



**City of Hamilton**

**ACCESSIBILITY COMMITTEE FOR PERSONS WITH  
DISABILITIES ADDENDUM**

**Meeting #:** 24-003  
**Date:** April 9, 2024  
**Time:** 4:00 p.m.  
**Location:** YouTube Channel Streaming for Virtual Meetings

All electronic meetings can be viewed at:  
 City's YouTube Channel:  
<https://www.youtube.com/user/InsideCityofHamilton>

Carrie McIntosh, Legislative Coordinator (905) 546-2424 ext.2729

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<b>Accessible Transportation Services (ATS) Eligibility Appeal Policy</b>		Issue Date: April 2024
Transit Division		Version: Initial Release
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<b><i>Accessible Transportation Services (ATS) Eligibility Appeal Policy</i></b>	
<b>POLICY STATEMENT</b>	The ATS Eligibility Appeal Policy ensures Transit Division compliance with the Accessibility for Ontarians with Disabilities Act (AODA) requirement to provide an independent appeal process for applicants to Accessible Transportation Services.
<b>PURPOSE</b>	The purpose of this policy is to comply with the Integrated Accessibility Standards Regulation of the AODA which addresses appeals for applicants to specialized transit as provided by ATS (O. Reg. 191/11, s. 64 (5)).
<b>SCOPE</b>	This policy and the related procedure apply to work done by ATS staff to process applications, and work done by ATS Eligibility Appeal Panel members.
<b>PRINCIPLES</b>	The following principles apply to this Policy: <ol style="list-style-type: none"> <li>1. Those persons who experience barriers to using the HSR (conventional transit) due to disability should have access to specialized transit to remove barriers and enhance their quality of life.</li> <li>2. Decisions about eligibility of applicants for specialized transit are made in an objective, consistent and fair manner.</li> </ol>
<b>TERMS &amp; CONDITIONS</b>	The following terms and conditions apply to this Policy: <ol style="list-style-type: none"> <li>1. Appeals shall be reviewed at hearings conducted by the ATS Eligibility Appeal Panel, which shall be comprised of a member of the City's Accessibility Committee for Persons with Disabilities (ACPD), an Occupational Therapist or Orientation and Mobility Specialist, and a staff member of the City's Talent and Diversity section.</li> <li>2. The decision of the ATS Eligibility Appeal Panel shall be final. If there is new or updated information to consider after a final decision is rendered, the Applicant shall submit a new application for service.</li> </ol>
<b>COMPLIANCE</b>	In accordance with the AODA, decisions on appeal shall be made within 30 calendar days after receiving the completed

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	<p>appeal application.</p> <p>Where the decision is not made within 30 calendar days, temporary eligibility shall be granted to the Applicant until the final appeal decision is made.</p>
<b>RELATED DOCUMENTS</b>	<p>The following related documents are referenced in this Policy:</p> <ol style="list-style-type: none"> <li>1. PW-TR-ATS-P-006-006 Accessible Transportation Services Eligibility Appeals Procedure; and</li> <li>2. <a href="#">Accessibility for Ontarians with Disabilities Act Integrated Accessibility Standards Regulation (O. Reg. 191/11)</a>.</li> </ol>
<b>HISTORY</b>	<p>The following stakeholders were consulted in the creation or revisions made to this Policy:</p> <p>Accessibility Committee for Persons with Disabilities;  City of Hamilton Transit Leadership Team;  City of Hamilton Talent and Diversity Division; and  City of Hamilton Legal Services.</p> <p>This Policy, in conjunction with the related procedure, replaces the former ATS Eligibility Appeal Panel Terms of Reference dated November 19, 2012.</p>

<b>Approved By</b>	<b>Date of Approval</b>
Vicki Schweyer-Querney, ATS Supervisor	March 26, 2024
Michelle Martin, Manager of ATS	March 26, 2024
Maureen Cosyn Heath, Director of Transit	April 5, 2024

