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## **Accessibility Advisory Committee**

### **Date**

2019/12/02

### **Time**

2:00 PM

### **Location**

Civic Centre, Committee Room A - Second Floor,  
300 Civic Centre Drive, Mississauga, Ontario, L5B 3C1

### **Members**

Councillor Matt Mahoney, Ward 8  
Councillor Pat Saito, Ward 9  
Carol-Ann Chafe, Citizen Member  
Emily Daigle, Citizen Member  
Naz Husain, Citizen Member  
Rabia Khedr, Citizen Member  
Clement Lowe, Citizen Member  
Steven Viera, Citizen Member  
Asim Zaidi, Citizen Member  
Anita Baker, Stakeholder Member  
Alfie Smith, Stakeholder Member  
Sally Wall, Stakeholder Member

### **Contact**

Dayna Obaseki, Legislative Coordinator, Legislative Services  
905-615-3200 ext. 5425  
[dayna.obaseki@mississauga.ca](mailto:dayna.obaseki@mississauga.ca)

### **Find it Online**

<http://www.mississauga.ca/portal/cityhall/accessibilityadvisory>

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**Staff Accessibility Resource Team (StART)**

Abraham Binder, Emergency Management Specialist, Emergency Management  
Alana Tyers, Manager Service Development, MiWay  
Amr Merda, Urban Designer, Development & Design  
Anthony Frigo, Building Plans Examiner, Building  
Cathy Onorato, Learning & Organizational Development Consultant, Human Resources  
Darlene Utarid, Manager Asset Management and Accessibility, Asset Management & Accessibility  
Dan Sadler, Accessibility Supervisor, Asset Management & Accessibility  
Dayna Obaseki, Legislative Coordinator, Legislative Services  
Ihor Witowych, Manager Transit Operations – Employees, MiWay  
Ingrid-Keuper-Dalton, Community Development Coordinator, Library Services  
Jamal Hosein, e-Commerce Specialist, Information Technology  
Jamie Ferguson, Manager Parks Services, Parks & Forestry  
Jennifer Cowan, Accessibility Specialist, Asset Management & Accessibility  
Kimberly Hicks, Senior Communications Advisor, Strategic Communications  
Lorena Smith, Community Development Coordinator Older Adults, Recreation  
Matthew Sweet, Manager Active Transportation, Transportation & Works  
Megan Palmateer, Digital Content Consultant (NC), Strategic Communications  
Michael Foley, Manager Mobile Licensing, Enforcement  
Pam Shanks, Corporate Policies Analyst, Corporate Performance & Innovation  
Robyn Heibert, Emergency Management Specialist, Emergency Management  
Sergio Hernaiz, Project Leader Senior Capital Projects, Capital Design & Construction  
Shazia Kalia, Senior Buyer Materiel Management  
Stefan Szczepanski, Manager Parks Development, Parks & Forestry  
Virginia Kalapaca, Project Leader Landscape Architect, Parks & Forestry  
Wesley Booker, Legal Counsel Labour & Employment, Legal Services  
Yousef Malic-Elhereich, Traffic Signals Technician, Transportation & Works  
Zainab Abassi, Planner, Culture

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## **COMMITTEE INDEX**

### **1. CALL TO ORDER**

### **2. APPROVAL OF AGENDA**

### **3. DECLARATION OF CONFLICT OF INTEREST**

### **4. MINUTES OF PREVIOUS MEETING**

4.1. Accessibility Advisory Committee Minutes - September 23, 2019

### **5. DEPUTATIONS**

5.1. Anthea Foyer, Project Leader IT, Architecture & Innovation to provide an overview on the Smart Cities Idea Jam (**Verbal**)

5.2. Dan Sadler, Accessibility Supervisor to discuss the City of Mississauga's and AAC's involvement for the upcoming International Day for Persons with Disabilities (**Verbal**)

### **6. PUBLIC QUESTION PERIOD - 15 Minute Limit (5 Minutes per Speaker)**

Pursuant to *Section 42 of the Council Procedure By-law 0139-2013*, as amended:

Accessibility Advisory Committee may grant permission to a member of the public to ask a question of Accessibility Advisory Committee, with the following provisions:

1. The question must pertain to a specific item on the current agenda and the speaker will state which item the question is related to.
2. A person asking a question shall limit any background explanation to two (2) statements, followed by the question.
3. The total speaking time shall be five (5) minutes maximum, per speaker.

