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OFFICE OF THE CITY CLERK  
OAKLAND

2013 MAY 15 AM 11:05

# AGENDA REPORT

**TO:** DEANNA J. SANTANA  
CITY ADMINISTRATOR

**FROM:** Christine Calabrese

**SUBJECT:** Annual Report for  
Calendar Year 2012

**DATE:** May 13, 2013

City Administrator  
Approval

Date 5/14/13

**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.

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

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

Respectfully submitted,

Christine Calabrese

Prepared by: Stephen Beard  
Chairperson, Mayor's Commission on  
Persons with Disabilities

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Item: \_\_\_\_\_  
Life Enrichment Committee

MAY 28 2013

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**LIFE ENRICHMENT COMMITTEE**  
Oakland City Council

**Subject:** Commission on Persons with Disabilities Activity Report

Chairperson Brooks and Members of the Committee:

The Mayor's Commission on Persons with Disabilities hereby reports on its activities, challenges, and goals for 2013 and future years.

**I. Introduction**

The Mayor's Commission on Persons with Disabilities (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. This includes people with a wide variety of disabilities, including mobility impairment, visual impairment, hearing impairment, and cognitive impairments.

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.

The commission is very active and effective, participating in nearly every aspect of City government and advocating for full inclusion of people with disabilities in the community. The MCPD works in close partnership with the ADA Programs Division in the Public Works office. This relationship spans more than two decades and has been a critical component of the City's success in the disability rights and compliance arenas.

**II. Membership**

Commissioners represent a broad spectrum of the disability community and a range of agencies such as: Center for Independent Living, Oakland Unified School District, Lions Center for the Blind, and the American Red Cross.

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, along with an ongoing struggle to reach full membership. Currently, there are five vacancies on the commission.

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### III. Committees

The MCPD currently has three active committees:

1. The Access Compliance and Advisory Committee (ACAC). 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 programs. This committee is a Joint Committee with the Commission on Aging (CoA) since 2010, and now consists of at least 4 members of the MCPD and at least 3 members of the CoA. This committee meets monthly.
2. The Education and Outreach Committee (EOC). 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.
3. The Strategic Planning and Oversight Committee (SPOC). This newly formed ad-hoc committee is tasked with developing strategies for improving the MCPD's communication and outreach with City Council, City agencies and departments, and other disability groups. It also aids the Chairperson with membership recruitment, and is developing a communication strategy for both internal and external purposes. This committee meets on an as-needed basis.

### IV. Recent Achievements

The MCPD is very proud of what it has been able to accomplish during a period of high turnover in membership and significant financial challenges to the City.

Significant Recent Achievements:

- Helped develop Conditions of Approval for proposed Downtown Oakland to San Leandro Bus Rapid Transit (BRT) line (June 2012)
- Held seventh annual "Youth In Action" event at City Hall (Oct 2012)
- Increased membership with folks having stronger leadership skills and more professional experience
- Enhanced working relationship with the Commission on Aging
- Created ad-hoc strategic planning committee
- Reviewed, provided Technical Assistance, and Verified Compliance about:
  - Annual reports from the Oakland Police Department (OPD), Oakland Parks and Recreation (OPR), and Office of Emergency Services (OES) (March, June, Sept 2012 respectively)
  - The City's CFILC Settlement Agreement surrounding mass care and shelter for persons with disabilities (March 2013)
  - The City's public right of way programs (curb ramps, sidewalk repair, disabled parking zones)
  - Other City Capital Improvement projects
- Interacted with the Berkeley, Alameda, and San Francisco Commissions on Disability

- Met with Council Member Rebecca Kaplan (February 2013)
- Met with variety of outside experts through our "Speaker Series"
- Presented to the Oakland Youth Commission
- Additional achievements: Represented at Oakland Fire Station Open House; Mayor Quan's Volunteer Fair; United Seniors Fair and the Alameda County Public Health Fair.

## V. Challenges facing the Commission

### 1. Financial

The Commission is very concerned about the City's ongoing ability to be in compliance with Americans with Disabilities Act Title II requirements. The 2012 Public Works Infrastructure Report Card clearly demonstrates the challenges Oakland faces in maintaining the accessible features of its buildings, facilities, and the public right-of-way.

