

CITY OF OAKLAND



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Mayor's Commission on Persons with Disabilities
Anwar Baroudi, Chair

94612

Date: June 11th, 2024

To: *Chair Carroll Fife, Life Enrichment Committee*
Mayor Sheng Thao
Jestin D. Johnson, City Administrator

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

Re: Highlights of Activities of 2023-24 and Goals

This informational report provides the Life Enrichment Committee 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 the inclusion of persons with disabilities (PWD). 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 provides 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 percent representation by people with disabilities and the rest have either professional or personal experience working with 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

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community. There are eleven seats on the MCPD and at least six members must be present to constitute a quorum, as per the enabling ordinance. Historically, there has been a high degree of turnover of Commissioners. This escalated during COVID and after the pandemic when the end of the State of Emergency meant that we could no longer hold hybrid meetings per the updated Brown Act (Assembly Bill (AB) 2449). Many of the MCPD Commissioners have medical concerns about the risk of in-person meetings and as a result, resigned.

MCPD RECENT ACTIVITIES

In the past year, the MCPD has made significant contributions to 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. The following highlights both information received by the Commission as well as guidance and outcomes the Commission has provided to the City and the community.

MCPD PRESENTATIONS AND COLLABORATIONS IN 2023-24

- Strategic Planning Recap & Developing New Goals for 2023-24 with Andrea Mariano
- Emergency Operations Planning by EMSD
- E-scooter parking updates and micro-mobility plan by the Department of Transportation (OakDOT) and Shared Mobility Operators
- Oakland e-bike library program proposal with OakDOT and GridAlternatives
- Liveable Oakland Work Plan with Mayor's Commission on Aging (MCOA)
- Residential Lending and Rehabilitation Programs presentation by Oakland's Housing and Community Development Department
- Broadway Streetscape Improvements Project presentation by OakDOT
- MLK Jr Streetscape Improvement Project presentation by OakDOT
- 7th St. Connection Project presentation by OakDOT
- Elevator Ordinance Update from the City Attorney's Office
- Update on status of lawsuits against the city from the City Attorney's Office
- Presentation on Oakland's Planning and Building Department's General Plan Phase 2
- Presentation on Reusable Foodware Ordinance by CM Kalb's Office
- Vision 980 Presentation by Caltrans
- Zero-Emission Vehicle plan update regarding charging in the right of way by OakDOT
- Communications Platform Pilot presentation by MCOA
- Downtown Oakland Specific Plan presentation by Oakland's Planning and Building Department
- Upper Telegraph Plan presentation by OakDOT
- AC Transit Supportive Design Guidelines by AC Transit
- Community-based Traffic Calming Pilots Program presentation by Transport Oakland
- LAAMPS 3 Project (Seminary Ave) presentation by OakDOT
- Wheelchair Rescue and Repair services overview by Easy Does It
- San Pablo Ave Multimodal Project presentation with OakDOT
- 73rd Ave Project presentation with OakDOT
- Embarcadero West Safety Project presentation by OakDOT

MCPD CORRESPONDENCE IN 2023-24

- Commissioner Baroudi followed up with and provided additional feedback on the 7th st., MLK Jr., and Broadway Streetscape projects
- Commissioner Bartu wrote and the commission approved a letter of support for Transport Oakland's Community-based Traffic Calming Pilots program
- Commissioner Smith is leading an ad hoc Committee on hybrid meetings and leading advocacy around making our meetings more accessible and by extension our commission more accessible for all desiring participants.
- Commissioner Baroudi gave two presentations to OakDOT's At-Risk Users Working Group on behalf of MCPD
- MCPD wrote a Letter of Support for the ADA Transition Plan to SS4A Federal Grant
- MCPD Commissioners are actively engaging with city stakeholders to deliver the 2023-24 Strategic Plan

MCPD COOPERATION WITH OTHER CITY COMMISSIONS

- As the Mayor's Commission on Aging (MCOA) has a large overlap in constituents and interests, our two commissions have expanded our intentional and strategic cooperation. The Chairs of both commissions regularly attend the other's meetings and present updates in the form of public comments on each others' activities and upcoming items.
- As the Bicycle and Pedestrian Advisory Commission (BPAC)'s mission and interest in pedestrian safety aligns closely with our own, we find a lot of value in working together, sharing feedback and attending each other's meetings. We are in the process of coordinating a liaison from BPAC to MCPD.

