regarding services and facilities for persons with disabilities;
 - (4) With respect to section 35 of these terms of reference, review, monitor and make recommendations respecting accessibility and inclusion of existing and proposed City projects, facilities, and services;
 - (5) Receive referrals from Council and its standing committees for review and recommendation; and
 - (6) Nominate persons for appointment to other agencies, boards and committees as directed by Council;
38. The Committee's general project areas may include, but are not limited to, research and making recommendations on:
- (1) Accessibility
 - (2) Transportation
 - (3) Inclusion in City life
 - (4) Committee structure / function
 - (5) Resource networking/liaison
 - (6) Committee communications
 - (7) Committee participation on other committees
39. Research, where applicable, and promote opportunities whereby the principles of universal design can be applied in the course of addressing accessibility, with the intent that persons with disabilities be recognized as members of a continuum of abilities rather than as a distinct and separate group.
40. Members of the Committee will from time to time request of administration and/or Council and administration and/or Council will request members of the Committee to test, prior to initiation of project(s) designs according to the following principles of Universal Design (Principles of Universal Design (© 1997 NC State University, Centre for Universal Design)). Designs should:

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- (1) Be useful and marketable to people with diverse abilities - equitable use.
 - (2) Accommodate a wide range of individual preferences and abilities - flexibility in use.
 - (3) Be easy to understand, regardless of the user's experience, knowledge, language skills, or current concentration level - simple and intuitive use.
 - (4) Communicate necessary information effectively to the user, regardless of ambient conditions for the user's sensory abilities - perceptible information.
 - (5) Minimize hazards and the adverse consequences of accidental or unintended actions - tolerance for error.
 - (6) Be used efficiently and comfortably and with a minimum of fatigue - low physical effort.
 - (7) Provide appropriate space for approach, reach, manipulation, and use regardless of user's body size, posture or mobility - size and space for approach and use.
41. Recommend to the City Council and City administration, from time to time where possible, the employment services of persons with disabilities to:
- (1) identify barriers, opportunities and best practices for improving employment outcomes for persons with disabilities,
 - (2) improve linkages among persons with disabilities and the business community, businesses and community-based job placement agencies, and major disability income and service providers, and
 - (3) to help identify high skill demand sectors and skill shortage areas that could provide the best opportunities for persons with disabilities.
42. Prepare an annual report to be presented to Council that will flow into the City's annual budget planning process to address accessibility for persons with disabilities. The report will focus on the identification, removal and prevention of barriers to persons with disabilities in the City, give an update on progress the City has made in the preceding year in removing barriers, and provide advice on the City's ongoing operations and capital plans. The Chair or his or her delegate will present the report to Council at a Standing Committee meeting under the Community Services Committee.
43. Copies of Committee minutes shall be forwarded to Council and administration.

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ADVOCACY

44. If the Committee identify an issue under the jurisdiction of another order of government that affects persons with disabilities in the City, the Committee may advise Council on the issue.
45. If the Committee wished to advocate on an identified issue, the Committee will:
 - (1) Request a decision on Council's position on the issue;
 - (2) Advocate the City's position on the issue, as approved by Council;
 - (3) Include in the Committee's annual report any advocacy actions taken, and an evaluation of any results arising from the advocacy action.

FINANCE, ADMINISTRATION AND TECHNICAL SUPPORT

46. The City representative or his / her delegate shall act as Administrative Coordinator and Recording Secretary for the Committee. Members of the City management team or their designate may attend meetings as requested by the Committee.
47. For the purposes of fulfilling the administrative functions, the Administrative Coordinator shall perform the following duties:
 - (1) Provide general assistance to applicants;
 - (2) Arrange for a meeting room to hold business meetings;
 - (3) Contact Committee members to establish meeting dates. Confirm meeting dates with members and any interested person upon request;
 - (4) Arrange teleconferencing and videoconferencing as needed
48. The Administrative Coordinator and Recording Secretary shall, in cooperation with the Chairperson, prepare all meeting agendas and distribute them to Committee members at least five days in advance of the meeting or as soon thereafter as is possible.
49. The Administrative Coordinator and Recording Secretary shall prepare minutes of all meetings of the Committee, including its recommendations to the City Council, City administration, or the public at large.
50. The minutes will be approved by the Committee by resolution before posting and / or dissemination.
51. The minutes of the Committee will be posted on the City website as soon as possible after any given meeting.

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APPOINTMENT OF EMPLOYEES FOR ASSISTANCE

52. The Committee may request Council to appoint such officers or employees as it may deem necessary in order to assist in the performance of their duties.

BUDGET

53. A budget for expenses arising from the operation of the Committee in the administration of this Terms of Reference will be submitted to Council for approval.
54. The budget shall be prepared and presented to Council by the City representative, in consultation with the Committee.
55. The Committee's budget will be administered by the City representative. The Committee shall have no authority to expend or commit financial resources of the City.

AMENDMENTS

56. The Committee can recommend to Council by way of Committee resolution amendments to these Terms of Reference.

TERMINATION

57. Council may, by resolution, dissolve the Committee at any time, or amend these Terms of Reference.

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