

## **Commission On Disability (Commission, COD)**

Formerly the Mayor's Committee for People with Disabilities

### *Statement of Mission and Organizational Structure*

#### **Purpose and Mission**

The Commission On Disability (COD, Commission) mission is to foster equal access to community life and activities for people with disabilities. Through education and advocacy, the Commission works to raise awareness about the needs of people with disabilities and the importance of increased accessibility to programs, housing and facilities in municipal and commercial buildings, and other public entities.

#### **Commission Responsibilities**

The Commission vigorously promotes adherence by the City of Newton, its businesses and citizens, to Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act (ADA), Titles I, II, III, IV and V, and the regulations of the Massachusetts Architectural Access Board (MAAB), and all other related Federal, State and City laws and regulations that require access and prohibit discrimination against people with disabilities.

The Commission provides advice on access issues to those requesting it whenever possible.

The Commission reviews applications from local residents for accessible parking spaces in residential neighborhoods and reports its findings to the City Traffic Council and the Aldermanic Public Safety and Transportation Committee.

Commission responsibilities include

- (1) researching local problems of people with disabilities;
- (2) advising and assisting municipal officials and employees in ensuring compliance with state and federal laws and regulations that affect people with disabilities;
- (3) coordinating or carrying out programs designed to meet the

problems of people with disabilities in coordination with the Massachusetts Office On Disability;

(4) reviewing and making recommendations about policies, procedures, services, activities, and facilities of departments boards and agencies of the city as they affect people with disabilities;

(5) providing information, referrals, guidance, and technical assistance to individuals, public agencies, businesses and organizations in all matters pertaining to disability;

(6) coordinating activities of other local groups organized for similar purposes.

Members of the Commission can be seen walking the halls of public buildings to investigate areas of concern regarding access complaints from citizens as well as investigating local commercial buildings for compliance and notifying the business in question if a violation of access regulation is found to exist and requesting a correction.

The Commission meets as needed with officials from the Department of Public Works concerning the need for improved snow removal from sidewalks and curb cuts and for more consistent care regarding sidewalk obstructions during demolition and construction projects.

The Commission makes recommendations for use each year of Community Development Block Grant (CDBG) funds for projects that remove architectural barriers and increase accessibility throughout the City of Newton. Since the beginning of the federally funded CDBG program, the Commission has recommended the expenditure of more than three million dollars in access projects to benefit people with disabilities, and create a safer and more welcoming environment in the City of Newton.

The Commission, under chapter 40, Section 22G, is authorized to allocate funds received from fines assessed for violations of handicap parking in the City of Newton to be used solely for the benefit of persons with disabilities.

The Commission keeps records of its meetings and actions and files an annual report that is printed in the City's annual report. The COD meets monthly generally the second Monday of every month.

## **Membership**

The Commission is organized under Massachusetts General Laws: Chapter 40, Section 8J.

A majority of said commission members shall consist of people with disabilities, one member shall be a member of the immediate family of a person with a disability and one member of said commission shall be either an elected or appointed official of that city or town". The terms of said members follow the format of Section 8J. The COD shall consist of not less than 5 but no more than 9 members appointed by the Mayor. Members of the Commission are volunteers and do not receive financial compensation for their service.

Commission members are a diverse representation of Newton's disability population. Members shall be persons interested in promoting the mission outlined above and interested in fostering this mission in both the public and civic life of the City of Newton. Members shall include residents, representatives of organizations, businesses and institutions, which are based in Newton and serve the need of Newton residents. The terms of the first members of the COD shall be for one, two or three years and so arranged that the term of one-third of the members expires each year and their successor shall be appointed for terms of three years each. A member may resign by delivering his or her written resignation to one of the COD co-chairs. Such resignation shall be effective immediately.

Members shall be persons interested in promoting the mission outlined above. Such interested persons are urged to attend two (2) to three (3) COD meetings and let the Commission know if they are interested in becoming a member. Commission members shall interview and vote on a new member and send their recommendation to the Mayor. The Mayor appoints new members for a term of three years.

The Commission encourages its members to undergo training by the Massachusetts Office on Disability to qualify them as access monitors to review access issues in public accommodations, municipal buildings and public facilities, parks, and playgrounds.