MCPD CHALLENGES

During this reporting period the MCPD has had challenges that reduce its effectiveness and efficiency.

- Reaching quorum throughout 2023 was a monthly challenge. Between the lasting impacts of the pandemic, and the end of remote meetings, many commissioners were unable to reliably make it to in-person meetings, ironically our disability commission bound by the updated Brown Act (AB2449) struggles to provide accessible options to those most committed to improving accessibility. We had 5 resignations and have undergone significant turnover. While we are recovering from the worst of it, the lack of hybrid meetings continues to hinder participation for many in our community; especially those who are unable to attend in-person meetings without risking their well-being. Without a critical mass of public input and feedback at our meetings, the issues and concerns affecting the disability community are not well represented.
- ADA Programs Division has been understaffed since 2017. In 2016 an outside consultant firm (Michael Baker International) performed a gap analysis on appropriate staffing levels for the ADA Programs Division. Its analysis identified and recommended that the division should be staffed with at least four (4) FTE to be able to provide an appropriate level of service at that time.
- ADA Programs Division briefly had four FTE in 2017. However, two long-time staff abruptly left the Division leaving it half staffed. One position was eliminated and the other was not prioritized to be filled. For a while there were only two staff up until

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January 2020 when the program analyst transferred to another department and the Division was down to one staff -- the manager. April 2021 was when a new program analyst was hired.

- During a brief period when ADA Programs Division was down to only one staff, MCPD meetings were canceled due to limited staff resources to support MCPD activities. MCPD requested city staff to provide staffing resources to ADA Programs Division for MCPD meeting to resume. OakDOT temporarily loaned staff support for MCPD to continue meeting and to comply with all sunshine and PEC requirements.
- For several months in 2023 ADA Programs was back to one staff -- the manager -- as the sole FTE serving the Division.
- ADA Programs Division currently only has two FTE to serve the entire city programs, activities, services and residents, in addition to supporting the work of the Mayor's Commission on Persons with Disabilities.

ADA PROGRAMS DIVISION COLLABORATIONS AND ACTIVITIES IN 2023-24

ADA Programs Division promotes equity for persons with disabilities by coordinating physical and programmatic access compliance in all city programs, activities, and services. The following are some highlighted accomplishments:

- Assisting OakDOT staff on major Capital Improvement Projects including MLK Streetscape, Broadway Streetscape, and Oakland Embarcadero West
- Coordinating with the Communication team to update the city's website which include significant accessibility improvements to ensure ADA compliance.
- Assisting OPW CIP team plan, review, and deliver Capital Improvement Program (CIP) projects such as upgrading city's parks, library, recreation centers, and senior centers.
- Assisting the Emergency Services Division on updating their emergency preparedness plan and training for Access and Functional Needs (AFN) population.
- Coordinating with external agencies on project such as: AC Transit's Transit Supportive Design guidelines and Realign Project; ACTC San Pablo Ave; East Bay Greenway; Oakland Alameda Bike Ped Estuary Bridge
- Participating on Racial Equity Team workgroup, and co-leading At-risk Users Working Group
- Staffing the Mayor's Commission on Persons with Disabilities (MCPD) monthling meetings

MCPD 2024 STRATEGIC PLANNING AREAS

POLICING /SAFETY (Goal Area 1)

1.1 Because this is a deeply intersectional issue-race/poverty/disability/environment, and persons with disabilities (PWDs) inordinately find themselves victims of police violence because of their disabilities, MCPD will continue to provide input and monitor OPD policies and procedures concerning PWD to include Domain 37 training and Critical Intervention Training (CIT). MCPD will also request an annual report regarding the policing of PWD with regards to: Stop reports, call response, Crisis Intervention Training, and policy and procedure updates

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1.2 MCPD will advocate for improved safety services for the disability community and the community in general in the face of emergencies and natural disasters. MCPD will request Information from the Emergency Services Management Division about CORE training, planned drills and simulations, and PAFN training.

