

Accessibility Working Group Minutes
July 28, 2020

1. Welcome and roll call

AWG Members: Linda Bartram, Robin Bayley, Susan Gallagher, Steve Bertrand, Paul Jones, Chris Marks. Regrets: Chris Dobbie

Council Liaisons: Jeremy Loveday, Sarah Potts

Staff: Kelly-Anne Malcomson, Thomas Soulliere (Parks, Rec & Facilities), Nav Sidhu (Parks, Rec & Facilities), Alannah Rogers (Engineering & Public Works), Christine Havelka (Legislative Services), Mandi Sandhu (Corporate Initiatives), Justin Dykstra (Parks, Rec & Facilities)

Guests: Christine Paisley (Action Committee for People with Disabilities), David Willows

2. Approval of agenda

Moved by Linda, seconded by Steve, carried

3. Approval of January 6, 2020 minutes

Moved by Linda, seconded by Paul, carried with the following changes:

a.3 – “Staff also stated that pedestrian activated traffic signals do not make the crossing safer as pedestrians tend to just press the button and go without looking.”
Add: Paul stated that when we are talking about persons with disabilities, persons who are blind or deaf are not likely to just push the button and go. Staff’s comment may pertain to able bodied pedestrians, but traffic lights make crossings safer for persons with disabilities.

a.5 – Robin corrected the number of Garry Oaks is 29.

Minutes should read 10 mm lip not 10 ml lip.

Action: Kelly-Anne will make these changes before the minutes are posted.

4. New Business

a) Ensuring accessibility of virtual public hearing process

- Virtual public Hearings Information Sheet was shared with AWG.
- Christine H indicated that the process is explained to those enquiring, by email or phone, their options as to how to participate.
- The webpage explaining how to go about addressing Council will be updated in the next week or so.
- The procedure asked people not to use a speaker phone but some PWD are unable to hold a phone. The wording will be revised to be more welcoming (e.g. add if you are able)
- The current measures have been developed to address COVID, but AWG sees them as accessibility measures. Staff recognize this and will consider continuing them after COVID.
- Robin raised the concern that submissions may be subject to censorship. Christine H. indicated that submissions received ahead of time (videos) are tested to ensure they play. The content is subject to the same requirements as those of live presentations and the sender may be asked to change it if it does not comply.
- Robin pointed out an inaccurate statement in the staff report to Council: the service provided for access to webcasts is not closed captioning but automated voice recognition captioning which does not provide the 95% accuracy required to be called closed captioning.

Action: Legislative Services to follow up with Chris Dobbie and/or the deaf and hard of hearing community to determine how the current captioning service is meeting their needs.

b) Beacon Hill Park road closures

- Staff to reach out to disability groups including VDRC and Action Committee for people with Disabilities. Engineering have shared a contact list with Nav for disability and seniors' groups. Feedback can be submitted through AWG who will forward it on to Parks. Robin is concerned that some input, submitted immediately upon hearing the topic was to be discussed at Council, and prior to Council giving staff direction to proceed, may be missed.

- Chris M stated that as a power wheelchair user, he is appreciative of the traffic limitations as sharing the road with cars and pedestrians is problematic for him.
- Nav reported there are six additional accessible parking spaces: 3 off Douglas (near the petting zoo) and 3 on Nursery Road (near the Cook St. playground) bringing the total to 11 accessible parking spaces within the park.
- There needs to be a way of making the lookout accessible to those who are not able to walk or roll up the 300 m 1-10 incline. Further discussion is warranted.
- AWG has been made aware that there is a need for designated parking for those who are not disabled but are unable to walk distances as they have small children and may be carrying picnic baskets for instance.
- Jeremy indicated that COVID measures that prove to be beneficial to accessibility will be reviewed and considered for permanent change after COVID.
- The Temporary Signage on Douglas for accessible parking is confusing and inconsistent.

Action: Staff will address this. They have appropriate signage which should have been used.

c) Peter Pollen Waterfront Park

- Staff are targeting the end of August to post the design concept online for information purposes and the end of September to present the design concept to Council
- AWG did not organize a formal consultation as staff were not willing to make a commitment to report all of AWG's input to Council which would be very similar to that given regarding the West Songhees project which was not reported in full.
- AWG members were encouraged to respond as individuals.
- Robin and Linda did submit a joint report which AWG did not have an opportunity to approve as a committee.
- AWG has been told by staff that Council are fully aware of the health implications of Garry Oak plantings and that there is no need to report AWG's continuing concerns to Council in future reports. Councilor Potts and Loveday reported that the vast majority of what they know has been learned from AWG

and the City's low allergen publications. It can, therefore, be presumed that other Council members who have not attended AWG meetings may not be knowledgeable of the issue if staff do not include AWG's feedback in their reports. Robin stated that Council also could not rely on the City's publications as they are incomplete and do not address the two highest pollen producers: grasses/ground covers and trees.