## **Nominating Committee, Chair/Co-Chairs Elections**

The Nominating Committee (NC) shall be comprised of 2 to 3 Commission members and shall communicate with members to determine interest of members in serving as Chair/Co-Chairs. The NC will present their findings to the Commission and facilitate the election process. Elections for the Chair/Co-Chairs shall be held in January. The Chair/Co-Chairs shall serve a term of one (1) year and may be re-elected by the Commission members to serve additional terms.

The Chair/Co-Chairs are elected by the members of the Commission following the Nominating Committee process. The Co-chairs will either rotate the facilitation of the COD meetings or determine if one Co-chair has a preference for this task. The Chair/Co-Chairs facilitating the meetings will adhere in general to Robert's Rules of Order, and run the meeting in a respectful manner such that all Commission members are encouraged to participate, the Chair/Co-Chairs reserving his/her comments until the end of the discussion.

He/she/they shall represent the Commission at other meetings or designate another Commission member to do so. Each meeting attended by the Chair/Co-Chairs will be reported to the entire Commission and a summary of meeting results will be provided. He/she/they shall write letters as determined by the Commission or designate another Commission member to do so. He/she/they can be a member of a sub-Committee and even chair it.

## **Voting Rights**

At every regular or special meeting of the COD, each member shall be entitled to one (1) vote on each matter submitted for a vote of the COD, unless voting would be in violation of conflict of interest laws. Members must be present to vote; unless extraordinary circumstances prevent the member(s) to be present. Remote voting is allowed under the following conditions:

1. Both those in the room and the remote participant can hear each other and participate in the discussion;
2. A Quorum of the commission is in the room; and

3. The Chair is in the room.

**Meetings and Minutes:**

The COD shall meet monthly unless there is no scheduled business for that month. Not with standing this, the COD shall hold no fewer than eight (8) regular meetings per year. All COD meetings shall comply with the Massachusetts open meeting law.

Minutes shall be kept of each meeting. Minutes of meetings shall contain date, place, members, present and member absent, actions taken and identification of the person taking minutes. Minutes shall be forwarded to COD members for review at least five (5) business days prior to the next scheduled meeting. Approved minutes shall be posted on the COD web page within five (5) days after the monthly meeting.

Recommendations or other decisions in the name of the COD shall be made only when a quorum (a majority of the current members) is in attendance and eligible to vote. Whenever possible, recommendations and decisions shall be made by consensus. Such actions shall be reflected in the meeting minutes, and shall be conveyed in writing to the intended recipient official or agency if one is so mentioned.

There shall be no regular or special meeting of the COD unless notice has been given to the public at least forty-eight (48) hours in advance of said meeting, in accordance with the General Laws of the Commonwealth.

**Conflict of Interest and Open Meeting Laws:**

All activities of the COD and its members shall be in compliance with the letter and spirit of the Open Meeting Law (23 of Ch. 39, MGL) and conflict of interest laws (e.g. Ch 268A, MGL) A member must disclose to the COD any conflict of interest in any matter being considered by the COD and shall not participate in any manner in the proceedings dealing with that matter except as may be permitted by law.

The COD follows State Law and the Attorney General's and Ethics Commission's Regulations.

All COD meetings are open to the public, however participation by the public is at the Chair's discretion.

The COD is staffed by

Jini Fairley

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617-796-1253

All volunteer Boards, Commissions, Committees, Task Forces, Groups etc. are considered " Special" municipal employees and as such must comply with the above pertinent State Laws.

**Sub-Committee(s):**

The COD may have sub-Committees which work, as needed, toward its goal of enhancing accessibility in the City, including but not limited to:

- o Monitoring/Access
- o Visual/Hearing Impairment
- o Nominating
- o Public Education
- o Public Works (Snow, etc.)
- o Transportation
- o Handicapped Parking Fine Administration

The sub-Committees will meet on an as-needed basis. Other Committees may be created as needed. The COD Chair/Co-Chair appoints Sub-Committee chairs with consensus from Commission members.

**Amendments:**

Adoption of this statement shall be by a two-thirds (2/3) vote of the COD members. Any part or all of this statement may be altered,

amended or repealed by a two-thirds (2/3) vote of the commission members present at a regular or special meeting of the COD duly called for this purpose, provided that notice for such meeting was mailed to the COD no less than five (5) business days before such meeting.

This document was reviewed and submitted by the Commission On Disability, Newton Massachusetts.