### **7. MATTERS TO BE CONSIDERED**

#### **7.1. Accessibility for Ontarians with Disabilities Act**

Accessibility Staff will provide a brief verbal update with respect to the *Accessibility For Ontarians with Disabilities Act* (AODA).

- Update regarding the AODA Compliance Report

#### **7.2. Region of Peel Accessibility Advisory Committee Update**

Councillor Mahoney, Naz Husain and Carol-Ann Chafe, Citizen Members and Members of the Region of Peel Accessibility Advisory Committee will provide a brief verbal update.

#### **7.3. AAC Work Plan**

**8. SUBCOMMITTEE REPORTS – Nil.****9. INFORMATION ITEMS****9.1. Mobility Devices on MiWay Memo****9.2. Council Procedure By-law – Voting and Electronic Participation Memo**

GC-0641-2019

That the report dated October 28, 2019 from the Commissioner of Corporate Services and Chief Financial Officer: Proposed Amendments to the Council Procedure By-law (By-law 193-13), be deferred.

(GOV-0011-2019)

GC-0647-2019

That the City Clerk be directed to prepare an amendment to the Council Procedure By-law 139-13 as amended regarding electronic participation and voting for Citizen Members of the Accessibility Advisory Committee.

**9.3. 2020 Accessibility Advisory Committee and Facility Accessibility Design Subcommittee Meeting Dates****10. COMMITTEE UPDATE/OTHER BUSINESS****11. DATE OF NEXT MEETING(S)****AAC - ACCESSIBILITY ADVISORY COMMITTEE**

Monday, January 20, 2019 at 2:00pm

Hearing Room, Civic Centre - 2nd Floor

300 City Centre Drive

Mississauga, ON L5B 3C1

**FADS - FACILITY ACCESSIBILITY DESIGN SUBCOMMITTEE**

Monday, January 27, 2019 at 1:30pm

Committee Room A, Civic Centre - 2nd Floor

300 City Centre Drive

Mississauga, ON L5B 3C1

**12. ADJOURNMENT**

City of Mississauga  
**Minutes**

**DRAFT**



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## **Accessibility Advisory Committee**

### **Date**

September 23, 2019

### **Time**

2:00 PM

### **Location**

Civic Centre, Committee Room A - Second Floor,  
300 Civic Centre Drive, Mississauga, Ontario, L5B 3C1

### **Members Present**

Councillor Matt Mahoney, Ward 8  
Councillor Pat Saito, Ward 9  
Emily Daigle, Citizen Member  
Naz Husain, Citizen Member (Chair)  
Asim Zaidi, Citizen Member (Vice-Chair)  
Clement Lowe, Citizen Member  
Steven Viera, Citizen Member  
Alfie Smith, Stakeholder Member  
Sally Wall, Stakeholder Member

### **Members Absent**

Carol-Ann Chafe, Citizen Member (Vice-Chair)  
Rabia Khedr, Citizen Member  
Anita Sampson Binder, Stakeholder Member

### **Find it online**

<http://www.mississauga.ca/portal/cityhall/accessibilityadvisory>

**Staff Present**

Daniel Saddler, Supervisor Accessibility

Jennifer Cowan, Accessibility Specialist

Virginia Kalapaca, Project Leader Landscape Architect, Parks & Forestry

Ian Masini, Supervisor, Compliance & Licensing, Compliance and License Enforcement

Alex Liya, Traffic Operations Specialist, traffic Operations

Dayna Obaseki, Legislative Coordinator, Legislative Services

**StART**

Abraham Binder, Emergency Management Specialist, Emergency Management

Alana Tyers, Manager Service Development, MiWay

Amr Merda, Urban Designer, Development & Design

Anthony Frigo, Building Plans Examiner, Building

Cathy Onorato, Learning & Organizational Development Consultant, Human Resources

Darlene Utarid, Manager Asset Management and Accessibility, Asset Management & Accessibility