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<b>Title:</b>	<b>Accessible Transportation Services Eligibility Appeal Procedure</b>		
<b>Document #:</b>	<b>PW-TR-ATS-P-006-006</b>	<b>Document Level:</b>	<b>Level IV</b>
<b>Issue #:</b>	<b>1.0</b>	<b>Issue Date:</b>	<b>April 2024</b>

## 1 PURPOSE

The Accessible Transportation Services (ATS) Eligibility Appeal Procedure (the “Procedure”) addresses the work of Eligibility Appeal Panel members and the work of ATS staff to accomplish referrals to the Eligibility Appeal Panel, as outlined below.

ATS provides specialized transportation to people with disabilities or health conditions who are unable to use conventional public transit. Eligibility for accessible transportation is considered on a case-by-case basis, according to an individual’s functional abilities.

The ATS Eligibility Appeal Panel (the “Eligibility Appeal Panel”) shall ensure that those persons who require specialized transit have access to this service, to enhance quality of life and remove barriers for persons with disabilities.

## 2 SCOPE

This ATS Eligibility Appeal Procedure applies to ATS staff, Applicants, and Eligibility Appeal Panel members, and replaces all previous procedural documents related to this topic.

## 3 DEFINITIONS

<b>Term</b>	<b>Definition</b>
<b>AODA</b>	Accessibility for Ontarians with Disabilities Act.
<b>Applicant</b>	Person applying for Accessible Transportation Services.
<b>ATS</b>	Accessible Transportation Services: the section of the City of Hamilton Transit Division responsible for the administration of specialized transportation services.
<b>Health Care Professional</b>	The regulated professional who can sign the relevant portion of the ATS Application, from the regulated professions listed on the form (see ATS Application Form – General and ATS Application Form – Residents of Long-Term Care).
<b>MFIPPA</b>	Municipal Freedom of Information and Protection of Privacy Act.
<b>PHIPA</b>	Personal Health Information Protection Act.
<b>Third Party Assessor</b>	The external agency contracted by ATS to provide in-person functional assessments of Applicants, where external health care professional expertise is required to assist with

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Term	Definition
	determinations of eligibility for ATS.

## 4 RESPONSIBILITY

### 4.1 ATS Manager

The ATS Manager shall:

- ensure training is provided to Eligibility Appeal Panel members as outlined in Section 5.3.1 of this Procedure;
- contact the Eligibility Appeal Panel members to set a hearing date for any Applicant who has submitted an appeal; and
- forward all relevant ATS Applicant records to the Eligibility Appeal Panel for review, using secure means for transmission acceptable to the City of Hamilton Information Technology Division and the Office of the City Clerk.

### 4.2 ATS Supervisor

The ATS Supervisor shall:

- ensure all ATS staff have been trained on and understand this Procedure;
- send the Applicant the ATS Eligibility Appeal form;
- upon receipt of a completed ATS Eligibility Appeal form, contact the Applicant who has filed an appeal to invite them to participate in a functional assessment with the ATS third-party assessor (if such an assessment has not yet been performed);
- if the above invitation is refused, or if any additional information provided with the ATS Eligibility Appeal form or a functional assessment has not changed the original eligibility decision, immediately inform the ATS Manager that an Eligibility Appeal Panel hearing will be required;
- notify the Applicant of the Eligibility Appeal hearing date by phone and by letter;
- communicate the Eligibility Appeal outcome to the Applicant by phone and by letter;
- communicate the Eligibility Appeal outcome to ATS staff so the client profile can be amended, as necessary; and
- ensure temporary eligibility is provided to Applicants whose appeal will not be processed within the legislated 30 calendar-day turnaround from receipt of the completed ATS Eligibility Appeal form.

