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OAKLAND

2014 JUN 12 PM 2:28

AGENDA REPORT

TO: HENRY L. GARDNER
INTERIM CITY ADMINISTRATOR

FROM: Christine Calabrese, Manager
ADA Programs Division

SUBJECT: Annual Report for
Calendar Year 2013

DATE: June 24, 2014

City Administrator
Approval

Date

6/5/14

COUNCIL DISTRICT: City-Wide

RECOMMENDATION

Staff recommends that the Life Enrichment Committee accept this informational report from the Mayor's Commission on Persons with Disabilities (MCPD), and the MCPD's request for consideration of the challenges facing the Commission and the Americans with Disabilities Act (ADA) Programs Division identified therein.

EXECUTIVE SUMMARY

This report highlights the activities of the 2013 calendar year, 2014 goals and strategies for the MCPD, and identifies specific challenges to the mission of the Commission and the ADA Programs Division.

BACKGROUND

The MCPD was established by City ordinance in 1980 to represent and address issues of persons with disabilities. The commission has at least 51% representation by people with disabilities. The MCPD serves the following key roles in Oakland government:

- Advising the Mayor and City Council on matters affecting the disability community;
- Acting as the City's designated advisory body for ADA compliance;
- Providing advice and assistance to other City boards and commissions; and
- Participating at the local, state and national levels in the advancement of disability rights.

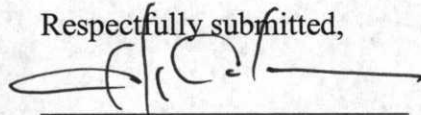
Item: _____
Life Enrichment Committee
June 24, 2014

FISCAL

There are no fiscal implications of this informational report.

For questions regarding this report, please contact Christine Calabrese, ADA Programs Manager at (510) 238-4754.

Respectfully submitted,



Christine Calabrese, Manager
ADA Programs Division

ATTACHMENT:

Mayor's Commission on Persons with Disabilities Annual Report for Calendar Year 2013

2014 JUN 12 PM 2:28

CITY OF OAKLAND



1 FRANK H. OGAWA PLAZA OAKLAND, CALIFORNIA
Mayor's Commission on Persons with Disabilities
Stephen Beard, Chair

94612

Date: June 24, 2014

To: *Chair Desley Brooks, Life Enrichment Committee*
Mayor Jean Quan
Henry Gardner, Interim City Administrator

From: Mayor's Commission on Persons with Disabilities (MCPD)

Re: **Highlights of Activities of the 2013 Calendar Year and 2014 Goals & Strategies**

This informational report provides the City Council with a listing of the many projects and activities carried out by the MCPD. Along with the ADA Programs Division, these two groups form the basis of a comprehensive government program for inclusion of people with disabilities. Few other city governments nationally can claim this level of commitment to disability civil rights implementation. Oakland is recognized as a model city for Americans with Disabilities Act (ADA) compliance and many of our policies and programs are emulated by other cities. Moreover, the progressive work of this small division and all-volunteer commission effectively reduces the City's exposure to disability discrimination claims and provide a mechanism for amicable and cost-effective resolution of complaints that do arise.

The MCPD

The MCPD was established by City ordinance in 1980 to represent and address issues of people with disabilities. The commission has at least 51% representation by people with disabilities. The MCPD serves the following key roles in Oakland government:

- Advising the Mayor and City Council on matters affecting the disability community;
- Acting as the City's designated advisory body for ADA compliance;
- Providing advice and assistance to other City boards and commissions; and
- Participating at the local, state and national levels in the advancement of disability rights.

MCPD Membership

Commissioners are representative of the diversity of Oakland and of the disability community, and are affiliated with organizations that are directly involved in supporting the disability community, including the Center for Independent Living, Oakland Unified School District, Lions Center for the Blind, the American Red Cross, and the National Alliance for the Mentally Ill (NAMI). Family members of persons with disabilities and professionals with specialized interests in public and private housing, education, transportation, economic development, and emergency management are also represented on the Commission.

