

Proposed Wording for a Bylaw to Continue the Calgary Transit Access Eligibility Appeal Board as a Committee of Council

SHORT TITLE

1. This bylaw may be cited as the “Calgary Transit Access Eligibility Appeal Board Bylaw”.

DEFINITIONS

2. (1) In this Bylaw,
 - (a) “*Board*” means the Calgary Transit Access Eligibility Appeal Board established by this Bylaw;
 - (b) “*Transit Access Eligibility*” means the *City* administration team within Recreation & Social Programs;
 - (c) “*Council*” means the municipal council of the *City*;
 - (d) “*City*” means the municipal corporation of The City of Calgary;
 - (e) “*City Clerk*” means the person appointed by *Council* to the designated officer position of City Clerk or their delegate, pursuant to the City Clerk Bylaw, 73M94; and
 - (f) “*Public Member*” means an individual who has been appointed to a Board, Commission, or Committee by *Council* who is not a Member of *Council* or a *City* administration representative.
- (2) If this Bylaw refers to any statutes, regulations or bylaw, the reference is to the statute, regulation or bylaw as amended, whether amended before or after the commencement of this Bylaw, and includes reference to any statutes, regulation or bylaw that may be substituted in its place.

ESTABLISHMENT

3. The Calgary Transit Access Eligibility Appeal Board is hereby established as a committee of *Council*.

MANDATE

4. (1) The *Board*’s mandate is to hear and determine appeals from:
 - (a) a decision that a person is ineligible for shared-ride public transportation service made by *Transit Access Eligibility*; or
 - (b) a decision that a person is conditionally eligible for shared-ride public transportation service made by *Transit Access Eligibility*.

- (2) The *Board* must base all decisions on an appellant's ability to use Calgary Transit buses and CTrains.

COMPOSITION OF THE COMMITTEE

5. (1) The *Board* shall consist of 7 *Public Members* as follows:
- (a) 3 *Public Members*, who are persons with disabilities or are professionals who work with people who have disabilities;
 - (b) 3 *Public Members* who are or were health care practitioners (e.g., doctors, nurses, therapists); and
 - (c) 1 citizen-at-large.
- (2) All 7 *Public Members* are voting members.

TERM LENGTH

6. (1) *Board* members are appointed for 2-year terms.
- (2) A *Public Member* may serve until their successor is appointed. The service of a *Public Member* beyond the appointed term shall not count towards the limit on the length of service set out in subsection (1) if the additional service is 6 months or less.
- (3) When an appointment is made to fill a member vacancy then the following applies:
- (a) If the balance of the term to be served is 6 months or less, that service shall not count toward the limit on the length of service; and
 - (b) If the balance of the term to be served is more than 6 months, that service shall count toward the limit on the length of service.

TERM LIMIT

7. (1) A *Public Member* may serve a maximum of 6 consecutive years.
- (2) Notwithstanding subsection (1), a *Public Member* may serve more than 6 consecutive years if authorized by a two-thirds vote of *Council*.

QUORUM

8. Quorum is 4 members.

CHAIR AND VICE-CHAIR

9. The Chair and Vice-Chair are elected by the *Board*.

MEETINGS

10. (1) Monthly, either in person or virtually, at the time and place designated by the *City Clerk*.
- (2) Additional meetings may be scheduled if approved by the *Board*.
11. (1) If a matter to be discussed at a meeting is within one of the exceptions to disclosure in Division 2 of Part 1 of the *Freedom of Information and Protection of Privacy Act*, the *Board* may close all or part of that meeting to the public.
- (2) Before closing all or any part of a meeting to the public, the *Board* must pass a resolution stating:
 - (a) the part of the meeting that is to be closed, and
 - (b) the basis on which, under an exception to disclosure in Division 2 of Part 1 of the *Freedom of Information and Protection of Privacy Act* the part of the meeting is to be closed.
- (3) If a meeting is closed to the public, the *Board* may allow one or more other persons to attend, as it considers appropriate.
- (4) Meetings that are closed to the public are not recorded via video or audio tape unless the meeting is held virtually.
- (5) In the case of a virtual meeting, audio and video of the meeting is required for accurate administrative notes and will be kept for a maximum of 30 days only despite any policy or bylaw setting out alternative retention periods.
- (6) The minutes of the meeting, once available, are the official record of the *Board's* decision.

REPORTS TO

12. The *Board* reports to *Council*.

ADMINISTRATIVE SUPPORT

13. The following *City* administration representatives will act as a resource to the *Board*:
 - (a) Manager, Programming & Access, Recreation and Social Programs;
 - (b) Team Lead, Transit Access Eligibility, Recreation & Social Programs; and
 - (c) Eligibility Services Clerk, Transit Access Eligibility, Recreation & Social Programs.

PROCEDURES

14. (1) The *Transit Access Eligibility* representative will first present information and history regarding their decision on eligibility, followed by the appellant who will present written information and witnesses to establish their case.
- (2) The burden of proof rests with the appellant.
- (3) 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.
- (4) 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.
- (5) The *Board* members must render fair determinations based on an appellant's ability to use Calgary Transit buses and CTrains.
- (6) 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 30 days of rendering the decision.
- (7) The decision of the *Board* is the final determination of an appeal. The decision of a majority of the members present at a meeting is the decision of the *Board*.
15. (1) If this Bylaw does not resolve a question about procedure or conduct, Bylaw 35M2017, the Procedure Bylaw, will apply, but only to the extent that the Procedure Bylaw is applicable to the situation.
- (2) Where the relevance or applicability of the Procedure Bylaw is disputed, the Chair must determine the issue and may consult with the *City Clerk*.

ROLES AND CONDUCT

16. (1) The Chair must:
 - (a) maintain order and decorum in a manner which promotes professionalism, fairness and forward progress;

- (b) recognize participants to speak at the appropriate time;
 - (c) make rulings on the proceedings of meetings;
 - (d) perform such other leadership functions as may be required for the efficient and effective conduct of the meeting;
 - (e) ensure that only the matters that are approved to be discussed during closed deliberations are discussed during such sessions; and
 - (f) participate in a meeting on the same basis as all other members.
- (2) In order to ensure a respectful meeting environment, members must abide by the *Code of Conduct for Public Members Appointed to Council Established Boards, Commissions and Committees* (CP2022-05).
- (3) A member is reasonably expected to attend all meetings of the *Board*. Members must attend 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 the Chair making a recommendation to *Council* for the removal of the member from the *Board*.

COMING INTO FORCE

17. This Bylaw comes into force on the day it is passed.