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### 4.3 ATS Eligibility Appeal Panel Members

The Eligibility Appeal Panel shall:

- complete all required training outlined in Section 5.3.1 of this Procedure;
- communicate the Eligibility Appeal Panel's decision to the ATS Manager within the AODA-legislated period of 30 calendar days from the date the appeal was filed;
- notify the ATS Manager immediately where the aforementioned 30 calendar-day period will not be met, so that the ATS Manager can apply temporary eligibility for the Applicant pending the outcome of the appeal (pursuant to O. Reg. 191/11, s. 64 (6)); and
- adhere to all City of Hamilton policies concerning privacy and confidentiality in all communications with ATS staff and among Eligibility Appeal Panel members, including but not limited to the City of Hamilton Email Guidelines and Protection of Privacy Policy, to ensure compliance with the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) and the Personal Health Information Protection Act (PHIPA).

### 4.4 ATS Staff

ATS Staff shall:

- comply with all training requirements outlined in Section 5.3.2 of this Procedure.

## 5 PROCEDURE

### 5.1 Categories of Eligibility for Service

Pursuant to the AODA (O. Reg. 191/11, s. 63 (2)), ATS categorizes eligibility for specialized transportation services as follows:

- Unconditional eligibility: person has a disability that prevents them from using conventional transportation services, therefore they are eligible for all trips on ATS;
- Temporary eligibility: person has a temporary disability that prevents them from using conventional transportation services, therefore they are eligible for all trips on ATS for a defined period; and
- Conditional eligibility: person is unable to use ATS under certain environmental or physical conditions and is therefore eligible for some trips on ATS.

Eligibility for accessible transportation services will be denied where ATS finds that there are no barriers to the use of conventional transit by the Applicant (O. Reg. 191/11, s. 63 (3)).

All letters sent to notify Applicants of ATS eligibility decisions shall include instructions

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about how to file an appeal if the Applicant disagrees with the eligibility decision.

## 5.2 Independent Appeal Panel

Pursuant to the AODA (O. Reg. 191/11, s. 64 (5)), ATS has established an independent appeal process to review eligibility decisions through an independent Eligibility Appeal Panel. The Eligibility Appeal Panel shall consist of a maximum of three (3) members and shall be composed as follows:

- a member of the City's Accessibility Committee for Persons with Disabilities (ACPD);
- an Occupational Therapist or Orientation and Mobility Specialist; and
- a staff member of the City's Talent and Diversity section.

### 5.2.1 Appeal Panel Decisions

The Eligibility Appeal Panel shall review all relevant information to render a final decision within 30 calendar days of ATS receiving a completed Eligibility Appeal form:

- When the Eligibility Appeal Panel finds the Applicant to be eligible for service or eligible for a higher level of service, ATS shall inform the Applicant and immediately update the Applicant profile to ensure the Applicant can book all eligible ATS trips.
- When the Eligibility Appeal Panel finds the Applicant ineligible for service or eligible for a lower level of service, ATS shall inform the Applicant of the option to re-apply for service if there is new or updated information to consider.
- If the appeal decision is not rendered within 30 calendar days, ATS shall provide temporary eligibility to the Applicant until the final appeal decision is made.

## 5.3 Training

### 5.3.1 Appeal Panel Training

Working with the City of Hamilton Talent and Diversity Division, the ATS Manager shall ensure training for Eligibility Appeal Panel members, including but not limited to the following topics:

- the ATS application process;
- functional barriers on transit;
- relevant AODA sections;
- privacy and confidentiality; and
- ethics, including conflicts of interest etc.



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### 5.3.2 ATS Staff Training

Staff performing work under this Procedure are responsible for reviewing and understanding this Procedure and any subsequent updates provided by ATS management and will direct any questions they have to the ATS Supervisor.

