Massachusetts Office on Disability

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MUNICIPAL COMMISSIONS ON DISABILITY

Overview:
Commissions on Disability are established by vote of Town Meeting (in towns) or City Council (in cities) to promote the inclusion and integration of persons with disabilities in the activities, services and employment opportunities or the community.

Commissions:

- Advise and assist municipal officials in ensuring compliance with federal and state disability laws;
- Review policies and activities of municipal departments and boards as they affect persons with disabilities;
- Provide information, referral, advocacy and technical assistance to individuals, businesses and organizations in all matters pertaining to disability;
- Coordinate the activities of other local groups organized to meet the needs of persons with disabilities.

Commissions consist of no less than five, no more than nine members chosen by the Board of Selectman or Town Manager (in a town) and the Mayor or City Manager (in a city). The majority must be persons with disabilities and one may be a member of the immediate family of a person with a disability. One must be an elected or appointed municipal official.

Applicable Laws:

- MGL chapter 40 section 8J, gives municipalities the authority to establish commissions;

- Section 504 of the Rehabilitation Act of 1973 requires inclusion and integration of persons with disabilities in the programs, services and employment opportunities of organizations and agencies that receive federal money;

- Amendment Article 114 of the Massachusetts Constitution prohibits discrimination on the basis of disability under any service or program within the Commonwealth;

- The regulations of the Architectural Access Board require access in newly built and renovated buildings.

Sample Operating By-Laws

_____COMMISSION ON DISABILITY

ARTICLE I: TITLE AND PURPOSE

1. The name of this commission is the Commission on Disability (hereafter referred to as the Commission).

2. The purpose of the Commission is to coordinate or carry out programs in coordination with programs of the Massachusetts Office on Disability in order to bring about full and equal participation in all aspects of life in the City/Town of _____ - for people with disabilities.

3. The purpose of these by-laws is to establish principles and procedures for the governance of this Commission.

ARTICLE II: POWERS AND DUTIES

1. Research local problems of people with disabilities.

2. Coordinate the activities of other local groups organized to meet the needs of people with disabilities.

3. Review and make recommendations about policies, procedures, services and activities of departments and agencies of the City/Town of _____ - as they affect people with disabilities.

4. Work in cooperation with the departments and agencies of the City/Town of _____ - to bring about maximum participation of people with disabilities.

5. Initiate, monitor, and promote legislation at the city, state and federal level which advances the equal status of people with disabilities and ensure that appropriate regulations are adopted and enforced pursuant to such legislation.

6. Encourage public awareness of disability issues.

7. Provide information, referral, guidance and advice to individuals, businesses, organizations and public agencies in all matters pertaining to disability.

8. Recruit and recommend prospective Commission members to the Mayor. At least one month prior to making recommendations, the Commission shall solicit nominations and ensure that said nominations reflect different disabilities.

9. File an annual report, which shall be printed in the City/Town report.

10. Receive gifts of property, both real and personal in the name of the City/Town subject to the approval of the city council; such gifts to be managed and controlled by the Commission.

11. Take such action as the Commission considers appropriate to ensure the equal access status of persons with disabilities.

ARTICLE III: MEMBERSHIP

1. The Commission shall consist of seven members appointed by the Mayor. The majority of members shall consist of people with disabilities. One of the members may be a member of the immediate family of a person with a disability. One member shall be either an elected or appointed official of the City/Town.

2. The members shall initially serve the following terms:

    a. Two members shall serve one-year terms.

    b. Two members shall serve two-year terms.

    c. Three members shall serve three-year terms.

After the initial term, all members shall serve three-year terms.

3. Resignation shall be made by notifying the chairperson in writing.

4. If any member is absent from three regularly scheduled meetings in any one calendar year, a recommendation shall be made to the Mayor that he/she be removed from the Commission, unless any or all absences have been excused for good cause by the chairperson. Good cause shall include, but not limited to: illness, a death in the family, weather, and professional responsibilities.

5. The Mayor shall fill any vacancy for the remainder of the unexpired term in the same manner as an original appointment.

6. Any members of said Commission may, after a public hearing, is so requested, be removed for cause by the appointing authority.

7. Members shall get the approval of the Commission prior to making statements or joining activities on behalf of the Commission.

8. All members shall have full voting rights.

ARTICLE IV: OFFICERS

1. The officers shall include a chairperson, vice chairperson, secretary and treasurer.

2. Officers shall be elected annually by the majority vote of the Commission.

3. One member may hold more than one office.

4. Duties:

    a. The chairperson shall:
        i. Develop the agenda in coordination with the other officers;
        ii. Preside over all meetings;
        iii. Appoint subcommittees as needed;
        iv. Authorize expenditures as needed.

    b. The vice chairperson shall perform all the functions of the chairperson in his/her absence.

    c. The secretary shall;
        i. Keep records of all meetings attendance, minutes, and correspondence.
        ii. Post notice of all meetings forty-eight (48) hours before each meeting at the City/Town clerk's office;
        iii. Send notice of meetings and minutes of the prior meeting to the members at least fourteen (14) days prior to the meeting.

    d. The treasurer shall:
        i. Keep records of all financial matters;
        ii. Develop a budget in coordination with the Commission;
        iii. Prepare a financial statement for inclusion in the annual report.

ARTICLE V: MEETINGS

1. Regular meetings shall be held at least six (6) times a year.

2. A quorum shall consist of four (4) members.

3. Meeting minutes will be amended and approved at the next meeting.

4. Special meetings can be called by the chairperson or by any three (3) members.

5. Decisions will be made by a majority of those members present, unless where otherwise noted in these by-laws.

6. Notice of meetings will be sent to the members at least fourteen (14) days prior to the meeting.

7. Meetings shall adhere to Robert's Rule of Order.

ARTICLE VI: AMENDMENTS

1. These by-laws may be amended at any duly constituted meeting of the Commission by two-thirds vote of those members present provided written notice of the proposed amendment is distributed to each member at least fourteen (14) days prior to the meeting.