Dayna Obaseki, Legislative Coordinator, Legislative Services

Ihor Witowych, Manager Transit Operations – Employees, MiWay

Ingrid-Keuper-Dalton, Community Development Coordinator, Library Services

Jamal Hosein, e-Commerce Specialist, Information Technology

Jamie Ferguson, Manager Parks Services, Parks & Forestry

Jennifer Cowan, Accessibility Specialist, Asset Management & Accessibility

Kimberly Hicks, Senior Communications Advisor, Strategic Communications

Lorena Smith, Community Development Coordinator Older Adults, Recreation

Matthew Sweet, Manager Active Transportation, Transportation & Works

Megan Palmateer, Digital Content Consultant (NC), Strategic Communications

Michael Foley, Manager Mobile Licensing, Enforcement

Pam Shanks, Corporate Policies Analyst, Corporate Performance & Innovation

Robyn Heibert, Emergency Management Specialist, Emergency Management

Sergio Hernaiz, Project Leader Senior Capital Projects, Capital Design & Construction

Shazia Kalia, Senior Buyer Materiel Management

Stefan Szczepanski, Manager Parks Development, Parks & Forestry

Virginia Kalapaca, Project Leader Landscape Architect, Parks & Forestry

Wesley Booker, Legal Counsel Labour & Employment, Legal Services

Yousef Malic-Elhereich, Traffic Signals Technician, Transportation & Works

Zainab Abassi, Planner, Culture

**1. CALL TO ORDER – 2:08 p.m.**

Naz Husain, Chair, requested everyone present at the meeting introduce themselves.

**2. APPROVAL OF AGENDA**

Carol-Ann Chafe, Committee Member requested to add an item under Other Business. This request was sent via email in lieu of her absence.

Approved, as amended (A. Smith)

**3. DECLARATION OF CONFLICT OF INTEREST – Nil.**

**4. MINUTES OF PREVIOUS MEETING**

**4.1. Accessibility Advisory Committee Minutes – June 17, 2019**

Approved (A. Zaidi)

**5. DEPUTATIONS/ PRESENTATIONS**

**5.1. Accessibility Services and CELA at the Library**

Rachel Young, Library Assistant - Child Youth, Library Child Youth Popular Collection to present on the Accessibility Services and CELA at the Library

Rachel Young presented on the accessibility services offered at the libraries across the City of Mississauga. The services offered are assistive workstations (located at the Central Library) that include zoom text functionality, screen readers and dictation; homebound service that delivers accessible materials to registered customers; CELA, which provides access to books and prints through the mail and/or via download; and DAISY (Digital Accessible Information System) readers and discs that allows the ability to add timed bookmarks, adjust tone and speed. The other additional services the libraries provide are the Direct to Player App, the Dolphin Easy Reader App, Lynda.com, TTY (teletypewriter) and sign language interpretation services.

Members of the Committee spoke to the matter and raised the following questions:

- Inquired if all the accessible materials listed are available at all locations;
- Inquired how the community is being informed of the services offered;
- Inquired about the potential language barrier;
- Inquired about how broad the audiobook selection is;
- Inquired if this information presented is available on the library's website;
- Suggested the use of tablets; and
- Suggested a subcommittee be established to help make the libraries more accessible.

Ms. Young responded to questions from the members of Committee;

- Accessible materials are mainly located at the Central Library, however takes approximately two days to have those materials transferred to another library for use.
- Community outreach by presenting this information at older age homes and training staff on the accessible materials to become better front line staff.
  - Suggested including this information in an E-Newsletter.
- Some of the materials are offered in a number of different languages.
- The selection of audio books is quite broad and if the resident I registered with CELA - the selection is greater.
- This information is provided on the Library's webpage, however needs to be more focused and easily located.

Direction was given to staff to include a brief overview on Accessible Materials and Services offered by the library to be forwarded to Councillor Saito's office to be included in the Councillor's E-Newsletter.