In these difficult times, the Commission recognizes that Council Members are often faced with a choice of the "least harmful" alternatives. However, we are alarmed at the declining condition of City buildings and facilities, and the continuing atrophy to the ADA Buildings and Facilities Transition Plan Project budget. When it comes to infrastructure maintenance and access compliance, it is not as if, over the years, we have trimmed the bureaucratic fat in the budget and become a "lean" operation....it is more as if we have been cutting into the bone and the patient is now on "life support".

Furthermore, the reduced ADA transition plan budget is often "hi-jacked" by litigation settlements, further weakening the City's abilities to put resources where they may be most needed. Ultimately, the longer the City is unable to address the non-compliance of its infrastructure, the greater the risks of significant liability exposure.

Budget cuts have also challenged the staffing levels of the ADA Programs Division, which is weakening this Commission's ability to advise the mayor and council appropriately.

### 2. Strategic/Political

The MCPD is proud of the City's long-standing commitment to the disability community and the leadership role it has played in the past to help make Oakland a disability-friendly community. However, that good past record is jeopardized by the City's continued focus on other issues. The Commission certainly recognizes that Council Members have their attention focused on the fiscal and public safety challenges that are paramount in the current environment. The Commission is nonetheless concerned as it continues to

observe the interests of the disability community take a back seat to the other pressing concerns that beset the City.

The Commission is also concerned about the tendency of its concerns to be treated lightly. Over the past several years, we have observed two phenomena: First, the general (and understandable) tendency of decision-makers to focus attention on attracting development and other influx of dollars into the City; and Second, there is a tendency on the part of policy-makers and city/agency staff to view their obligations to the MCPD as an obligatory reporting function—something to get past—without any expectation or appreciation that their actions are more important than their words.

We have observed these phenomena most noticeably and most recently in our work surrounding the planned construction of the new Bus Rapid Transit line (BRT), but it is by no means exclusive to that issue.

Finally, a lot of time and effort has been devoted to discussions about a possible merger with the Commission on Aging (CoA). This meant other important matters were tabled or neglected over the past two years. The two commissions ultimately decided that while the two communities have many overlapping concerns, it is paramount to each to retain an independent voice. The two bodies decided instead to restructure the joint Access Compliance Advisory Committee. ADA staffers prepared an agenda report and resolution under which the Council will ratify this joint standing committee. The report will be brought forward once the CoA meets new minimum attendance requirements for three consecutive months.

### 3. Membership Challenges

The Commission continues to struggle to attain full membership. This is critical because our quorum is based on full membership, NOT active membership (as per the defining 1980 ordinance). As a result of these struggles, the Commission has failed to achieve quorum for three of its last eight meetings. When quorum is not achieved, we are unable to do any official work on behalf of the community, and we are impaired in our ability to be a good partner with City decision-makers.

Furthermore, our recruitment efforts end up taking up so much of our time and energies that we are unable to focus our attention on the issues in the community that demand our attention.

There are several reasons why attaining full membership has been difficult:

- a) The physical and cognitive limitations of our community sometimes makes it harder for people to serve in the capacity of commissioners in general, and makes it harder for commissioners to get to meetings and to continue to participate in the activities of the commission over a period of years.
- b) Commissioners are all volunteers, sometimes with jobs and family commitments that come first.
- c) The MCPD meets during the workday, eliminating the ability of a significant segment community to participate in our meetings.
- d) The Commission and ADA Programs Division have been left mostly to their own devices to recruit new members. Most other efforts have been of a passive nature – i.e. postings in the Mayor’s newsletter, etc. The lack of support from the mayor and council offices was most recently observed in February of 2013, when a personal letter from the Chairperson to each Council Member results in only two responses.

A review of historical records shows that this commission has struggled with getting to full membership for many years. The current Commission leadership is committed to ending this unacceptable legacy. However, we need all the help we can get from City officials and staff. It would be great, for example, if council members committed to trying to encourage at least one representative each year from their own districts to apply to be a member of the Commission.

#### 4. Fundamental Challenge

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.

