



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

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Legislation Text

File #: 23-142, Version: 1

REQUEST FOR DIRECTION

DATE: March 13, 2023

Report No. ADM-23-011

TO: Dan Horan, Chief Administrative Officer

FROM: Deb Hopkins, Corporate Officer

SUBJECT:

Accessible BC Act - Municipal Requirements

ESSENTIAL QUESTION:

Does the Township wish to participate in a joint sub-regional Accessibility Advisory Committee with neighbouring municipalities and cost share both the development of the legislatively required Accessibility Plan and the administrative staff support for the Committee?

RECOMMENDATION:

That it be recommended to Council:

That in response to the Provincial requirement to establish an Accessibility Committee by September 1, 2023, the municipality participate in a joint sub-regional Accessibility Committee, the Capital West Accessibility Advisory Committee, representing the City of Colwood, the Township of Esquimalt, the District of Highlands, the City of Langford, the District of Metchosin, the District of Sooke, and the Town of View Royal; and

That each member municipality of this joint sub-regional Accessibility Advisory Committee provide an equal share of the costs to retain a consultant to prepare an Accessibility Plan which member municipalities will apply to their own accessibility initiatives; and

That each member municipality of this joint sub-regional Accessibility Advisory Committee allocate nominal annual operating funds for Committee expenses; and

That the draft Committee Terms of Reference, provided as Attachment C to this report, be adopted; and

That a joint Accessibility Advisory Committee advertisement be placed seeking members for this Committee; and further

That the member municipalities each establish an email address to receive public comments as set out in the legislation.

BACKGROUND:

In June 2021, the *Accessible BC Act* became law, reflecting BC's commitment to become an inclusive province that supports the principles of the UN Convention on the Rights of Persons with Disabilities (see Attachment A).

As part of the *Act*, additional regulations were made bringing into force provisions that added municipalities as prescribed organizations effective September 1, 2023.

As a prescribed organization, Part 3 of the *Act* specifically applies. There are three requirements for municipalities:

- a) establish an Accessibility Advisory Committee (section 9),
- b) develop an Accessibility Plan (section 11), and
- c) establish a process for receiving public feedback on the plan and the barriers people may face in interacting with the local government (section 12).

This report addresses each of these three elements in the following section.

Agencies need to proceed in a timely manner with the steps outlined in the legislation. A cost-effective and reasonable approach would see a joint effort undertaken by the City of Colwood, the Township of Esquimalt, the District of Highlands, the City of Langford, the District of Metchosin, the District of Sooke, and the Town of View Royal.

An Accessibility Plan prepared through this joint initiative can be the basis for the member municipalities to undertake individual projects over time.

All persons should be able to participate fully and equally in their communities. Disability and accessibility are evolving concepts that change as services, technology, and attitudes change. Promoting accessible communities is a shared responsibility and everyone has a role to play. The Advisory Committee would help create opportunities for local government, community, and business to work together to promote access and inclusion.

ISSUES:

The three requirements for municipalities included in the Accessible BC Act include:

A. Establish an Accessibility Advisory Committee (section 9)

Under the *Act*, an Accessibility Advisory Committee is to be established. To better determine what an Accessibility Advisory Committee may look like, it is first important to consider the legislated mandate. Section 9 of the *Act* lists the mandate of the Committee as follows:

s.9(1) An organization must establish a committee to

- (a) assist the organization to identify barriers to individuals in or interacting with the organization, and*
- (b) advise the organization on how to remove and prevent barriers to individuals in or interacting with the organization.*

Several local governments within the Capital Regional District and throughout the Province have Advisory Committees on disability issues, including joint Advisory Committees.

For example, a tri-partite group has recently been formed in the Saanich Peninsula comprising Central Saanich, North Saanich, and Sidney.

Another example is the North Shore Advisory Committee on Disability Issues, an intermunicipal Committee comprising the District of North Vancouver and the Cities of North Vancouver and West Vancouver. This group has been meeting since 1989 and will be looking to re-tailor to suit the requirements of the new *Act*.

Currently in the West Shore, there is the Intermunicipal Advisory Committee on Disability Issues (IACDI). This Committee formed originally as a City of Colwood entity in 1989 and broadened its membership in the early 1990s to also include Langford, Highlands, Metchosin, Sooke, and View Royal. The IACDI Terms of Reference do not currently align with the Provincial requirements on both the mandate and membership fronts (see Attachment B).

The IACDI mandate, as seen in Attachment B, is significantly broader than what is described in the *Accessible BC Act*, and the ICADI mandate lists the actual remedying of identified barriers and the promotion of acting living initiatives.

With respect to membership, the IACDI membership does not reflect the Province's aspirational membership composition as described in the *Act* whereby:

- s.9(2) *An accessibility committee must, to the extent possible, have members who are selected in accordance with the following goals:*
- (a) *at least half of the members are*
 - (i) *persons with disabilities, or*
 - (ii) *individuals who support, or are from organizations that support, persons with disabilities;*
 - (b) *the members described in paragraph (a) reflect the diversity of persons with disabilities in British Columbia;*
 - (c) *at least one of the members is an Indigenous person;*
 - (d) *the committee reflects the diversity of persons in British Columbia.*

Instead, IACDI's membership sees up to fifteen people from elected representatives (and alternates) from each of Colwood, Highlands, Langford, Metchosin, Sooke and View Royal; citizens and/or agency representatives from the West Shore who, through knowledge or experience have interest or experience in advocating for people with disabilities, and a representative from West Shore Parks and Recreation.