ENVIRONMENTAL IMPACTS AND CONCERNS (Goal Area 2)

2.1 Increasingly poor air quality and the need for clean air refuges is a specific concern and a permanent issue going forward. Accessible shelters and transportation to them are critical to community safety. MCPD will work with the City Administrator, Public Works, OakDOT, and ESMD to ensure this issue is considered in their strategic plans.

ACCESSIBILITY OF CITY PROGRAMS/ SERVICES/ ACTIVITIES (Goal Area 3)

3.1 MCPD will provide input to the City regarding Oakland's ongoing development and implementation of its ADA Transition Plan.

The commission will continue to recommend to the City Council, City staff, and the Mayor's Office the need to maintain and enhance the effectiveness of the ADA division by restoring and adding funding for services and programs.

It is also critical that the ADA Programs Division have a more autonomous position within the City department hierarchy to better monitor the ADA Transition Plan progress and assist City Departments with recommendations to meet their individual compliance requirements. MCPD advocates that the ADA Programs Division falls directly under the City Administrator.

3.2 MCPD will work with OakDOT, BART, AC Transit, and other stakeholders such as public works and the fire department to improve accessibility in public spaces in the right of way, and to reduce traffic violence

MCPD has and will continue to invite presentations and updates from various stakeholders in upcoming street and transit projects as an opportunity to provide focused feedback

HOUSING (Goal Area 4): Ensure ADA-compliant housing stock

4.1 Advocate to ensure the accessibility and affordability of housing in Oakland and Renter's Rights: Ensure Oakland renters with disabilities have access to the same financial and/or civic benefits afforded to Oakland homeowners with disabilities. MCPD will continue to support the Elevator Ordinance and will recommend shifting to one universal application for affordable housing instead of the multiple applications that need to be filled out today.

Advocate that the HCD Access Improvement Program has enough funding and that the program is well publicized, as well as ask for improvements to the accessibility and ease of access to its application process.

4.2 Whereas the MCPD recognizes a high prevalence of homeless individuals living in Oakland are also PWDs, often disconnected from services, and whereas the MCPD

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recognizes a responsibility to represent the voices of all PWDs living in the city, the MCPD will collaborate with official activities and initiatives addressing homelessness in the city, to improve conditions for and/or reduce the number of PWDs who are homeless in Oakland.

MCPD will follow up with the General Plan about the need for affordable housing and the need to address homelessness from multiple angles.

MCPD will insist on the need for access improvement funding directly to renters to avoid accessibility issues that force seniors and persons with disabilities (who are a large proportion of renters) into homelessness.

CIVIL LIBERTIES (Goal Area 5)

5.1 MCPD will assess CARE Courts' impact on the civil liberties of people with psychiatric disabilities. We will monitor and request a presentation from the San Francisco Care Court Pilot Program, develop county-wide partnerships ahead of CARE Courts' implementation, and deliver recommendations about said implementation.

MCPD Chair Recommendations:

1. The Life Enrichment Committee (LEC) should continue to support MCPD's activities in completing its planning goals for this year.
2. LEC to help prioritize and allocate resources to achieve the recommended staffing levels for the ADA Programs Division made by Michael Baker International's gap analysis report. With the projected budget crisis the city faces, we advocate that no staffing cuts by way of freezing or eliminating positions impact the ADA Programs Division.
3. LEC continues to support the ADA Programs Division to become more autonomous within the city organization hierarchy, keeping it under the City Administrator Office to effectively coordinate physical and programmatic access compliance in all city programs, activities, and services citywide per State and Federal requirements.

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

Sincerely,

Anwar Baroudi

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