There are fifteen seats on the MCPD and at least eight members must be present to constitute a quorum, as per the enabling ordinance. Historically, there has been a high degree of turnover of Commissioners. Currently, there are 4 vacancies on the Commission.

MCPD Committees

The MCPD currently has three active committees:

The Access Compliance and Advisory Committee (ACAC), Chair, Scott Blanks. This standing committee provides oversight for development and implementation of ADA policies and programs, including mandated self-evaluation and transition plan activities. This includes review, technical assistance, and verification of the City's compliance with the ADA in many areas, including the City's buildings and facilities improvement, right-of-way access improvement, and paratransit and transit programs. This committee has been a Joint Committee with the Commission on Aging (CoA) since 2010 and meets monthly.

The Education and Outreach Committee (EOC), Chair, Lorraine Rosenblatt. This ad-hoc committee plans and coordinates public outreach and event activities, as well as the MCPD's Speaker Series. This committee meets on an as-needed basis.

Membership Committee (MC), Chair, Stephen Beard. This ad-hoc committee was created in 2014 to help bring the commission to full membership.

MCPD Recent Achievements

In the past year, the MCPD has been able to make significant contributions the development and operation of City activities that affect persons with disabilities, and has facilitated numerous opportunities for Oakland to connect with its citizens with disabilities despite ongoing high membership turnover and the City's continuing financial challenges. Among its most significant accomplishments, the MCPD:

- Continued to provide technical assistance and feedback on the City's Bus Rapid Transit (BRT) Project as it affects access to transportation for persons with disabilities, and the rights of pedestrians with disabilities;

- Represented the City of Oakland at various community gatherings and co-sponsored events to raise awareness about and celebrate the disability community:
 - Healthy Seniors Fair (July 2013)
 - Art & Soul (August 2013)
 - "Youth In Action" celebrating youth with disabilities (October 2013)
 - Comedy night with the Housing Consortium of the East Bay, (HCEB): "A One Night Stand featuring the Comedians with Disabilities Act" (October 2013)
 - National Disability Employment Awareness Month (NDEAM) Conference with the State of California Department of General Services (October 2013)
- Continued its working relationship with the Commission on Aging through the ACAC;
- Engaged in ongoing monitoring and oversight of the following entities and City activities as they affect persons with disabilities:
 - Oakland Paratransit for Elderly and Disabled, OPED Biannual Report review (September 2013)
 - Emergency Management Services Division, EMSD Annual Report presentation (November 2013)
 - Oakland Public Works, ADA Programs Division, quarterly ADA Buildings & Facilities Transition Plan Reports (October 2013)
 - Oakland Public Works, Public Right of Way Management Division, biannual ADA Curb Ramp Transition Plan Reports and Sidewalk Repair Program updates (October 2013)
 - Oakland Public Works, Transportation Services Division, biannual On-Street Disabled Parking Zone Reports (October 2013)
- Continued fostering its relationships with the Berkeley, Alameda, and San Francisco Commissions on Disability;
- Created an MCPD Facebook page: <https://www.facebook.com/pages/Oakland-California-Mayors-Commission-on-Persons-with-Disabilities/205397206302141>;
- Voiced its support of the U.S. ratification of the United Nations Convention on the Rights of Persons with Disabilities (UN-CRPD) (December 2013);