## 6 ASSOCIATED DOCUMENTS

[Accessibility for Ontarians with Disabilities Act](#)

[Municipal Freedom of Information and Protection of Privacy Act](#)

[Personal Health Information Protection Act](#)

City of Hamilton Email Guidelines

City of Hamilton Protection of Privacy Policy

Eligibility Appeal Policy (PW-TR-ATS-Y-002-006)

ATS Application – General (PW-TR-ATS-F-001-001)

ATS Application – Residents of Long-Term Care (PW-TR-ATS-F-001-002)

ATS Eligibility Appeal Form (PW-TR-ATS-F-001-015)

ATS Appeal Hearing Notice Letter (PW-TR-ATS-F-001-032)

ATS Appeal Hearing Notice Authorized Representative (PW-TR-ATS-F-001-033)

ATS Appeal – Decision Upheld Letter (PW-TR-ATS-F-001-034)

ATS Appeal – Decision Amended Letter (PW-TR-ATS-F-001-035)

## 7 REVISION HISTORY

Rev. No	Rev. Date	Description of Change(s)	Process Owner
1	March 20, 2024	Initial Release	Michelle Martin, Manager of ATS

## 8 APPROVAL

Approved By	Date of Approval
Vicki Schweyer-Querney, ATS Supervisor	March 26, 2024
Michelle Martin, Manager of ATS	March 26, 2024
Maureen Cosyn Heath, Director of Transit	April 5, 2024

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## 9.2(b)

### ACPD's Housing Working Group Meeting Notes

March 19<sup>th</sup>, 2024

Virtual Teams Meeting

10:00AM – 12:00PM

**Members in Attendance:** Lance Dingman, Robert Westbrook, James Kemp, Paula Kilburn, Hargun Kaur

**Members Absent:** Ben Cullimore

#### 1. Welcome and Introductions

**2. Approval of March 19<sup>th</sup> Agenda:** Agenda was approved with the addition of the Housing Guide Review in Other Business.

**3. Approval of February 20<sup>th</sup> Meeting Notes:** Meeting Notes were approved.

**4. Nomination of Vice-Chair:** We discussed one of the new members becoming Vice Chair with the eventual goal of taking over housing within the year. Chair was asked to prepare a brief description of the duties of a

## 9.2(b)

Housing Chair. We will discuss again at a future meeting.

**5. Review of 2024 HWG Work Plan:** We reviewed the changes made to the work plan. Chair removed all references to equality and replaced it with equity. Agreed that Vision Statement is fine as is. Removed the word “Issues” from the working group title. We discussed adding a reference to the four pillars of IDEA in the mandate. Robert suggested adding a section on shelters and homeless as it directly relates to people with disabilities and the Chair will come up with something. Hargun asked to see the word safe added to the Mission Statement. We will review the updates at the next meeting.

**6. Review Outstanding Business List:** We reviewed the current outstanding business list for the benefit of new members. Robert mentioned that he is connected to Indwell and may be able to get someone to come and speak to us about their approach to Housing. When we got to transitional housing, Hargun mentioned that she is connected with individuals that do transitional housing in Toronto. While it won't be quite the same as in Hamilton, it may give us purchase to approach equivalents here. She has offered to connect us and we accepted.

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**7. Discuss RCF Action Plan:** We began this discussion with the Chair giving the members a brief overview of the RCF system. We then highlighted the five major areas that need to be addressed: Personal Needs Allowance, Air Conditioning, Privacy, Recreation and Internet Connectivity and Job Training/Avenue to Leave. Chair mentioned putting forth a delegation to Council as a reminder of the forgotten people.

**8. Other Business:** Chair brought up the Housing Guide Review and explained that in the previous term, we began this review and quickly discovered that the Housing Guide is flawed. It seems to be more focused on explaining disabilities to people that have no experience with them than helping those with disabilities find housing. We will do a major overhaul and probably split the current guide into two separate sections.