#### RECOMMENDATION

That the deputation and associated presentation by Rachel Young, Library Assistant – Child Youth, Library Child youth Popular Collection presented on the Accessibility Services and CELA at the Library be received.

Received (E. Daigle)

Recommendation AAC-0033-2019

#### 5.2. Accessible Parking Signage

Members of the Committee discussed their concerns around accessible parking signage and enforcement. Alex Liya, Traffic Operations Technologist, Traffic Operations, and Ian Masini, Supervisor, Compliance & Licensing, Compliance & License Enforcement North responded to all questions and concerns. Councillor Saito recommended that an enforcement telephone number be added to all accessible parking signs to help strengthen the enforcement of parking violations.

Direction was given to staff to further investigate a VRS (video relay service) for the deaf and hard of hearing community to be possibility included in the future development of accessible parking signs.

#### RECOMMENDATION

1. That the Accessibility Advisory Committee recommends that an enforcement telephone number be added to all accessible parking signs on all City property.
2. That the staff investigate and report back on how to further implement adding an enforcement telephone number to all accessible parking signage on private property within the City of Mississauga.

Received (Councillor Saito)

Recommendation AAC-0034-2019



**RECOMMENDATION**

That subject to the comments discussed regarding Accessible Parking Signage be received.

Received (S. Vieira)

Recommendation AAC-0035-2019

**6. PUBLIC QUESTION PERIOD**

Hassan Karkour, Resident inquired about interlocking stones on the pavement in certain areas of the City of Mississauga and expressed concern that it causes damage to wheelchairs.

Direction was given to staff to further investigate.

**7. MATTERS CONSIDERED****7.1. Accessibility for Ontarians with Disabilities Act**

Dan Sadler, Accessibility Supervisor spoke to this item regarding the corporate report entitled "Review of the Information and Communications Standards – 2019 Initial Recommendations for the *Accessibility for Ontarians with Disabilities Act, 2005* (AODA)" that went to General Committee on September 18, 2019.

Naz Husain, Chair inquired about the staggered timelines of having 50% accessibility in regards to the webpages and why compliance with AODA would surpass 2025. Mr. Sadler responded by noting that the 2021 deadline is not realistic and requires additional time to ensure full accessible compliance. Jennifer Cowan, Accessibility Specialist also noted that the City plans to build their own achievable targeted deadlines.

**RECOMMENDATION**

That the verbal update provided by Dan Sadler, Accessibility Supervisor with respect to the *Accessibility for Ontarians with Disabilities Act* (AODA) be received.

Received (E. Daigle)

Recommendation AAC-0036-2019

**7.2. Region of Peel Accessibility Advisory Committee Update**

Carol-Ann Chafe, Citizen Member via email noted that International Day of Persons with Disabilities (IDPD) will be held on December 3, 2019 at Embassy Grand Convention Centre in Brampton from 8:30am to 4:30pm.

Naz Husain, Chair noted the Housing and Homelessness service is working on their 10 year plan and looking for participants to partake in a workshop. Ms. Husain also noted that Transhelp is implementing a new mobile app and installing cameras on all buses.

Councillor Mahoney noted that a detailed design regarding mobility charging stations will be taking place.

#### RECOMMENDATION

That the verbal update regarding the Region of Peel's Accessibility Advisory Committee provided by Naz Husain, Citizen Member and Member of the ROP AAC be received.

Received (S. Wall)

Recommendation AAC-0037-2019

### 7.3. Accessibility Advisory Committee December Luncheon

Dayna Obaseki, Legislative Coordinator briefly spoke to this item. Ms. Obaseki inquired if any members had any dietary restrictions and will send out an official email invite to the Members of the Committee closer to the date.

#### RECOMMENDATION

That up to the amount of \$500.00 be approved for the costs associated with the Accessibility Advisory Committee December Luncheon.

Approved (C. Lowe)

Recommendation AAC-0038-2019

### 7.4. Accessibility Advisory Committee Work Plan

Dan Sadler, Accessibility Supervisor spoke to this item informing the AAC members that upcoming facilitated session to draft a work plan combined with a meet and greet will take place. The session will run for approximately three hours in either late October or early November.

