



## Calgary Transit Access Eligibility Appeal Board Terms of Reference

### 1. Authority

1. The Calgary Transit Access Eligibility Appeal Board was established by a resolution of Council on 1999 April 26 (report TTP99-19).

**2. If this Terms of Reference document does not resolve a question about procedure or conduct, the most recently published version of Bylaw 35M2017, the Procedure Bylaw, is to apply, but only to the extent that the Procedure Bylaw is applicable to the situation.**

**3. Where the relevance or applicability of the Procedure Bylaw is disputed, the Chair must determine the issue and may consult with the City Clerk if desired.**

### 2. Mandate

To hear and determine Appeals from those persons deemed to be ineligible, conditionally eligible or who disagree with their eligibility for shared-ride public transportation service as determined by Calgary Transit Access. **Decisions are based strictly on an Appellant's ability to use Calgary Transit buses and CTrains.**

**As the burden of proof lies with the Appellant, Board members are expected to make decisions based on the above mandate only.**

### 3. Specific Responsibilities

Render a fair determination with the evidence provided.

### 4. Reports to

City Council

### 5. Composition

The Board consists of seven (7) Members:

- Three (3) citizens, who are Members with disabilities or directly involved with those with disabilities
- Three (3) citizens who are or were, health care practitioners (e.g. doctor, nurse, therapists)
- One (1) citizen-at-large

### 6. Resources

Manager, Calgary Transit Access, Calgary Transit  
Coordinator, Eligibility Services, **Calgary Transit Access**, Calgary Transit



## Calgary Transit Access Eligibility Appeal Board Terms of Reference

### 7. Subcommittees

There are no subcommittees.

### 8. Term

- Two-year term
- A Member may serve a maximum of six (6) consecutive years
- Despite the above, a Member may serve until their successor is appointed. The service of a Member beyond the appointed term shall not count toward the limit on the length of service set out above if the additional service is six (6) months or less.
- A Member may serve more than six (6) consecutive years by a two-thirds (2/3) vote of Council.
- When an appointment is made to fill a member vacancy:
  - If the balance of the term to be served is six (6) months or less, that service shall not count toward the limit on the length of service; and
  - If the balance of the term to be served is more than six (6) months, that service shall count toward the limit on the length of service.

### 9. Quorum

Quorum is greater than 50%; that is four members.

### 10. Chair

Chair and Vice-Chair are nominated and elected by the Calgary Transit Access Eligibility Appeal Board.

### 11. Meetings

- Frequency: Monthly (or as required)
- Day: 3rd Tuesday
- Time: 4:30 – 8:00pm
- Location: Legal Traditions Committee Room (4th Floor, City Hall)

Additional meetings may be scheduled if approved by the Board. Meetings are not open to the public. Media are not entitled to attend Board hearings. Meetings are not recorded via video or audio tape **unless the meeting is held virtually. In this case, audio and video of the meeting is required for accurate administrative notes and will be kept for a maximum of 30 days only. This recorded material is the sole property of the City and a copy cannot be requested by any party. Only the minutes of the meeting, once available, represents the official record of Appeal Board decisions.**



## Calgary Transit Access Eligibility Appeal Board Terms of Reference

### 12. Procedures

1. The Access Calgary representative will present information and history regarding their determination. The burden of proof rests with the Appellant, who will present written information and witnesses to establish their case.
2. After the Appellant and any witnesses present all their evidence, there will be opportunity for discussion between the parties and the Board. The Appellant and witnesses will leave the room while the Board deliberates.
3. The Board may render one of the following decisions:
  - a. to deny the appeal;
  - b. to uphold the appeal with or without conditions;
  - c. to change the appeal to include or remove conditions;
  - d. to dismiss the appeal if the Board finds it is without merit; or
  - e. to reserve its decision until a future date.
4. The Chair will render an oral decision, including the Board's specific findings of fact and reasons, to the Appellant immediately after a hearing has concluded. The Board will also provide a written confirmation of their decision and reasons, to be delivered to the parties within thirty (30) days of the conclusion of the hearing.
5. The decision of the Board is the final determination of an Appeal. The decision of the majority is the decision of the Board.

### 13. Roles and Code of Conduct

#### 1. Role of the Chair:

- a. The Chair must maintain order and decorum in a manner which promotes professionalism, fairness and forward progress, recognize participants to speak at the appropriate time, make rulings on the proceedings of meetings, and perform such other leadership functions as may be required for the efficient and effective conduct of the meeting.
- b. The Chair must ensure that only the matters that are approved to be discussed during closed deliberations are discussed.
- c. The Chair participates in a meeting on the same basis as all other Members.

#### 2. Conduct of Members Including the Chair:

- a) In order to ensure a respectful meeting environment, Members will abide by the applicable Council policy related to conduct.



Calgary Transit Access Eligibility Appeal Board  
Terms of Reference

- b) A Member will keep their comments relevant to the issue at hand.**
- c) A Member will always demonstrate respect for the Board, the parties' representatives, witnesses and for the hearing process itself, through their demeanor, timeliness, dress and conduct throughout the proceedings.
- d) A Member will not communicate directly or indirectly with any party, witness or representative of a party in respect a Board proceeding, except in the presence of all parties and their representative.
- e) A Member will not make public comment **on** nor discuss, orally or in writing, ~~on~~ any aspect of a matter before the Board.
- f) A Member will not communicate with the media regarding any matter before the Board.
- g) A Member will not divulge information obtained because of their appointment to the Board for personal benefit or for the benefit of any other person.
- h) A Member must not engage in conduct that exploits their position on the Board.
- i) A Member will disclose any circumstances that raise a possible allegation of bias or conflict and may withdraw as a voting Member for that Appeal.
- j) A Member will be available at the place of the hearing no less than 15 minutes prior to the scheduled commencement of a hearing.
- k) A Member is reasonably expected to attend all meetings of the Board. Members must achieve a minimum of 8 meetings out of 12 within a calendar year or 75% of the meetings within a rolling calendar year. Failure to attend meetings regularly could lead to a recommendation to Council for the removal of the Member from the Board.**

Adopted by Council on 199 May 03 (TTP99-19)  
Amended by Council on 2001 April 02 (TTP2001-14)  
Amended by Council on 2009 March 09 (LPT2009-14)  
Amended by Council on 2016 April 11 (TT2016-0192)  
Amended by Council on 2016 May 16 (CPS2016-0265)  
Amended by Council on 2017 May 08 (PFC2017-0312)  
Amended by Council on 2018 July 30 (C2018-0886)