

The Corporation of the Municipality of Brockton



**By-Law 2022-087**

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**Being a By-Law to Adopt the Terms of Reference for the  
Accessibility Advisory Committee**

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**Whereas** the *Municipal Act, 2001, S.O. 2001, c. 25*, Section 5(3), as amended, provides that a municipal power, including a municipality's capacity rights, powers and privileges under section 9; shall be exercised by By-Law;

**And Whereas** Section 29 of the *Accessibility for Ontarians with Disabilities Act, 2005, S.O. 2005, c. 11*, as amended provides that Municipal Councils having a population of not less than 10,000 shall establish an accessibility advisory committee;

**And Whereas** the Council for The Corporation of the Municipality of Brockton deems it appropriate to establish an Accessibility Advisory Committee;

**Now Therefore** the Council of the Corporation of the Municipality of Brockton **Enacts as Follows:**

- 1.0 That the Terms of Reference for the Accessibility Advisory Committee as attached as Schedule "A" and forming part of this By-Law be hereby adopted.
- 2.0 That the Accessibility Advisory Committee be added to the Committee Appointment By-Law.
- 3.0 That this By-Law shall come into effect upon final passage.
- 4.0 This By-Law may be cited as the "Accessibility Advisory Committee Terms of Reference By-Law".

**Read, Enacted, Signed and Sealed this 7th day of June, 2022.**

Original Signed By  
Mayor – Chris Peabody

Original Signed By  
Director of Legislative and Legal Services (Clerk) –  
Fiona Hamilton



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

### **Mandate**

The Brockton Accessibility Advisory Committee is formed to comply with the *Accessibility for Ontarians with Disabilities Act, 2005* which requires every municipality having a population not less than 10,000 to establish an Accessibility Advisory Committee.

The Accessibility Advisory Committee is responsible for making recommendations to Council that considers the needs and rights of persons with disabilities and assures maximum integrated accessibility for all citizens.

The Accessibility Advisory Committee will fulfill the requirements of the *Accessibility for Ontarians with Disabilities Act, 2005* by providing vision and advice to the Council of the Municipality of Brockton to create an accessible and inclusive community.

### **Definitions**

For the purposes of this By-Law, the following definitions shall apply and have the following meanings:

#### **“Act”**

Shall mean the *Accessibility for Ontarians with Disabilities Act, 2005, S.O. 2005, c. 11* as amended.

#### **“Brockton”**

Shall mean the Corporation of the Municipality of Brockton.

#### **“Committee”**

Shall mean persons appointed by Council to the Brockton Accessibility Advisory Committee.

#### **“Council”**

Shall mean the Council of the Corporation of the Municipality of Brockton consisting of the Mayor, Deputy Mayor and five Councillors.

**“Councillor”**

Shall mean a person elected or lawfully appointed to the Council of the Corporation of the Municipality of Brockton, but does not include the Mayor or Deputy Mayor.

**“Chair”**

Shall mean the member who presides at the Brockton Accessibility Advisory Committee meeting.

**“Clerk”**

Shall mean the Municipal Clerk or Deputy Clerk or designate duly appointed by Brockton Council as prescribed in Section 228 of the *Municipal Act, 2001* and designated by By-Law.

**“Delegation”**

Shall mean a person or group of persons who are not Members of Council or Brockton staff who have requested and are permitted to address the Committee, individually or on behalf of a group.

**“Minutes”**

Shall mean a record of the proceedings and decisions of the Committee at the meeting, and shall be made by the Secretary of the Committee without note or comment.

**“Secretary”**

Shall mean the Clerk, or person designated by the Clerk, or Committee to record minutes of the meeting.

**Structure**

The Committee shall consist of voting six (6) public members with at least four (4) members with disabilities, one (1) Council member and the Clerk or designate as a non-voting staff resource. The public members and Council member will each have a vote, with the Clerk or designate acting in a non-voting capacity.

In order to have quorum, the Committee shall have a majority of members present during a meeting.

The Committee reports to Council. All communications and recommendations with Municipal Councillors and staff, on behalf of the Committee, must be approved by resolution of the Committee.

Committee Minutes are to be provided to the Clerk for insertion on the Council’s Agenda. Recommendations for Council’s consideration are to be presented to Council in a Report format.

By consensus, the Committee shall appoint a Chairperson annually from among its members. If the Chairperson is absent, the Committee may appoint an Acting Chairperson from among the Committee Members.

The Mayor may attend all Committee meetings as an ex-Officio member and shall be entitled to vote, but shall not form part of the quorum unless they are already an appointed member.

The selection process of the members appointed to the Committee is at the sole discretion of Council and Council's decision is final.

Committee members are expected to adhere to the Brockton Council Code of Conduct. Failing to abide by the Council Code of Conduct may result in the Committee member being immediately dismissed from the Committee, following written notice.

A subcommittee may be established, at the discretion of the Committee.

## **Term**

The Committee shall be appointed for the term of Council, but shall continue until such time as new Committee members are appointed by a new Council following an election. Members may be reappointed at the discretion of Council. Resignations from the Committee must be in writing.

Every Member shall be eligible for re-appointment to the Committee; they must express their intent to continue on the Committee to the Clerk's office, in writing in an election year, if applicable.

Council has the right to not re-appoint a Member, in its sole and absolute discretion, and to seek out new members as Council may see fit at any time.

Resignations from the Committee must be in writing addressed to the Clerk.