Members requested that a three week notice is provided to ensure availability to attend.

#### RECOMMENDATION

That a proposed Accessibility Advisory Committee Work Plan be brought forward to a future AAC meeting after a facilitated session takes place to review, approve and implement the AAC Work Plan.

Received (A. Smith)

Recommendation AAC-0039-2019

## 8. SUBCOMMITTEE REPORTS

### 8.1. Facility Accessibility Design Subcommittee Report – June 24, 2019

#### RECOMMENDATION

1. That the presentation regarding LifeCycle Replacement – Lakefront Promenade Park to the Facility Accessibility Design Subcommittee on June 24, 2019, be received;
2. That subject to the comments on the presentation, the Facility Accessibility Design Subcommittee is satisfied with the initiatives that Dillon Consulting Limited and The City are undertaking with respect to Lakefront Promenade Park lifecycle replacement.

Received (Councillor Mahoney)  
Recommendation AAC-0040-2019

## 9. INFORMATION ITEMS – Nil.

## 10. COMMITTEE UPDATE/OTHER BUSINESS

- 10.1. Carol-Ann Chafe, Citizen Member via email invited Members of the Committee to attend Building Your Employ-Ability at the Alliance for Equality of Blind Canadians event at the Holland Bloor Conference Centre on Saturday, September 28, 2019 from 9am to 12pm.
- 10.2. Naz Husain, Chair noted that Rabia Khedr, Citizen Member was recently appointed the Canadian Accessibility Standards Development Organization Board of Directors (CASDO). This is the new agency created under the *Accessible Canada Act*.
11. **DATE OF NEXT MEETING(S)** – Monday, December 2<sup>nd</sup>, 2019 at 2:00 PM in the Hearing Room, 2nd Floor at the Civic Centre – 300 City Centre Drive, Mississauga
12. **ADJOURNMENT** – 3:49 p.m. (A. Smith)

# City of Mississauga

## Memorandum



Date: November 22, 2019

To: Members of the Accessibility Advisory Committee

From: Geoff Marinoff

Meeting Date: December 2, 2019

Subject: **September 4, 2019 General Committee Deputation Inquiry**

In response to the September 4, 2019 General Committee deputation inquiry regarding the MiWay Operator reporting mechanism for instances where a customer in a mobility device cannot board the bus or gain access to designated seating, MiWay provides the following information:

### **MiWay Policy:**

MiWay has made substantial progress in achieving its goal of providing accessible service. Our entire fleet consists of accessible buses that are low floor, kneeling buses equipped with ramps that allow passengers to board/exit with ease. All of MiWay buses have two wheelchair/scooter securement areas located at the front of the bus.

There are two securement areas located within the designated Priority Seating area on every bus. MiWay's existing Priority Seating policy ensures that seats at the front of all MiWay buses are designated for passengers with disabilities. Each of the first two sets of side-facing seats on each bus may be folded-up to accommodate a wheelchair or scooter. The seats are identified by decals posted on the windows above the seats, visible to all passengers at all time, even when these seats are occupied. As such, people of all ages with mobility and/or other disabilities have access to these priority seats.

MiWay strives to ensure sufficient capacity along all our routes so that all customers have access to service when they need it. Ensuring sufficient space for customers with mobility devices is even more critical as we are restricted in the number of wheelchair securement areas on a MiWay bus. As such, in the event that a customer in a mobility device is unable to board a bus, MiWay has established protocol to ensure such matters are dealt with in a fast and consistent manner.

### **MiWay Protocol:**

#### **When the Designated Priority Seating Area is Occupied:**

Aforementioned above, seats at the front of all MiWay buses are reserved for passengers with disabilities. In the event that these seats are occupied:

- MiWay Operators will, with respect and professionalism, request customers occupying the seats to move from the Priority Seats to accommodate a customer in a mobility device.