- AWG have also been told by staff that it is Council's strong desire that Garry Oak habitats be considered when trees are being replanted. Councilor Potts expressed that reconciliation includes returning the land to what it used to be but that there is work to be done in balancing this with allergen concerns.
- AWG does not see the direction that Parks is taking with this project, and the West Songhees & Dallas Road plantings, is looking for a balance.
- Robin reported that there are a number of health conditions that are harmed by the prolific Garry Oak pollen such as COPD which is more prevalent in the elderly and the 12% of children who have asthma.
- The AWG continues to recommend a low allergen planting pilot so this could be quantified.
- The James Bay Neighbourhood Association has also been calling for lower allergen plantings in this park because of this neighbourhood's dense population of seniors.
- AWG passionately believes that "interests" and "health rights" are not the same thing and that health considerations should be given more weight rather than be ignored as appears to be the present case. This is why it is critical that the Accessibility Framework must address the adoption of a tool to balance competing rights and interests, so such a situation is dealt with consistently and fairly, acknowledging human rights protected by legislation.
- Councilor Potts agreed that AWG's concerns need to be taken to the discussions with First Nations.
- It was felt by some AWG members that there needs to be a forum for further discussion regarding accessibility of Peter Pollen Waterfront Park. No such forum was identified at the meeting.

Action: Linda will contact AWG members to determine if and how further discussion may be pursued.

5. Framework documents, Accessibility Coordinator position & AWG Going Forward

- Staff have indicated that the AWG will see the Framework documents when they are posted for the public on July 31 but not before despite Linda's request to see the documents ahead of time to ensure there are no accessibility issues as was the case at the last release in November 2019. If the documents are not accessible to Linda, staff might not be available to deal with the problem until Tuesday morning which gives Linda only two days to review the documents and draft her response to present to Council on Thursday morning, August 6, at COTW. She stated that this was unfair and unacceptable. Alannah indicated that staff have worked with the graphic designer to make sure it will work with screen readers. They have also developed a video in ASL which describes the document. Alannah assured Linda that if there was a problem with access, staff would be available to respond over the long weekend.
- Alannah reported that the deliverables would be:
 - The Accessibility Framework document
 - A Recommended Short-Term Action Plan which has about 30 actions for identified departments to undertake in the next few years
 - The Council Accessibility Policy

These would be part of the staff report. The appendices will include:

- An Engagement Summary of engagement from December 2019 – February 2020
- A consolidated list of all the AWG motions 2015 – present developed from the issues list provided by Linda and the AWG minutes
- An Engagement Summary from the BC Accessibility Legislation process
- Robin asked for the list of consolidated AWG motions to be provided ahead of time so AWG had time to ensure all motions were included but staff indicated that even this document would not be available before the general release on Friday. Linda reiterated that as partners in this project, this was not acceptable considering that AWG members as volunteers are now required to give up their long weekend as time will be needed to review all these documents for accuracy and completeness.
- Paul believes that staff had assured AWG that they would get more time than what is being given.
- Christine Paisley as a community member stated her extreme disappointment as the Action Committee had been assured that they would be given an opportunity to review the final draft of the Framework before it was presented to Council.

- Options were discussed as to how to address this timing concern and it was decided that AWG would review the document between its release and COTW on August 6. If AWG still has concerns with the Framework and/or associated documents, Linda will report these to Council at COTW and it would be recommended that Council ratification of the Framework be delayed until the first Council meeting in September rather than at Council on August 6. (There are no other Council meetings scheduled for August). This would give a little more time to address concerns while AWG still has a mandate.
- Jeremy stated that if this were to be done, it would be important to ensure that staff work plan decisions were not delayed.
- Mandi explained that as a result of budget discussions and adoption of moving forward with an overall equity lens earlier this year, five equity positions that the City had approved in March which encompassed the Accessibility Coordinator role, the Trans Inclusion Plan, the Seniors Strategy, the Welcoming Strategy etc. were put on hold. This will be revisited by Council on August 6 at the budget discussions. The AWG questions whether these five position were actually approved by Council.
- Linda stated that the development of the Equity Framework is just beginning, and it would be a shame if the hiring of someone to coordinate accessibility, the need being identified in January 2017, was to be delayed for possibly a year or more.
- Paul expressed his frustration with the fact that if staff were contemplating changing the direction we have all worked under for the past three years, that AWG were not informed prior to today and that AWG has not been given an opportunity to give input.

The AWG passed the following motion by email on January 30, 2020:

Motion (Jan 30, 2020): The AWG recommends to Council that a dedicated advisory body for accessibility is struck to replace the Accessibility Working Group before the end of its current interim mandate and that this committee includes one or two current AWG members to provide continuity.