**9. Adjournment**



## 9.3(a)

### ACPD's Outreach Working Group Meeting Notes

February 20<sup>th</sup>, 2024

Virtual Teams Meeting

4:00PM – 6:00PM

**Members in Attendance:** Anthony Frisina, Hope Bonenfant, Ben Cullimore, Mark McNeil, Paula Kilburn, James Kemp

**Also in Attendance:** Rebecca Banky

**Members Absent:** Robert Westbrook

**\*\* We had technical difficulties connecting a member to the meeting, limiting their participation to just listening. We will try to resolve the issue as quickly as possible.**

#### 1. Welcome and Introductions

**2. Nomination of Chair:** James offered to serve as Chair of Outreach for the next year, ensuring that there is a smooth transition between terms and that the Fair and Awards program aren't affected. Paula wanted to discuss splitting the Awards off into its own group, but that is a discussion for another time after

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we meet with Lisa Maychak on what our next steps should be. James also suggested that next month, the group nominates a Vice-Chair that can not only assist the Chair, but learn how to be a Chair in their own right and prepare to take over in the future. The group agreed that this was a sensible course of action without putting too much pressure on new members.

**3. Approval of February 20<sup>th</sup> Agenda:** Agenda was approved.

**4. Note Taking Discussion:** Chair began by asking people to consider rotating on note taking, thereby reducing the strain on any one person. Ben connected us to something called Otter AI through Teams that seems to take minutes with some accuracy. We shall investigate further.

**5. OWG Work Plan Discussion:** Chair began by saying that the OWG doesn't have a work plan and we should develop one soon. Currently we have objectives of exploring partnership opportunities with other community agencies and organizations, organizing the Fair, keeping the pamphlet current, managing the website, setting up the awards program.

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**6. Review Outstanding Business List:** Chair reviewed the Outstanding Business List in detail. Began by describing an example of successful collaboration with HDEN as they assisted getting the word out and helping the day of the event.

Discussed the calendar project that still needs to be finished if anyone wants to make it into a web linked page.

We reviewed the Fair and Awards both this year and in the future. We also set the last week of September as the week of the event, either the 24<sup>th</sup> or the 26<sup>th</sup> so as not to interfere with Council business.

We spoke about approaching Mohawk's event planning program to see if we could utilize some of their expertise in exchange for work experience.

Chair's son has volunteered to help with graphic and web design as he is in that program at Mohawk.

Discussed planning for next year's fair concurrently with this year to ensure we have more options in the future. Paula reviewed the venues she researched to see what the price range for another location would be. Cheapest was Ancaster Fair Grounds and the most expensive was Michelangelo's. Anthony suggested collaborating with other groups to share the costs and the Chair responded that it is what we are eventually aiming for.

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We spoke about the website and our plans for it in the future, not just to advertise the Fair and Awards, but to provide educational material, like urban braille.

There will be a nominal fee to attend this year which will align us with other events. This will ensure we can provide things like lunch to the exhibitors.

We then discussed updating the pamphlet with the new name and potentially redesigning it to align with the new advertising colour scheme for the fair and awards.

We also discussed the name change process in general as we should keep account of how much the changes will cost. This will be reported to Council as they have agreed to cover the costs of the process.

Rebecca mentioned that she was available to assist with any of the event planning for both the fair and awards.

We discussed wheelchair/scooter breakdown and Paula informed us that the staff report has been pushed back yet again.

**7. Media Update Due to Name Change:** We discussed this issue when reviewing the OBL.

**8. ACPD Canva Account:** Considering the large quantity of media produced by the OWG, it would be beneficial to have access to the full program. We can

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purchase a shared account much like Jocelyn's department has done; it just means that all members will be able to see everyone's work in progress. Chair will present motion at the next ACPD meeting.

**9. Accessibility Fair Discussion:** We actually discussed the Fair while reviewing the OBL.

**10. Accessibility Awards Discussion:** We discussed the Awards while reviewing the OBL

**11. Other Business**



## **9.3(b)**

### **ACPD's Outreach Working Group Meeting Notes**

**March 20<sup>th</sup>, 2024**

**Virtual Teams Meeting**

**4:00PM – 6:00PM**

**Members in Attendance:** Robert Westbrook, Paula Kilburn, James Kemp, Mark McNeil, Anthony Frisina

**Also in Attendance:** Rebecca Banky, Lisa Maychak

**Members Absent:** Ben Cullimore, Hope Bonenfant

#### **1. Welcome and Introductions**

**2. Approval of March 20<sup>th</sup> Agenda:** Agenda was approved

**3. Approval of February 20<sup>th</sup> Meeting Notes:** Meeting notes were approved.

#### **4. Accessibility Awards Program Initiation and Long Term Fair Planning Discussion with Lisa**

**Maychak:** Lisa came and explained the process with which they operate the Senior Of The Year awards. It is complicated and has many moving parts. Start with