- Provided comments to a draft Reasonable Accommodations policy and ordinance that will make City planning rules more flexible to allow for the development or improvement of housing for persons with disabilities (February 2014);
- Provided comments regarding the housing needs of persons with disabilities for the development of Oakland's new Housing Element (March 2014);
- Met with a variety of outside experts on issues and resources important to the disability community through the MCPD "Speaker Series:"
 - Overview of Services, Oakland Housing Assistance Center: Lin A. Chin, Esq., Strategic Initiative Coordinator, Housing and Community Development Department, City of Oakland (July 2013)
 - Services and Programs For People with Disabilities: Kym Luqman, Executive Director, Rebuilding Oakland Together, ROT (July 2013)
 - Emergency and Transitional Housing Services: Ollie Arnold, Housing Outreach Coordinator, Alameda County 211 (July 2013)
 - Employment Opportunities and Strategies for the Disability Community: Bryon MacDonald, Program Director, Employment & Disability Initiative World Institute Disability, WID (September 2013)
 - Employment Opportunities and Strategies for the Disability Community: Tom Heinz, Executive Director, East Bay Innovations (September 2013)
 - Preparing Persons with Disabilities for Employment: Rebecca Brooks, Job Developer for Computer Technologies Program (CTP) (November 2013)
 - Children with Special Needs: Anna Wang, Vice President of Friends of Children with Special Needs, FCSN (January 2014)
 - Disability and Domestic Abuse: Ann Darzins, World Institute on Disability (WID) (February 2014)
 - Housing and Supportive Services for Persons Living with HIV/AIDS: Barbara Cook, Executive Director, Providence House (April 2014)

MCPD's 2014 Goals and Strategies: "Making a Difference"

The MCPC convened at a retreat in December 2013 to develop its strategic vision for 2014 and set forth the following goals, with the overarching theme of transforming the MCPD from a passive advisory body to an entity that is "Making a Difference." The MCPD identified the following goals and strategies to advance this goal of being a force for positive, tangible change:

Goal 1: Increase MCPD's Influence, Presence and Impact

Strategy 1: Educate decision makers and stakeholders about disability community concerns.

Strategy 2: Increase MCPD's social media presence.

Strategy 3: Outreach and become a resource to families of children with disabilities in special education programs.

Strategy 4: Through messaging and other MCPD activities, work to destroy the stigma surrounding psychiatric disabilities.

Strategy 5: Continue outreach to persons with disabilities regarding emergency preparedness.

Strategy 6: Forge independent relationships with other entities that serve a shared constituency, including the City's Department of Human Services and the Education Partnership of City Council.

Goal 2: Greater Employment of Persons with Disabilities

Strategy 1: Prioritize activities that improve the employment of persons with disabilities.

Strategy 2: Work with local governments to increase the number of applicants and employees with disabilities.

Goal 3: ADA Compliance

Strategy 1: Protect the City's ongoing Capital Improvement Projects from the financial and staff resource impacts suffered from having to respond to serial, non-systemic access litigation.

Strategy 2: Maintain role in advocating for the rights of people with disabilities on public transit and improved paratransit.

Subsequent Events

In the months following the Annual Retreat, the MCPD elected to disband its Social Media and Communication Development Committee (SMCD) and integrate the work being done by that group with the Education and Outreach Committee (EOC). This was done in recognition of the overlap in the work of the two groups, and also to facilitate the creation of the Membership Committee to help address vacancies on the Commission.

Current MCPD Challenges

- Membership. This commission continues to struggle, as it has throughout its history, with having adequate membership to properly do its work. Several meetings this year were unable to make the required quorum. Further, we are expecting nearly half of the Commission's membership to term-out in 2015. To help with this problem we created the Membership Committee. The continued support of Council Members and the Mayor in our efforts to get more volunteers for this important work is very much appreciated.
- Improve Technical Oversight. The work of the Commission's Access Compliance Advisory Committee is a critical component of the work of the Commission. If the Commission is to advise the Mayor and Council effectively, the membership of this Committee must be strengthened to improve its technical prowess. This is challenging to do with an all-volunteer Commission and finding those volunteers who have the strong technical and analytical skills that are necessary for this work.
- Diversion of Scarce City Resources. As discussed in our report last year, the Commission remains very concerned about the City's ongoing ability to be in compliance with Americans with Disabilities Act Title II requirements, as a result of both budgetary constraints and litigation that "hijacks" the ADA Capital Improvement Budget and valuable ADA Programs Division staff time. This remains not just a vexing issue, but a "red flag" that highlights the weakness of the city's ability to serve our community effectively.

