

Commission on Disability
Meeting Agenda: February 14, 2024, at 5pm

North Berkeley Senior Center, Dining Room
1901 Hearst Avenue, Berkeley, CA 94709

Preliminary Matters

1. Call to Order by Chair Fischer
2. Land Acknowledgment recognizing Berkeley as the ancestral, unceded home of the Ohlone People
3. Roll Call by Secretary
4. Public Comments

At this point in the meeting, the public may comment about any item not on the agenda. Public comments regarding agenda items will be heard while the Commission is discussing the item. Public comments are limited to three minutes per speaker.
5. Approval of draft minutes: January 10, 2024 meeting*
6. Approval: Order of Agenda*

Commissioner Reports/Announcements

7. Welcome and introductions by new and current Commissioners

Staff Updates

8. Log of Access Complaints*
9. Email and voicemail sent to the Commission*

Presentations

Discussion/Action Items

10. Updates to City of Berkeley ADA Grievance Form
11. Nomination and election of CoD Chair and Vice-Chair
12. Work Plan Updates and Developments
 - a. Review of priorities
 - b. Brainstorm next steps and timelines
 - c. Establishing subcommittees
 - d. Schedule of presentations to advance Work Plan priorities
13. Accessibility of speakers' lectern at City Council & BUSD meetings**

Carried Over & Items for Future Meetings

- a. Civic Center Subcommittee Briefing
- b. Safer pathways map of Berkeley (perhaps produced with CoAging)

Adjournment

- * **Written material included in packet.**
- ** **Written material to be delivered at meeting.**
- *** **Written material previously distributed.**

PUBLIC ACCESS TO AGENDA

Agenda posted: 1) on the bulletin board at Old City Hall (2134 MLK Jr. Way); 2) North Berkeley Senior Center (1901 Hearst Avenue); 3) City of Berkeley website ([link](#))

A complete monthly agenda packet is available for public review by clicking the chevron (i.e., the blue V-shaped symbol) to the right of the monthly minutes PDF at <https://berkeleyca.gov/your-government/boards-commissions/commission-disability>. Physical agenda packets are reviewable during business hours at the Berkeley Central Library (2090 Kittredge St.) and at 1947 Center Street, 4th Floor.

ADA ACCOMMODATIONS

This meeting is being held in a wheelchair accessible location. To request a disability-related accommodation(s) to participate in the meeting, including remote participation, auxiliary aids or services, please contact the **ADA Program Coordinator at (510) 981-6418 (V) or (510) 981-6347 (TDD)** at least 72 hours before the meeting commences. Please refrain from wearing scented products to this meeting.

PUBLIC RECORD INFORMATION

Communications to Berkeley boards, commissions or committees are public record and will become part of the City's electronic records, which are accessible through the City's website. Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to a City board, commission or committee, will become part of the public record. If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the secretary of the relevant board, commission or committee. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the commission secretary for further information.

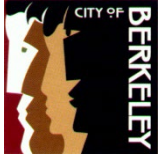
Any writings or documents provided to a majority of the Commission regarding any item on this agenda will be made available for public inspection at 1947 Center Street, 4th Floor, during regular business hours. The Commission Agenda and Minutes may be viewed on the City of Berkeley website: <http://www.cityofberkeley.info/commissions>.

Secretary:

Thomas Gregory
Public Works Department
(510) 981-6418
E-mail: tgregory@berkeleyca.gov

Mailing Address:

Commission on Disability
c/o Thomas Gregory
1947 Center Street
Berkeley, CA 94704



Commission on Disability

DRAFT Minutes re January 10, 2024 Meeting

Preliminary Matters:

1. Call to Order at 5:04pm
2. Land acknowledgment read aloud recognizing Berkeley as the ancestral, unceded home of the Ohlone People
3. Roll Call
Present: Chair Fischer, Vice-Chair Walsh, Commissioner Pugh, Commissioner Sun, Commissioner Lewkowicz, and Commissioner De La Paz
Absent: Commissioner Marrero
Staff Present: Thomas Gregory and Guillermo Campos
Presenter: Tyler Hawes (of CivicBell)
Members of the public: none
4. Public Comments: none
5. Approval of prior meeting's draft minutes
 "...to approve the November2023 minutes as drafted."
 Moved by: Chair Fischer; seconded by Commissioner Sun.
 Yeas: 5. Nays: none. Abstentions: 1.
 Motion passes.
6. Approval and Order of Agenda
 "...to approve the order of tonight's agenda."
 Moved by: Chair Fischer; seconded by Commissioner Lewkowicz.
 Yeas: unanimous.
 Motion passes.

Commissioner Reports/Announcements:

7. Welcome and introductions among newly appointed Commissioner De La Paz and the other Commissioners present
8. Preview of process for the election of Commission officers, which is planned to occur at the February2024 meeting

Staff Updates:

9. Log of Access Complaints
10. Overview of ADA Coordinator designation and announcement of recently hired Interim Director of Public Works
11. Email and voicemail messages to Commission from constituents

Presentations:

12. Tyler Hawes, of CivicBell, re Virtual Speaker Cards

Discussion/Action Items:

13. Accessibility of speakers' lectern at City Council & BUSD meetings: consensus among Commissioners present that the Chair should follow up as desired with CM Hahn's office re this matter, which was brought to the Commission's attention directly by CM Hahn's office
14. Work Plan Updates and Developments:
 - a. Priorities reviewed.
 - b. Establishment of subcommittees discussed.
 - c. Discussion of scheduling of future presentations to advance Work Plan priorities.
15. NBSC Dining Room or NBSC Lounge – what is the CoD-preferred meeting room?
 Consensus among Commissioners present that they will consider this question and, during the February 2024 public meeting, will likely decide on their preferred venue for post-February public meetings.

