

Community Services Report to
Executive Committee
2023 October 11

ISC: UNRESTRICTED
EC2023-0880

Calgary Transit Access Eligibility Appeal Board Bylaw

PURPOSE

This report provides a proposed Bylaw to continue the existing Calgary Transit Access Eligibility Appeal Board. Amendments to the *Municipal Government Act* require all Council committees be established through a bylaw.

PREVIOUS COUNCIL DIRECTION

The establishment, naming and recent amendments to the Calgary Transit Access Eligibility Appeal Board Terms of Reference is included in Attachment 1 – Background and Previous Council Direction.

RECOMMENDATION:

That the Executive Committee:

1. Recommend that Council continue the Calgary Transit Access Eligibility Appeal Board with its existing members and terms by giving three readings to the proposed Bylaw (Attachment 2).
2. Forward Report EC2023-0880 to the 2023 October 17 Regular Meeting of Council.

CITY MANAGER/GENERAL MANAGER COMMENTS

GM Katie Black concurs with this report.

HIGHLIGHTS

- The Calgary Transit Access Eligibility Appeal Board provides a mechanism for Calgarians who disagree with an eligibility decision to submit a second stage of appeal.
- Currently, the Calgary Transit Access Eligibility Appeal Board is administered by a Terms of Reference. The new Calgary Transit Access Eligibility Appeal Board Bylaw is presented as Attachment 2.
- There is no change to the mandate, roles, composition, membership or length of terms of the Board members or established procedures within the proposed Bylaw.

DISCUSSION

Calgary Transit Access is an accessible public transit service that provides door-to-door, shared ride transportation for Calgarians whose disability prevents them from using conventional Calgary Transit buses and CTrains. The purpose of the Calgary Transit Access Eligibility Appeal Board is to hear and determine appeals from people deemed by Transit Access Eligibility to be ineligible, conditionally eligible or who disagree with their eligibility for shared-ride public transportation service. Decisions are based strictly on an appellant's physical and cognitive ability to use Calgary Transit buses and CTrains. Board members are required to make decisions based on this mandate and to render a fair determination with the evidence provided.

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The bylaw will maintain the Board composition of three public members with disabilities or directly involved with those with disabilities, three public members who are or were health care practitioners (e.g., doctor, nurse, therapist), and one citizen-at-large.

The bylaw will continue to require the procedures outlined in the current Terms of Reference. During an appeal hearing, City Administration presents information, history and the rationale regarding an applicant's eligibility determination for Calgary Transit Access service. The appellant will present verbal or written information and may also bring advocates to establish their case, followed by an opportunity for discussion. The Board will provide a decision which is communicated to the Appellant immediately after a hearing has concluded. The decision is final and binding.

Section 145 of the *Municipal Government Act* states that a municipal Council may only establish Council committees by bylaw. The continuation of the Calgary Transit Access Eligibility Appeal Board through a bylaw ensures the Board complies with this section of the *Municipal Government Act*.

EXTERNAL ENGAGEMENT AND COMMUNICATION

- | | | | |
|-------------------------------------|---|--------------------------|---|
| <input type="checkbox"/> | Public engagement was undertaken | <input type="checkbox"/> | Dialogue with interested parties was undertaken |
| <input checked="" type="checkbox"/> | Public/interested parties were informed | <input type="checkbox"/> | Public communication or engagement was not required |

The Chair of the Calgary Transit Access Eligibility Appeal Board was informed of the legislative requirement that all boards must be established through a bylaw. The City Clerk's Office and the Law Department were consulted on the Bylaw development and reporting process.

IMPLICATIONS

Social

The continuation of the Calgary Transit Access Eligibility Appeal Board through a bylaw will allow applicants to have an opportunity to appeal a decision made by Transit Access Eligibility. This will ensure applicants who disagree with an eligibility decision have an equitable opportunity to provide additional information about their disability, including why they are prevented from using Calgary Transit buses and CTrains.

Environmental

Calgary Transit Access supports the overall provision of public transit as an environmentally-friendly mode of transportation and aligns with The City's commitment to climate resilience through enabling shared ride services that reduce greenhouse gas emissions.

Economic

The continuation of the Calgary Transit Access Eligibility Appeal Board will allow applicants who disagree with an eligibility decision to submit an appeal, ensuring they have an opportunity to provide additional information about their disability and their right to low-cost accessible transit.

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Service and Financial Implications

No anticipated financial impact

RISK

If the Calgary Transit Access Eligibility Appeal Board and its Terms of Reference are not continued through the establishment of a Bylaw, the Board will not be compliant with recent amendments to the *Municipal Government Act*.

ATTACHMENTS

1. Background and Previous Council Direction
2. Proposed Bylaw
3. Presentation – Calgary Transit Access Eligibility Appeal Board Bylaw

Department Circulation

General Manager/Director	Department	Approve/Consult/Inform
Sharon Fleming	Calgary Transit	Inform

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