Accessibility Advisory Committee	Meeting Date	December 2, 2019	2
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- Should customers decline to vacate these seats, MiWay Operators are not to enforce the requirement. For the safety of our Operators and to respect passengers' privacy in situations where disabilities may not be visible, MiWay will not force passengers to vacate the seats, nor challenge their disability, if it's communicated to them.
- In such situations, Operators will advise the passenger in a mobility device that there is insufficient room on the bus to accommodate them in a safe manner and advise them of the approximate arrival time of the next bus.
- Operators will immediately contact Transit Control reporting details to them of the situation; noting that a customer was unable to board.

To ensure passengers are aware of the purpose of the Priority Seats, MiWay communicates our Priority Seating Policy to the public in print and in web format. Passengers are expected to respect and obey the purpose of our Priority Seats, which encourages passengers sitting in one of these seats to vacate the seat(s) for a passenger with a visible or non-visible disability.

#### **When the Accessible Ramp Malfunctions:**

As mentioned earlier, MiWay's entire bus fleet consists of low floor, kneeling buses that are equipped with ramps allowing passengers to board/exit with ease. These ramps are critical in making our fleet accessible for customers in mobility devices.

To ensure ramps (and all other equipment/features onboard) are in good working order, Operators are required to perform complete circle checks before leaving the garage including cycling the door ramp. While in-service, if the accessibility equipment on a vehicle fails and a passenger in a mobility device requests to be picked up at a bus stop, Operators are required to:

- Advise the customer that the ramp is malfunctioning;
- Advise the customer of the approximate arrival time for the next bus;
- Contact Transit Control immediately to inform of the incident and note that a customer was unable to board.
- Arrange for a replacement vehicle as a result of the malfunction.

If the equipment malfunction happens on the last in-service bus on the route, Transit Control will take reasonable steps to arrange for the customer to be picked up, including rerouting another bus to accommodate the passenger(s).

#### **When Overcrowding Occurs:**

With ridership levels on several MiWay routes increasing steadily, incidents of overcrowding do occur where buses are unable to pick up additional customers. In situations where buses are either at capacity or when two customers with mobility devices are already onboard, customers waiting at bus stops including those in mobility devices may not be accommodated.

In these instances, MiWay Operators are expected to:

- Advise the customer(s) waiting at the stop that the bus is at capacity;
- Inform the customer(s) of the next bus arrival time; and,
- Contact Transit Control immediately to advise them of the situation.

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MiWay has been responding to such occurrences by allocating additional resources, where feasible, to help increase frequencies and consequently adding additional capacity to such routes.

### **Statistics:**

Despite our best efforts, there are times when a customer in a mobility device may be unable to board a MiWay bus due to either the wheelchair securement areas being occupied; the entry/exit ramp malfunctioning, or incidents of overcrowding where buses are operating at capacity.

- From January 1st, 2016 to September 2019, MiWay recorded 51 incidents where a customer in a mobility device was unable to board. Of these 51 incidents:
  - 19 were caused due to the route being overcrowded (unable to board due to bus being full)
  - 12 were caused due to ramp malfunctions
  - 7 were caused due to occupied priority seats onboard the bus
  - 1 was caused due to an Operator error
  - 12 incidents of non-compliance were recorded by customers for unspecified reasons

Prior to buses going out into service, access ramps are inspected by mechanics every six months during the regulatory safety inspections which must be done to certify the bus safe for use, as per Ministry of Transport safety schedule. Operators are also required to complete a daily operational inspection before buses are taken out into service where ramps are deployed.

The constant monitoring of ramp deployment has resulted in enhanced reliability across the system. Over the last two years, with a total fleet size of 500 buses, there have been 554 ramp repair requests – which approximately, is equivalent to each bus having a ramp issue once over the last two years.