Staff recommend that a separate, multi-jurisdictional, streamlined Advisory Committee be established. This new Advisory Committee would focus solely on the legislatively required mandate (section 9 (1)) of identifying barriers for those engaging with member municipalities and providing advice on how to remove and prevent barriers for those engaging with member municipalities. This narrow mandate allows the positive work of the IACDI to continue in the areas of partnering to remedy identified barriers and the promotion of active living initiatives. At the same time, this narrow

mandate also serves the member municipalities in that it allows staff time to familiarize themselves with what will be a fledgling Accessibility Plan, its application to municipal projects, the feedback tool, and the administration of a new Committee. It should be noted that, while proposed as an Advisory Committee, the Province has indicated that this Committee is neither established by nor expected to operate under the same provisions as prescribed in the *Community Charter* like Council's other Committees and advisory bodies.

The partners in this initiative are proposed to be the City of Colwood, the Township of Esquimalt (not already in the IACDI), the District of Highlands, the City of Langford, the District of Metchosin, the District of Sooke, and the Town of View Royal. The name of the Committee could be the Capital West Accessibility Advisory Committee. A draft Terms of Reference for the Committee is provided in Attachment C.

B. Develop an Accessibility Plan (section 11)

The *Act* requires the development of an Accessibility Plan (s. 11). Specifically, “[a]n organization must develop a plan to identify, remove, and prevent barriers to individuals in or interacting with the organization.” (s.11(1)).

The plan must consider the following principles:

- Inclusion;
- Adaptability;
- Diversity;
- Collaboration;
- Self-determination;
- Universal design.

Other key features of the Accessibility Plan in the legislation include:

- the Accessibility Advisory Committee is to be consulted in the plan's development (and on updates);
- the plan is required to be reviewed and updated at least once every three years; and
- comments received through the public feedback tool (see below) must also be considered in plan updates.

It is proposed that the development of an Accessibility Plan be contracted out as staff do not currently have the requisite expertise to identify the many factors that should be considered for inclusion in a preliminary plan. Once completed, the plan would form a standards-based document and/or checklist that pushes member municipalities to evaluate their capital and non-core projects, as well as small, operational initiatives through a lens of accessibility. For example, an overarching Accessibility Plan for the central/western part of this region can inform municipal work plans as it could address items including, but not limited to, letdowns and tactile walking surface indicators, audible pedestrian signals, public realm treatments, placement of public art, signage/wayfinding, trails, and benches.

The Province has indicated that while organizations are encouraged to make upgrades to enhance accessibility, physical upgrades are not required under this legislation.

C. Receive Public Feedback (section 12)

It is proposed that the requirement for receipt of public comments be handled by the individual member municipalities through each partner establishing similar email addresses. For example, Esquimalt residents could reach out to the Township of Esquimalt via accessibility@esquimalt.ca <<mailto:accessibility@esquimalt.ca>> and similarly, Sooke residents could provide comments to accessibility@sooke.ca <<mailto:accessibility@sooke.ca>>, etc. Comments received would be provided to the Advisory Committee as appropriate.

As well, member municipalities would provide consistent webpage content about the Accessibility Plan and the Advisory Committee to ensure that residents, business owners, and visitors have similar information.

FINANCIAL IMPLICATIONS:

It is anticipated that there will be costs associated with this provincial requirement such as:

- development of an Accessibility Plan;
- recruitment and on-going operation of an Accessibility Advisory Committee;
- development and on-going monitoring of the public feedback tool; and
- staff resources for the above tasks.

It is proposed that participating member municipalities contribute an equal share each for the development of an Accessibility Plan and annually approve a yet to be determined amount of funding for the Advisory Committee to cover its administrative costs. Every volunteer member must be able to fully participate in the Committee, which may include reasonable reimbursement for interpreters for the hearing impaired, technical equipment, and administrative aids required for participation.

Staff administrative time is also expected to be incurred for work such as coordinating the Accessibility Plan's development and creating website content. As well, the main administrative duties for the Advisory Committee are proposed to be rotated amongst the member municipalities on an annual basis. The annual budget for these administrative costs is expected to be modest, particularly with electronic meetings envisioned, but is not yet determined and will vary somewhat between member municipalities.

Any projects and initiatives of the individual municipalities based on the plan itself will be at the sole cost of the municipality that chooses to undertake the project or initiative. As noted above, the *Act* does not mandate physical upgrades.

ALTERNATIVES:

1. That in response to the Provincial requirement to establish an Accessibility Committee by September 1, 2023, the municipality participate in a joint sub-regional Accessibility Committee - the Capital West Accessibility Advisory Committee - comprising the City of Colwood, the Township of Esquimalt, the District of Highlands, the City of Langford, the District of Metchosin, the District of Sooke, and the Town of View Royal and authorize staff to proceed with the associated items as outlined in Staff Report No. ADM-23-011.

2. That the Committee of the Whole receive staff report No. ADM-23-011 for information and recommend to Council that staff be directed not to participate in the sub-regional Accessibility Advisory Committee and provide alternative direction to staff on the establishment of an Esquimalt Accessibility Committee and development of an Accessibility Plan.
3. That the Committee of the Whole recommend to Council that staff be directed to provide additional information.