The Fundamental Challenge Remains

The Commission believes that full inclusion for the disability community (and true equality) will not happen until people with disabilities have the same employment opportunities as everyone else.

Short and Medium Term Goals:

1. Short Term

- Continued push to achieve full membership, as well as improved technical expertise

- Continued vigilant oversight of the BRT Project with AC Transit
 - Promote our new online social media presence to bring greater awareness of our activities to the broader community
 - Develop our events for this October's Disability Employment Awareness Month, including a planned forum for the Mayoral candidates, another Comedy Night collaboration with HCEB, and other events.
 - Improving collaboration with other Disability Commissions in the Bay Area
2. Medium and Long Term
- Work to improve the city's ability to meet its obligations under the ADA
 - Continued push for greater employment opportunities for People with Disabilities
 - Work to improve availability of affordable and accessible Housing for people with disabilities
 - Work to help promote attitudinal change in the broader community

Summary

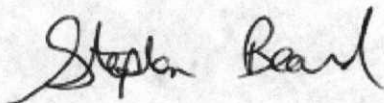
In conclusion, we ask Council Members to consider the following:

1. The City is not able to achieve its obligations under the ADA due to budget cutbacks and fund diversions.
2. The MCPD is facing a membership crisis. We cannot do our job as advisors to the Mayor and Council without full membership on the Commission.

As we noted in our report last year, we feel strongly that our work helps you to avoid problems and helps you to address matters of concern for the disability and, indeed, the larger community. This work remains imperiled by the issues raised in this report.

Our commissioners remain passionate about making a difference in Oakland, and we look forward to your continued support in this endeavor.

Sincerely,



Stephen Beard | Chairperson
Mayor's Commission on Persons with Disabilities
City of Oakland ADA Programs Division
One Frank H. Ogawa Plaza, 11th Floor
Oakland, CA 94612
510-238-5219 (voice) 510-238-2007 (TTY)

Mayor's Commission on Persons with Disabilities
Staff Reports Schedule for Calendar Year
JUNE 2014

	Dept. / Division	J	F	M	A	M	J	J	A	S	O	N	D
Full Commission:													
ADA Programs Monthly to MCPD	ADA	√	√	√	√	√	X	X		X	X	X	
MCPD Annual to Council	MCPD						X						
ADA Annual to Council	ADA									X			
OES Annual to MCPD	OES											X	
OPD Annual to MCPD	OPD					√							
OPR Annual to MCPD	OPR										X		
OPED Biannual Report												X	
ACAC:													
Buildings Transition Plan Biannual	ADA				√								X
Bus Rapid Transit (BRT) Monthly	OPW	√	√	√	√		X	X		X	X	X	
BRT AFN Subcommittee	Varies		√	√	√	√						X	
CFILC Settlement Monitoring Reports	ADA		√							X			
Curb Ramp Transition Plan Biannual	ROW						X				X		
On-Street DPZ Program Annual	TSD										X		
OPED Biannual Report	OPED						X						
Sidewalk Repair Program Annual	ROW										X		

ACAC: Access Compliance Advisory Committee
 AFN: Access and Functional Needs
 CFILC: California Foundation of Independent Living Centers
 DPZ: Disabled Parking Zone
 MCPD: Mayor's Commission on Persons w/ Disabilities
 OES: Office of Emergency Services
 OPD: Oakland Police Department
 OPED: Oakland Paratransit for the Elderly and Disabled
 OPR: Oakland Parks and Recreation
 OPW: Oakland Public Works
 ROW: Right of Way Management Division
 TSD: Transportations Services Division

Parking Lot
 - City Access Policy
 - City Web Page Monitoring
 - Paratransit Taxi Driver Training
 - Public Ethics and Roberts Rules of Order Annual Training