Moved by Linda, seconded by Robin, carried

Rationale: (Note that some dates mentioned below are not applicable as of the date of this meeting)

It has been brought to the Accessibility Working Group's (AWG) attention that Council is considering the formation of a single advisory committee for all equity seeking groups, including persons with disabilities. The current Framework draft mentions this, and staff have informed the AWG that they will not be presenting a

Terms of Reference for AWG's successor when the final Accessibility Framework is presented to COTW in March, contrary to Council direction of January 26, 2017.

Council members who have served as AWG Council liaisons have witnessed just how diverse and far reaching disability issues can be and how little most individuals really understand the breadth and extent of accessibility considerations.

During the AWG's mandate, much progress towards accessibility has been made but there is still a long way to go. A well informed intersectional approach could have value in the long run but in the short term, it will only serve to slow or even reverse this progress unless an accessibility advisory committee is struck to continue the work of the AWG during the transitional period.

There are several City projects in their initial stages which have reported to Council that they will continue consulting with the AWG, yet the AWG will cease to exist as early as the end of April. Even if an Equity Advisory Committee was struck by this May, it would not be in a position to continue providing knowledgeable advice for many months.

It is presumed that an Equity Advisory Committee would only have one or two representatives from the disability community and the likelihood of these individuals knowing much about disabilities other than those that they experience personally, is not very high. The risk is that the understanding of accessibility will revert back to what is generally well known and accepted, and this would be a step backwards.

Sharing an agenda with several other equity seeking groups will mean that accessibility issues may not be addressed in a timely manner and opportunities for barrier prevention may be missed. The AWG has met almost every month for 4 ½ years, with a full agenda at each meeting, often having to defer agenda items. The AWG has also been asked to consult on a regular basis as the multitude of City projects move forward and have often scheduled additional meetings to accommodate these requests.

(Note: The majority of current AWG members have served this entire 4 ½ year period. Other advisory committee members serve for only two-year terms, but the AWG members have recommitted several times as the timeline for the Framework has been extended and the drafting of new terms of reference and recruitment of new members has been postponed.)

It is believed that the threshold for application of an Equity Lens will be quite high, yet many of the accessibility concerns addressed by the AWG have been at the detail level and often for small scale projects which would probably not meet the equity threshold.

Undoubtedly, these negative effects will be lessened by the presence of the Accessibility Coordinator, but it will be many months before the position is filled and

several more before the Coordinator is up to speed with both the historical and current issues.

There will inevitably be a significant gap in time between the current AWG and its replacement with one or two representatives on the proposed Equity committee. To bridge this gap and provide continuity, The AWG is recommending that Council strike a temporary accessibility advisory committee, its mandate to be reviewed annually. AWG would also recommend that such a committee should include one or two current AWG members who could help guide the new committee and the Coordinator, once hired, through this transition.

AWG can possibly see the day when participation as part of a larger Equity Advisory Committee may serve persons with disabilities adequately but until the Accessibility Coordinator is up to speed, staff is trained and the recommended practices and policies are put in place through the Accessibility Framework and Action Plan, a dedicated advisory body is needed.

- This motion was presented to Council by the AWG Liaisons, but it is not clear if it was discussed.
- Robin asked staff to comment on what is being recommended on an advisory function to Council on accessibility issues. Mandi indicated that at this time, staff are not providing any recommendations on the future of the AWG. The Strategic Plan identifies a governance review in 2021 and it is not clear whether advisory committees will be within that purview. She stated that staff have heard that Intersectionality is a very important issue and that looking at single issues (i.e. accessibility) may not be the best approach going forward.
- Robin reminded staff that Council's direction of January 26, 2017 to develop revised terms of reference for an accessibility advisory committee has not been rescinded. The technical solution for accessibility will be the same regardless of race, sexual orientation, gender etc. and she has observed that the term Intersectionality is being used incorrectly by staff.
- It is critical that the Framework address the need for a community advisory body on accessibility.
- Robin reminded staff that the Strategic Plan assigns both AWG and staff as responsible for the Accessibility Framework. AWG has not been given the opportunity by staff in the past to carry out Council's direction and it appears will not have this opportunity going forward either.
- Paul stated his disappointment in not having been led more effectively through the City's process so that AWG's recommendations might have been taken more seriously.

- Chris stated although he shares others' frustrations, he applauds the City taking the steps it has.
- Susan has come to recognize that although AWG may make recommendations, they are not necessarily implemented. Case in point; no lip curbs are still being installed.
- Robin asked Linda to take a strong message to Council on August 6 if the components AWG feels are critical are not included in the Accessibility Framework.
- Jeremy stated that he has also been frustrated with the slow progress of this work but hopes that when the Framework is approved, that AWG members can know that they have greatly changed the culture of the City. He wanted AWG members to know that he has really truly appreciated the time spent and efforts made by all the AWG members.
- The AWG expressed their appreciation of Jeremy's efforts and for hanging in with us all for the past five years.
- Linda thanked the AWG members for their dedication and commitment for the past five years also.

6. Adjournment:

The meeting adjourned around 6:30 pm.