



Commission on Disability

Commission on Disability
Regular Meeting Minutes – December 13, 2000

Roll call: 6:40 p.m.

Present: Charlie Betcher, Karen Craig, Norm Rabkin, Miya Rodolfo-Sioson, Marissa Shaw and Robert Smith

Absent: Karen Rose and Emily Wilcox

Staff present: Rosemary Dady

Public Comment: Fred Lupke thanked Commissioners for their support of the Measure R campaign and expressed gratitude and admiration for the organizers of the Measure E campaign.

Announcements: Karen Craig announced that Commissioner Wilcox was unable to attend the meeting due to the denial of a request to participate in the meeting via conference call. Craig also announced that Commissioner Wilcox asked her to commend staff for including requested information in the meeting packets, especially the memo regarding ADA documents. Craig announced that Adelia Lines, the City's Director of Library Services, passed away last week. Marissa Shaw announced that the United Artist Theater in downtown Berkeley had granted her request for an accommodation and was showing a movie in a downstairs theater. Rosemary Dady announced that engineering students are seeking volunteers with disabilities who would be willing to provide information regarding the impact of going over bumps as they travel their ordinary routes. Dady also announced that the City Clerk's office has scheduled a Commissioner Training for Tuesday, March 6 at 7:30 P.M. in the City Council Chambers.

Actions and Discussion: *All actions are unanimous unless otherwise indicated.*

Approval of November 8, 2000 minutes: It was moved, seconded, carried (Betcher/Rabkin) to approve the minutes of the November 8, 2000 meeting.

Police training bulletin on service animals: Michael Minasian presented his concerns regarding the Berkeley Police training bulletin on service animals. It was moved, seconded and carried (Craig/Shaw) that the Commission make the following recommendations to City Council: 1) rescind the Berkeley Police Department Training and Information Bulletin Number 278 regarding permissible inquiries of people with service animals; 2) direct the Berkeley Police Department to work with the Commission on Disability and Commission staff to prepare and write ALL policies regarding people with disabilities; and 3) ensure that no policy or issue regarding disability issues in the City of Berkeley be implemented without first being reviewed by the Commission on Disability before referral to Council.

Appointment of liaison to West Berkeley Redevelopment Projects: It was moved, seconded and carried (Craig/Smith; Shaw abstained) to appoint Commissioner Shaw to serve as a liaison to meetings regarding West Berkeley Redevelopment Projects. Commissioner Shaw agreed to serve as liaison for at least the next month, to speak with Councilmember Breland or her staff and to report to the full Commission at its next meeting.

Update on ADA Transition Plan: Rosemary Dady reported that Disability Compliance staff is awaiting final review of the Transition Plan before distributing the Plan to Commissioners.

Denial of request to participate in meetings via conference call: It was moved, seconded and carried (Craig/Rabkin) that the Commission request the City Council to: 1) acknowledge that the City Attorney's opinion denying telephone accommodations to Commissioners conflicts with the opinion presented by Arlene Mayerson, Directing Attorney for the Disability Rights Education and Defense Fund, in her September 5, 2000 letter directed to City Attorney Manuela Albuquerque, in which Mayerson states that the City's failure to provide requested speakerphone access to Commissioners who were unable to attend commission meetings is a "violation of both the general prohibitions against discrimination, as well as the Program Accessibility requirements of Title II of the ADA"; 2) immediately adopt Ms. Mayerson's opinion concerning ADA Implications for Public Meetings of Government Bodies under the Ralph M. Brown Act as City policy for Program Accessibility requirements of Title II of the ADA (28 C.F.R. § 35.130 and 28 C.F.R. § 35.149 et. seq.) and provide speakerphone access, without prior public notice, to people with disabilities who cannot attend public meetings due to their disabilities, to ensure the City complies with Title II of the ADA; 3) hire an outside attorney who specializes in ADA compliance, such as an attorney with the Disability Rights Education and Defense Fund, Protection and Advocacy or Disability Rights Advocates, to resolve this matter and make a decision regarding the City's obligations under Title II of the ADA; 4) send a copy of this recommendation and related communications to the following: Arlene Mayerson and Kenneth Stein of the Disability Rights Education and Defense Fund; Larry Paradis, Executive Director of Disability Rights Advocates; Sally Conway of the U.S. Department of Justice; Ted Prim, Deputy Attorney General of California; Senators Barbara Boxer and Diane Feinstein; Congresswoman Barbara Lee; California Assemblywoman Dion Aroner and California Senator Don Perata.

Reactivation of Reorganization Subcommittee and Commission staffing: It was moved, seconded and carried (Craig/Betcher) to reactivate the Commission's Reorganization Subcommittee. Commissioners asked that the staffing issue be tabled to the next meeting.

Review of proposed Commission rules: Commissioners asked that this item be tabled.

Report on Outreach Subcommittee activities: It was moved, seconded and carried (Smith/Shaw) to send a copy of the Subcommittee's priority list regarding sidewalk obstacles to Lieutenant Bud Stone, with apologies for the delay.

Report on Transportation Subcommittee activities: Commissioner Shaw discussed the changes to the Subcommittee's December agenda.

Items for future agenda: It was moved, seconded and carried (Craig/Smith; Shaw abstained) that an agenda item allowing unstructured discussion be added to the end of meeting agendas and that no more than ten minutes of each meeting be allocated to this item. Commissioners asked that the Commissioner retreat and PG&E rate increases be added to next month's agenda.

Adjournment: The meeting was adjourned at 9:17 p.m.