COMMISSION ON DISABILITY

GOALS

1. **INSURE MUNICIPAL SERVICES, PROGRAMS, MEETINGS AND EMPLOYMENT OPPORTUNITIES ARE AVAILABLE AND ACCESSIBLE TO PERSONS WITH DISABILITIES.**

    - Meet with appropriate staff: the Americans with Disabilities Act Coordinator, Select Board, Mayor, City/Town Manager, Planning Staff, Building Inspector, and Department of Public Works to review regulations, priorities, make a plan and set timelines.

    - Survey all municipal buildings, facilities, and sidewalks for access.

    - Assess each service, program and activity for physical and communication accessibility and to make sure policies are not discriminatory.

    - Review grievance procedures and notification of rights.

    - Prioritize what needs to be done (especially the expensive building renovations).

    - Be aware of new programs, services or construction. Work with those involved to make sure they meet the needs of people with disabilities; e.g. be a member of the school building committee.

Some examples:

- All public meetings should be held in accessible locations.

- Emergency services, such as police and fire departments, should have telecommunication devices for people who are deaf (TTY's are devices which enable persons who are deaf to communicate by telephone).

- Written material, such as town reports and newsletters, should be available on tape and in Braille upon request for people who are visually impaired.

- Announcements about municipal activities, such as recreational programs, meetings, public health programs, and employment opportunities, should be publicized on the radio, cable TV, as well as in print.

- Sign language interpreters should be available at meetings and activities upon request.

- Libraries should have books on tape and in large print plus mail or home delivery for people who are shut-in.

2. INSURE BUSINESSES, AGENCIES, AND ORGANIZATIONS ARE ACCESSIBLE TO PERSONS WITH DISABILITIES.

- Survey businesses, agencies and organizations for communication and architectural access. Work with owners and managers to encourage compliance with the Americans with Disabilities Act, the Architectural Access Board's regulations and other disability laws.

- Educate owners and managers about the needs of persons with mobility, hearing, visual, cognitive and other disabilities.

- Introduce them to federal IRS $15,000 tax deduction for barrier removal and $5,000 tax credit for ADA compliance.

3. ENCOURAGE MOBILITY

- Survey all parking lots that are open to the public for HP designated spaces. Work with owners and the building inspector to bring the lots into compliance with AAB and ADA regulations and municipal by-laws.

- Review on-street HP designated parking and curb cuts. Work with local officials to increase both if necessary.

- Propose an ordinance/by-law that allow police to ticket cars on privately owned, publicly used parking lots and that increases fines for violations of HP parking.

- Evaluate transportation needs. Work with Regional Transit Authority, Council on Aging, municipal officials to increase (or to provide!) accessible transportation.

Some examples:

- Offer a program that gives discounts on taxi rides.

- Contract with a local van company to provide rides.

- Council on Aging and other transportation providers must also provide accessible transportation.

4. INCREASE ACCESSIBLE AFFORDABLE HOUSING.

- Work with housing authority to increase adaptable and accessible housing.

- Meet with local builders/developers to encourage development of accessible and adaptable housing.

5. **ALL STUDENTS WITH DISABILITIES SHOULD RECEIVE AN EDUCATION COMPARABLE TO THAT GIVEN TO NON-DISABLED STUDENTS IN THE LEAST RESTRICTIVE, MOST INTEGRATED SETTING.**

    - Evaluate programs for students with disabilities for mainstreaming and integration.
    - Evaluate schools for architectural accessibility.
    - Introduce a disability awareness program in the schools.

6. **BE A RESOURCE: PROVIDE INFORMATION AND REFERRALS ON A BROAD RANGE OF DISABILITY ISSUES.**

    - Advertise the Commissions existence. Post the community with flyers or brochures, put articles in the newspaper, us cable TV and radio.
    - Establish a way for people to contact the Commission. Either set-up an office and phone answering machine or assign one commission member to be the contact person.
    - Develop a file of information.

7. **WORK TO PASS FEDERAL AND STATE LEGISLATION WHICH WILL INCREASE THE QUALITY OF LIFE FOR PEOPLE WITH DISABILITIES (LOBBY).**

    - Write, call, meet with legislators.
    - Testify at public hearings.

8. **ADVOCATE FOR THE RIGHTS OF INDIVIDUALS WITH DISABILITIES AND DISABILITY GROUPS.**

    - Set up and publicize a mechanism for people to contact the commission with their individual concerns.
    - Work with appropriate officials and organizations to resolve situations.
    - Work with the Massachusetts Office on Disability Client Services Program.

9. **EDUCATE THE PUBLIC ABOUT DISABILITY ISSUES.**

    - Develop good relationships with newspapers, TV and radio stations (start a column or regular show, write press releases about your work).
    - Initiate awareness program in the schools.
    - Speak to civic organizations such as Lions, Girl Scouts, Chamber of Commerce, and Rotary.
    - Hold disability awareness workshops.

10. <u>OTHER CONSIDERATIONS.</u>

- Determine how many people in your community have a disability (Massachusetts census figures indicate 17% of the population as having a disability; that percentage might be higher if you have a large elderly population).

- Find out what peoples needs are. Conduct a needs survey or hold a public hearing.

- Contact organizations in your community with similar concerns; veteran's office, council on aging, special needs parents advisory committee. Work together on common issues.

- Establish an advisory committee, friends of the commission or associate membership to increase support.

- Get organized. Adopt operating procedures, establish long and short-range goals, break into subcommittees or assign tasks to individuals to be accomplished between meetings.