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the nomination phase, develop a criteria and advertising to put out the word and inform the public. We can modify already established documents from the other awards. We need to get the nomination notification/processes out first as the public needs time to respond. We should work closely with Communications to develop print and media advertisements, Engage Hamilton, print ads, social media. Should be ready by June.

We discussed the judging panel, Lisa explained that they have a panel of seven judges, usually four from SAC, but it can vary. Judges are also pooled from community members, funding partners, and even staff members. Lisa mentioned that she liked to ask the previous year's SOTY to return and judge.

We need to create a unified advertisement and colour scheme as we can promote them both together. Will be working more closely with communications and Chair's son is a graphic/web design student and will assist in the website's update. Note, we are now up to WCAG 2.2.

We need to create an evaluation tool for the judges to use and score the nominees. Again, we can reuse and adapt already existing scoring sheets.

We discussed the award itself and Lisa suggested that making some sort of sculpture or trophy isn't totally unreasonable and would be much nicer than

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just a certificate. She explained how she gets a local artist to create glass sculptures in the shape of the SOTY award's heart logo and that costs her roughly one thousand. We then discussed reaching out to the local artist community about creating said awards. Tourism Hamilton, local secondary schools, Dundas Arts School and others were suggested as good avenues to approach. We will have to come up with criteria for judging on this item as well as set aside a small honorarium as a reward to the artist chosen. We discussed locations and venues for consideration, Michaelangelos, David Braley Centre, Ancaster Fairgrounds, and inside City Hall proper were among those discussed. Of those four, only the David Braley Centre would be suitable for cost, and space given our current finances and public awareness. We then discussed the difference of an indoor and outdoor event. It is still more advantageous for us to hold an outdoor event in full view of passersby and easily accessible. It allows us freedom when creating activity stations. Chair mentioned that if we move it indoors, it will be expected that we change the format to allow for presentations and our budget wouldn't allow for that yet; requiring telecasting and ASL just to name two issues that can become very expensive. We discussed long term planning of events and inquired about the way SAC is constructed with both

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working groups and sub-committees. Lisa explained that event planning takes place in separate subcommittees because it is planned with other groups, for example, the Senior's Kick off isn't run by SAC, they are only a partner in its planning and execution. We briefly discussed the possible future of this at ACPD, but we are far from there yet.

Lisa invited us to attend the Senior's Kickoff at Michaelangelo's on June 10<sup>th</sup> so we have enough time to put the motion in.

Lisa also mentioned that we need to develop a logo strictly to represent the award. This wasn't considered before and the Chair asked all members to come up with a few design ideas each and we will narrow them down next meeting. Lisa gave the example of SOTY logo being a heart to represent the heart of Hamilton.

**5. Other Business:** After Lisa left, we discussed our next steps. As soon as Lisa sends us all the documents packages, the Chair will give one to each member for them to review and update to reflect our needs. Chair will file the SEAT Application and reserve the Banner spot now that we have set a date of September 26th. Mark suggested that we meet in two weeks so we can get a jump on things and the other members agreed it was prudent. It was also suggested that we might want to hold a special ACPD

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meeting in the summer to discuss the awards and the fair as a whole. We briefly discussed the workload and how it will require a group effort and members will be assigned tasks as needed. Rebecca again reaffirmed that she would be happy to assist with anything required to operate both events. Mark suggested that we mention that any member of the APCD can assist in the fair planning and execution in an effort to utilize our resources.

**6. Adjournment**