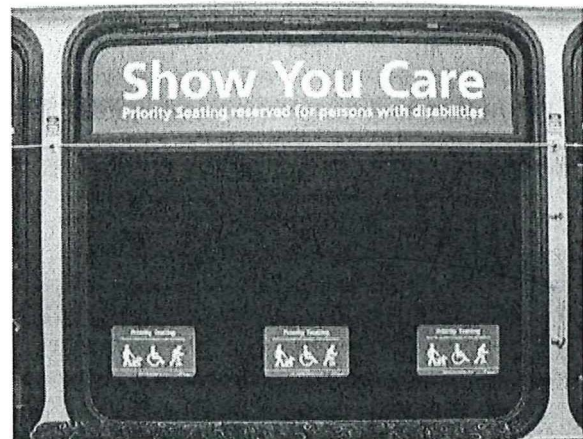
### **MiWay's Ongoing Efforts:**

#### **Priority Seating Initiative:**

Aforementioned above, to ensure passengers are aware of the purpose of the Priority Seats, MiWay continues to communicate its Priority Seating Policy to the public in print and in web format. In early 2018, MiWay implemented a new Priority Seating Pilot Program on MiWay's new 2017 and 2018 Nova buses.

The pilot program included new interior window decals installed on the driver's side and curbside of MiWay buses, above the Priority Seating area:

- A "Show You Care" decal on the top window
- Bright new "Priority Seating" decals on the window above each seat

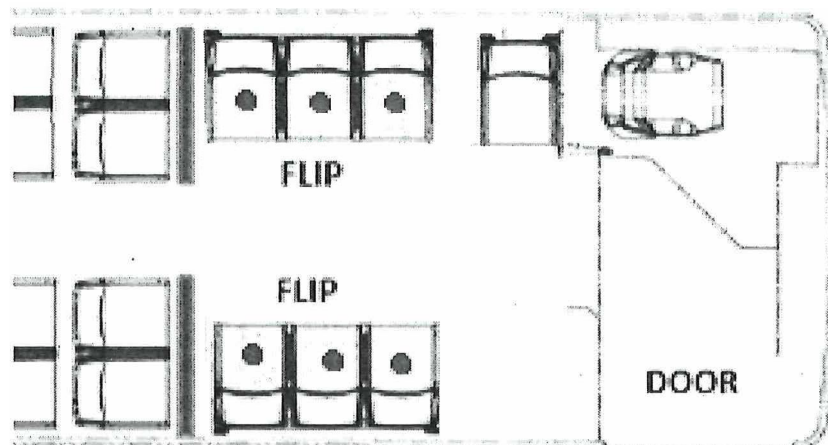


Based on Operator and customer feedback, this pilot has since been adopted and now all MiWay buses have consistent messaging related to Priority Seating.

#### **Future Seat Configuration Pilot:**

In an attempt to accommodate customers in mobility devices and further educate customers on the purpose of the Priority Seats, MiWay is currently reviewing options to retrofit buses to include seats in the priority seating area that remain folded up.

This features aims to discourage customers from occupying these priority seats thereby leaving them vacant for customers who require them. The new folded seating will have the 'stop request' button on the middle theater-style seat, and each seat will have a wheelchair logo on the bottom.



The planned retrofits will first be piloted on select buses in order to gauge their success and obtain customer feedback. MiWay's Maintenance Department will be testing the new seating configuration on a 2018 Nova 40-foot bus. With successful revision, Maintenance will proceed on reconfiguring eleven more 2018 Nova 40-foot buses.

Once installation has been completed, this fleet of 12 buses will be used in-service for a period of six months. MiWay will acquire customer and operator feedback and will work towards adjusting/addressing any concerns raised with a view towards retrofitting the remaining fleet (if the pilot is deemed successful) soon thereafter.

Sincerely,

Geoff Marnoff, P. Eng.  
Transit Director

Copy: General Committee Legislative Coordinator Stephanie Smith  
Commissioner Geoff Wright, Transportation & Works Department



# City of Mississauga

## Memorandum



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Date: 2019/11/06

To: Mayor and Members of Council

From: Robert Genoway, Legal Counsel

Subject: Council Procedure By-law – Voting and Electronic Participation

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At the meeting of Governance Committee held on November 4, 2019, member John McGill sought clarification as to whether the *Municipal Act, 2001*, permitted members of council or committee to vote at a meeting where they participated electronically.

Councillor Saito later requested that Legal Services prepare a memo for the Mayor and Members of Council (to be distributed to the members of the Accessibility Advisory Committee) to clarify this question around electronic participation in meetings.

