

**DRAFT OF UPDATED HOUSTON COMMISSION ON DISABILITIES ORDINANCE
FOR CONSIDERATION OF THE HOUSTON COMMISSION ON DISABILITIES**

DIVISION 5. -

HOUSTON COMMISSION ON DISABILITIES

Sec. 2-380. - Definitions.

The following words, terms, and phrases, when used in this division, shall have the meanings ascribed to them in this section, except when the context clearly indicates a different meaning:

Commission shall mean the Houston Commission on Disabilities.

The definition of disability in this ordinance shall be construed in favor of broad representation of individuals by this Commission, to the maximum extent permitted by the terms of this ordinance.

Disability shall mean, with respect to an individual, a physical or mental impairment that substantially limits one or more of the life activities of such individual; a record (or past history) of such an impairment; or being regarded as having such an impairment.

Major life activities shall mean, but are not limited to functions such as caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, interacting with others, and working. Major life activities can also include the operation of a major bodily function, including functions of the immune system, special sense organs and skin; normal cell growth; and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, and reproductive functions. The operation of a major bodily function includes the operation of an individual organ within a body system.

Has a record of such an impairment shall mean has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

Is regarded as having an impairment shall mean:

(1)

Has a physical or mental impairment that does not substantially limit major life activities but that is treated by a public entity as constituting such a limitation;

(2)

Has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others toward such impairment; or

(3)

Has none of the impairments defined in paragraph (1) of this definition but is treated by a public entity as having such an impairment.

For purposes of this ordinance, the term disability shall not include an individual who is currently engaging in the illegal use of drugs.

(Ord. No. 93-956, § 1, 8-18-93)

Sec. 2-381. - Creation; appointment of members.

There is hereby created the Houston Commission on Disabilities that shall consist of 12 regular members, to be appointed by the mayor and subject to confirmation by the city council, as specified in this section. The mayor shall designate the commission's chairperson from among the membership of the commission. The individual designated by the mayor to head the mayor's office on disabilities shall be a non-voting ex-officio member. The person who is designated as the Americans with Disabilities coordinator, human resources department, shall also be a non-voting ex-officio member. The city attorney shall designate a representative from the legal department to render legal advice and attend commission meetings, but such person shall not be a member of the commission and shall not have a vote.

(Ord. No. 93-956, § 1, 8-18-93; Ord. No. 2011-320, § 2, 5-4-2011)

Sec. 2-382. - Composition of commission; positions; terms of members.

(a)

Nine of the regular members of the commission shall be residents of the city. The remaining three membership positions need not be occupied by residents of the city, provided they reside in the greater Houston metropolitan area. The membership shall have an interest in the community of disabled persons and shall share a commitment to the goals of the commission.

Members shall be broadly representative of the disabled community at large as the term "disability" is defined herein, without dominance by any single disability group.

(b)

The regular members of the commission shall be appointed to specific positions. The composition is as follows:

(1)

Positions 1 through 9 shall be held by persons with disabilities.

(2)

Positions 10, 11 and 12 shall be held by persons who represent persons with disabilities or have an interest in the rights of persons with disabilities and who are known in the community as advocates for persons with disabilities. The members in these positions may be, but need not be, disabled.

(c)

Except as provided in subsection (e) below, no regular member shall serve more than two consecutive terms on the commission, whether full terms or partial terms. Members in these positions may be, but need not be, disabled.

(d)

The terms of office for positions on the commission shall be as follows:

(1)

The terms of members serving in odd-numbered positions shall expire on July 26 of odd-numbered years.

(2)

The terms of members serving in even-numbered positions shall expire on July 26 of even-numbered years.

(e)

Any member serving in a position for which the term has expired shall continue to serve until the member's successor in that position is appointed, confirmed and qualified.

(f)

In addition to the regular and ex-officio members, as provided above, the commission shall have four alternate member positions numbered 1 through 4. The persons appointed to three of the alternate positions shall be residents of the city; the remaining alternate position need not be occupied by a resident of the city, provided the appointee resides in the greater Houston metropolitan area. The persons appointed to the alternate positions shall meet the criteria of item (1) or item (2) of subsection (b) above, and shall serve for two year terms as provided in subsection (d) above. Alternate members shall serve upon call in the event that a regular member is unable for any reason to attend a commission meeting and shall be called for service, as needed, on a rotating basis by the head of the mayor's office on disabilities. When so called and serving, an alternate member shall have the same rights and responsibilities as a regular member. The head of the mayor's office on disabilities shall provide written notice of each call for service issued to an alternate member, which shall set forth the name of the regular member who is temporarily unable to serve and the name of the alternate member who shall take the regular

member's place on a temporary basis and the time period of service. The secretary shall record the notices in the minutes of the commission.

(Ord. No. 93-956, § 1, 8-18-93; Ord. No. 98-504, § 1, 6-24-98)

Sec. 2-383. - Meetings.

Regular commission meetings shall be held at least six times a year. In addition, special meetings may be held in accordance with such rules as the commission may provide. A quorum of the members of the commission shall consist of not less than a majority of the members.

(Ord. No. 93-956, § 1, 8-18-93)

Sec. 2-384. - Removal of members.

Commissioners may be removed by the mayor for any of the following causes:

(1)

Three absences from regular meetings of the commission during any 12-month period;

(2)

Failure to abstain in votes or activities of the commission where direct or indirect pecuniary conflicts of interest are or may be involved; or

(3)

Conduct, whether or not resulting in a conviction, that impairs or interferes with the ability of the member to carry out his or her commission duties.

(4)

Failure of a member to comply with city ordinances and commission rules.

(Ord. No. 93-956, § 1, 8-18-93)

Sec. 2-385. - Assistance by certain city departments.

The directors of the departments of public works and engineering, planning and development, general services and human resources and the Houston Health Department and their staffs shall provide requested assistance to the commission. The city attorney and staff shall provide legal services and representation to the commission.

(Ord. No. 93-956, § 1, 8-18-93; Ord. No. 98-613, § 12, 8-5-98; Ord. No. 99-378, § 4, 4-21-99; Ord. No. 07-840, § 4, 7-18-07; Ord. No. 2011-320, § 3, 5-4-2011; Ord. No. 2015-820, § 4, 8-26-2015)

Sec. 2-386. - Compensation of members; conflicts of interest.

Members of the commission shall serve without compensation from the city or any firm, trust, donation or legacy to or on behalf of the city. A member of the commission is a "city official" as that term is defined in [chapter 18](#) of this Code. The member shall abstain from voting upon matters in which there is or may be a conflict of interest, shall not participate in any activity of the commission in which there is or may be a conflict of interest, and shall not participate in any city contract that relates to the duties of the commission.

(Ord. No. 93-956, § 1, 8-18-93)

Sec. 2-387. - Purposes.

The commission shall be responsible for advising and making recommendations to the mayor, city council, department directors and the individual designated by the mayor to head the mayor's office on disabilities on issues pertaining to the full spectrum of needs, rights, and privileges of people with disabilities. The subjects to be addressed by the commission shall include, but not be limited to:

(1)

Developing programs to provide employment opportunities for people with disabilities;

(2)

Developing programs to address accessibility issues;

(3)

Developing community-based programs to enhance the quality of life for Houstonians who have disabilities;

(4)

Developing programs to address the issues pertaining to alcoholism and drug abuse;

(5)

Developing programs to take full advantage of all federal, state and local funding opportunities;

(6)

Developing programs to insure adequate housing for people with disabilities; and

(7)

Developing programs to insure accessible communications for people with disabilities.

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