## **Administration**

1. The Committee will adhere to all aspects of Brockton's Procedural By-Law. Committee members are expected to adhere to the Brockton Council Code of Conduct. Failing to abide by the Council Code of Conduct may result in the Committee member being immediately dismissed from the Committee, following written notice.
2. Minutes shall be kept of all Meetings and forwarded to the Clerk by the Committee Secretary, once adopted.
3. The Committee shall hold regular quarterly meetings at a Brockton Municipal Facility, and or participate electronic meetings that are open to members of the public should external influences prohibit the ability to meet in-person. The Committee can also hold meetings at the call of the Chair.
4. The meeting schedule and agendas will be posted on the Brockton website.
5. Where the Chair has advised the Secretary that he or she shall not be present at the meeting, the Vice Chair shall be advised of the Chair's absence by the Secretary as soon as practicable.

6. A Quorum of Members shall be a majority of voting Committee members and shall be required to conduct any Committee business.
7. If no Quorum is present within fifteen (15) minutes after the hour appointed for a Meeting, the Secretary shall record the names of those present and the Meeting shall stand adjourned until the next meeting. Those present may choose to continue meeting for discussion purposes only, but no decisions to advance the business of the committee shall be made.
8. Council, on the recommendation of the Committee, may declare vacant the seat of any Member who has missed three (3) or more consecutive Committee meetings without submitting regrets to the Secretary.
9. A person who would like to appear as a delegation or make a presentation at a meeting of the Committee must submit a copy of their delegation report or presentation to the Clerk by 1:00 p.m. on the Thursday prior to a Committee meeting.
10. The subject matter of the delegation or presentation must be a matter within the committee's mandate, as determined by the Clerk, who may refuse a delegation when the subject matter is beyond the jurisdiction of the Committee.
11. No person other than the designated spokesperson may speak on the matter and not for more than ten (10) minutes, unless an extension is permitted by the Chair.
12. The Clerk shall have the authority to determine whether sufficient detail has been provided in preparation for a delegation or presentation and to request additional information as required from the presenter.
13. All Committee meetings are open to the public. The Committee may enter into a closed session only for the reasons enumerated in Section 239 (2) of the *Municipal Act, 2001*. The Secretary shall take minutes of the closed session and provide these minutes to the Clerk of the Municipality once approved. The Clerk or Secretary may advise the Chair if, in their opinion, the item to be discussed does not meet the criteria in Section 239 (2) of the *Municipal Act, 2001*.

## **Role of Committee Members**

- Be aware of the *Ontarians with Disabilities Act, 2001* and the Committee's mandate.
- Work together to develop a common approach that is reasonable and practical.
- Try to attend every meeting at the time established.
- Be prepared for the meeting by reading the meeting package contents ahead of time and be prepared to discuss agenda items.
- Be courteous and respect other people's opinions.
- Keep discussions to the topic being dealt with at the time.

- Make sure that information and facts are correct and are submitted objectively in order to assist in a good decision.
- Members shall declare any situation that is, or has the potential to be, a conflict of interest.
- Advise the Council about the requirements and implementation of accessibility standards and the preparation of Accessibility Reports and such other matters for which the Council may seek the Committee's advice.
- Review, in a timely manner, the site plans and drawings described in Section 41 of the *Planning Act*, as amended, that the Committee requests.
- Perform all other functions that are specified in the *Accessibility for Ontarians with Disabilities Act, 2005*, as amended.
- Review and provide comments and/or make recommendations on the accessibility of a building, structure and premise (or parts thereof) that the Municipality purchases, constructs, significantly renovates or leases.
- Provide comments and/or recommendations regarding the accessibility of any other facility used as a Municipal building.
- Provide comments and/or recommendations on how the needs of persons with disabilities can be better served through the Municipality's purchasing of goods and/or services.
- Annually review the Accessibility Plan to ensure that it includes identifying, removing and preventing barriers in the Municipality's By-laws, policies, programs, practices and services.
- Support, encourage and be an ongoing resource to the Municipality by educating and building community awareness about measures to improve the quality of life for persons with disabilities
- Consult with persons with disabilities, community groups and organizations representing persons with disabilities in order to capture and communicate emerging issues to Council.
- Communicate with other Accessibility Advisory Committees, government and local stakeholder groups on accessibility issues, policies and guidelines.

In accordance with section 29(5) of the Act, Council shall seek advice from the Accessibility Advisory Committee on the accessibility for persons with disabilities to a building, structure or premises, or part of a building, structure or premises:

- (a) that the council purchases, constructs or significantly renovates;
- (b) for which the council enters into a new lease; or
- (c) that a person provides as municipal capital facilities under an agreement entered into with the council in accordance with section 110 of the *Municipal Act, 2001*

Further, in accordance with section 29(6) of the Act, Council shall supply site plans and drawings described in section 41 of the *Planning Act* to the Committee for the purpose of a review, upon request from the Committee.

### **Role of the Clerk and or Designate**

- Correspond with members of the Committee.
- Act as the Committee Secretary.
- Prepare meeting packages in cooperation with the Chair for delivery to all members at least two (2) working days prior to the meeting. The meeting package should include the previous minutes and copies of any information for discussion.
- Give notice of meetings and prepare all correspondence as directed by the Committee.
- Preserve all records and correspondence in an organized manner.
- Act as resource personnel for Municipal policies and procedures.

### **Role of the Chair**

- Be appointed annually by vote of members present at the first meeting of the year.
- Preside at all Meetings.
- Control proceedings and discussion to ensure smooth transition of the business as listed on the agenda.
- Work cooperatively with the Clerk or designate in the preparation of the agenda.
- Vote on all matters requiring a formal Motion

### **Financial**

1. All purchasing, handling of revenue and issuing of cheques shall be done in accordance with the applicable Brockton policies and shall be done only by the Clerk or designated staff. All accounting for the Committee shall be centralized in the office of the Treasurer of Brockton.
2. Financial information pertaining to the Committee shall be made available to Members at regularly scheduled meetings.
3. The Committee's proposed budget items are to be submitted to the Clerk annually by November for consideration in the Municipal budget.