### **Conclusion:**

Section 238(3.1) of the *Municipal Act, 2001* does not specify whether a member of council or of a committee who participates electronically in a meeting is permitted to vote. The only procedural restrictions outlined in this section relate to quorum and in-camera meetings.

Since section 238(3.1) is silent with respect to voting, municipalities have the discretion to determine whether voting is permitted should it decide to amend its procedure by-law to permit members to participate in meetings electronically.

### **Analysis:**

On November 16, 2016, the Provincial Government introduced *Bill 68: Modernizing Ontario's Municipal Legislation Act*. In part, *Bill 68* sought to amend the *Municipal Act, 2001* to allow municipalities to amend their procedure by-law to allow members to participate electronically in meetings. On May 30, 2017, *Bill 68* received royal assent and the *Municipal Act, 2001* was amended to introduce section 238(3.1).

Section 238(3.1) states:

"The applicable procedure by-law may provide that a member of council, of a local board or of a committee of either of them, can participate electronically in a meeting which is open to the public to the extent and in the manner set out in the by-law provided that any such member shall not be counted in determining whether or not a quorum of members is present at any point in time."



Section 238(3.1) clarifies the following around electronic participation:

- Applicability: It can apply to either meetings of Council and/or Committees
- Public Meetings Only: Electronic participation does not apply to meetings that are held in-camera
- Quorum: A member that participates electronically cannot count towards quorum

A review of the debates that took place at Queen's Park around the introduction of section 238(3.1) revealed that some members of the opposition parties rejected the idea that members should be able to vote when participating in meetings electronically. Despite these concerns, the proposed wording remained the same and voting was not explicitly addressed in section 238(3.1).

Given this added context, it can be assumed that the Provincial Government chose not to restrict voting where members participate in meetings electronically. Instead, municipalities have the discretion to make a procedural decision as to whether members who participate in meetings electronically are also permitted to vote. Staff is not aware of any municipalities in Ontario that have amended their procedure by-law to allow for electronic participation in meetings.



Robert Genoway  
Legal Counsel

cc: members of Accessibility Advisory Committee

City of Mississauga  
**Memorandum**



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Date: October 17, 2019

To: Chair and Members of the Accessibility Advisory Committee

From: Dayna Obaseki, Legislative Coordinator

Meeting Date: December 2, 2019

Subject: **Accessibility Advisory Committee & Facility Accessibility Design Subcommittee 2020 Meeting Dates**

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The 2020 meeting dates for the Accessibility Advisory Committee (AAC) have been scheduled as follows:

- Monday, January 20, 2020
- Monday, March 23, 2020
- Monday, May 11, 2020
- Monday, September 21, 2020
- Monday, November 9, 2020

Unless otherwise advised, all meetings will be held at 2:00 PM at the Mississauga Civic Centre, Hearing Room, 2nd Floor, 300 City Centre Drive, Mississauga.

The 2020 meeting dates for the Facility Accessibility Design Subcommittee (FADS) have been scheduled as follows:

- Monday January 27, 2020
- Monday February 24, 2020
- Monday March 30, 2020
- Monday April 27, 2020
- Monday May 25, 2020
- Monday June 29, 2020
- Monday September 28, 2020
- Monday October 26, 2020
- Monday November 16, 2020

Unless otherwise advised, all meetings will be held at 1:30 PM at the Mississauga Civic Centre, Committee Room A, 2nd Floor, 300 City Centre Drive, Mississauga.

Meetings may be cancelled at the call of the Chair due to insufficient agenda items or lack of quorum. Please kindly contact me in advance of the meeting if you will be absent or late so that quorum issues can be anticipated and dealt with accordingly.

Accessibility Advisory Committee		October 17, 2019	2
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For the most up to date Council and Committee dates please visit the Council and Committee Calendar Listings webpage at <http://www.mississauga.ca/portal/cityhall/calendar>.

Kind Regards,

*DObaseki*

Dayna Obaseki  
Legislative Coordinator  
Office of the City Clerk, Legislative Services Division  
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[dayna.obaseki@mississauga.ca](mailto:dayna.obaseki@mississauga.ca)