We want decision-makers to actively require inclusion of people with disabilities in the hiring criteria for all projects that promote employment for Oaklanders and for which City approval/funding is necessary:

## VI. Short and Medium Term Goals

### 1. Short Term

- Continued push to achieve full membership
- Increasing awareness about disability issues with politicians, City staff, and affiliated agencies
- Continued focus on Transportation Issues and the proposed BRT project
- Assessing and protecting the interests of people with disabilities as the new Affordable Care Act is implemented

### 2. Medium and Long Term

- Work to improve 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

## VII. Summary

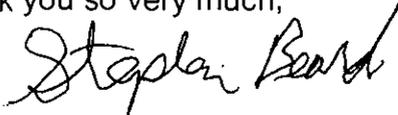
In conclusion, there are four main issues we want council members to be aware of:

1. Budget Cutbacks threaten the ability of the City to achieve its obligations under the ADA
2. The MCPD can't serve council adequately without enough commissioners or City staff support
3. The MCPD's work is vital to help council ensure that the city serves the entirety of the Oakland community
4. The MCPD is growing to be a stronger voice advocating for people with disabilities and their families in Oakland

The Commission respects the hard choices council members and the mayor have to make but we are nonetheless very concerned about the City's ongoing commitment to our community. 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.

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

Thank you so very much,



**Stephen Beard**

Chairperson, City of Oakland Mayor's Commission on Persons with Disabilities

# **Mayor's Commission on People With Disabilities (MCPD)**

**Report to**

**Life Enrichment Committee of City Council**

**May 28, 2013**

# Introduction

- MCPD established in 1980
- Represents and addresses issues for people with disabilities and their families
- Advocates for full inclusion of people with disabilities into the community
- City's designated advisory body for ADA compliance
- Focus on issues of ADA compliance, Transportation, Education, Employment, Housing, and Health Care

# Who Do We Represent?

Individuals and their families living and working in Oakland who:

- Have a physical impairment
- Who are visually impaired
- Who are hearing impaired
- Who have cognitive impairments, including mental illness, Autism Spectrum Disorder, Learning Disabilities, Epilepsy, etc.

## **Key Efforts 2012-2013**

- Helped develop Conditions of Approval for proposed BRT line (June 2012)
- Held Successful "Youth In Action" event at City Hall (Oct 2012)
- Enhanced membership with folks having stronger leadership skills and more professional experience
- Enhanced working relationship with the Commission on Aging
- Created ad-hoc committee to help membership be more strategic

## **Other Activities**

Reviewed, provided Technical Assistance, and Verified Compliance about:

- Reports from OPD, OPR, and OED (March, June, Sept 2012 respectively)
- The City's CFILC Settlement (March 2013)
- The City's public right of way programs (curb ramps, sidewalk repair, disabled parking zones)
- Other Capital Improvement projects

## **Other Activities**

- Interacted with the Berkeley, Alameda, and San Francisco Commissions on Disability
- Met with Council Member Rebecca Kaplan (February 2013)
- Met with variety of outside experts through our "Speaker Series"
- Presented to the Oakland Youth Commission

# **Current Challenges for the MCPD**

- Financial
- Strategic/Political
- Membership
- Fundamental

# Financial Challenges

- City's ability to be in compliance with ADA is on life support
  - Alarming condition of city facilities (see 2012 Public Works Infrastructure Report Card)
  - Tiny budget often "hi-jacked" by lawsuit-driven complaints
- Understaffing of ADA Programs Division weakens our ability to advise
- Lack of resources prevents full participation in community events

# Systemic/Political Challenges

- Our concerns take a back seat
- \$\$ talks
- Agencies/Offices have a tendency to rub the cat's belly
- Discussion of future status/structure of Commission ties up resources

# Membership Challenges

- We can't achieve our mandate when we can't make quorum. Quorum based on 50% of "Full" membership of 15
- Only 10 members... missed quorum 3 of the last 8 meetings
- Hard to recruit new people due to:
  - Physical and cognitive limitations of members of the community
  - Meeting times during the day
  - Volunteer commitment required
  - Inadequate "connections" with district offices

# **Fundamental Challenge**

Full inclusion for this community  
(and true equality)

won't happen

until people with disabilities

have the same employment opportunities  
as everyone else

## **Short Term Goals**

- Continued push to achieve full membership
- Increasing awareness about disability issues with politicians, city staff, and affiliated agencies
- Continued focus on Transportation Issues and the proposed BRT project
- Assessing and protecting the interests of people with disabilities as the new Affordable Care Act is implemented

## **Medium Term Goals**

- Work to improve 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

- Budget Cutbacks threaten the ability of the City to achieve its obligations under the ADA
- The MCPD can't serve council adequately without enough commissioners or city staff support
- The MCPD's work is vital to help council ensure that the city serves the entirety of the Oakland community
- The MCPD is growing to be a stronger voice advocating for people with disabilities and their families in Oakland

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