Adjournment (at 7:35pm):

"...to adjourn tonight's meeting."

Moved by: Commissioner Lewkowicz; seconded by Commissioner Sun.

Yeas: unanimous.

Motion passes.

Minutes Approved by CoD vote on:

Thomas Gregory, Secretary to the Commission
on Disability

2024 Log of Access-related Complaints Received by CoB (including unresolved complaints received in 2023)

Subject matter key:

1 = built environment (facilities and their adjacent paths of travel)

2 = built environment (pedestrian rights of way)

3 = digital content

4 = effective communications/signage

5 = programs, services, and activities

Date Complaint Lodged	Lack of Access Pertaining To	Date the City deemed a solution was implemented	Nature of solution	Solution's level of compliance with law	Complainant's level of satisfaction with solution
5/12/23	5 – letter to City Attorney and City Clerk, that City must change accommodations for disabled Commissioners that require publicly posting addresses and opening homes to public; based on the legal opinion of the SF City Attorney that the Brown Act must defer to the ADA, Title II	7/7/23 (or sooner)	N/A as City did not see a need for any solution other than providing reasonable accommodations as needed.	Litigation pending	Unsatisfied

6/8/23	3 – Commissioners' Manual not fully accessible via screen reader.	not yet	On 6/13/23, the City Clerk wrote: "My office will plan to create a version of the Manual that blacks out the text entirely and works with screen readers."	Once implemented, solution will be compliant.	Yet to be satisfied.
6/8/23	3 – same as above, but with additional concern that much more content on City website could be out of compliance with WCAG.	6/14/23	On 6/14, the City's Digital Communications Coordinator wrote that all City-generated web content meets WCAG standards. Re content on the City's website generated by third parties (e.g., Granicus), the City will insist that this third parties ensure that their content meets WCAG, and specific City staff are responsible for ensuring that these third parties cure any identified instances of non-compliance.	Assuming solution is implemented consistently on an ongoing basis, it is compliant.	Unknown (but likely not very satisfied).
6/16/23	5 – grievance that following Brown Act would defeat the purpose of one's accommodation to teleconference into Commission meetings.	7/3/23	For the City to waive Brown Act requirements, an accommodation dependent upon the submission of medical documentation was offered to complainant.	Litigation pending.	Unsatisfied.

6/23/23	5 – letter from attorney saying that the City has imposed unsafe conditions on accommodations for disabled Commissioners and must allow Brown Act obligations to yield to ADA obligations when the two statutes appear to conflict.	7/7/23	City Attorney’s office responded to complainant with letter stating that the City is following the law as the law is understood by the City.	Litigation pending.	Unsatisfied.
7/26/23	5 – no curb cut connecting parking lot with sidewalk adjacent to John Hinkle Park.	not yet	The City’s Supervising Civil Engineer has claimed responsibility for performing this remediation. No ETA available yet.	Not yet applicable...when a solution is implemented, it will be compliant.	Not yet applicable.
8/28/23	1 – constituent complained that The Stegmann Trail at Cesar Chavez Park is too bumpy and out of compliance.	9/5/23	PRW staff informed complainant of existing plans to render the trail ADA compliant tentatively scheduled to commence in Sep2024.	Not yet applicable, but solution, once implemented, will be compliant.	Satisfied.
12/1/23	1 - Complaint that STAIR Center was not ADA-compliant.	Not yet.	I explained the situation in much detail to complainant, acknowledging that the site was not compliant in 95 different ways. I explained that the issues would not be remediated until after the site’s trailer-based structures	No compliant solution yet implemented.	Unsatisfied.

			were replaced with pallet-based structures, which was scheduled to happen in late FY2023-24. This complainant was part of a coalition of advocates concerned about this particular site, and on 12/20 I spent two hours at CIL discussing the issues with the coalition.		
1/16/24	5 – request for City-sponsored team sports programs designed specifically for kids with disabilities.	Not yet	CM Harrison will confer with PRW Director, Harrison's CoD commissioner, and Harrison's Parks Commission commissioner to explore potential solutions.	Compliant	Unknown.
1/28/24	2 – complaint about non-compliant sidewalk near NE corner of MLK and Derby.	Not yet	Confirmed that this violation was already documented in database (it was)...asked Transpo/Engineering staff if this issue could be prioritized.	No compliant solution yet implemented.	Unsatisfied.
1/29/24	5 – complaint about non-staff permit holder at Tom Bates Sports Complex not adequately tolerating service animal on soccer field.	1/30/24	This particular permit holder educated about obligation to tolerate service animals. Plans made to educate all permit holders on this	Compliant	Unknown.

			topic prior to re-permitting.		
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The above list does not reflect accommodation requests that were promptly approved and met to the requester's satisfaction.

Email sent 1/16/24:

Subject line: Team sport programs for disabled children in Berkeley

Sent to: Kate Harrison, Roger Miller, and Scott Ferris, with a cc to Thomas Gregory

Tue 1/16/2024 2:22 PM

Dear Director Scott, Members of the Park, Rec and Waterfront Commission (Roger, please pass this email message to the members of the commission),

(cc'd Commission on Disabilities via the secretary)

My name is Mina Sun, I am a Berkeley resident (district 4), a mother of two kids, one of them is blind. I am writing to you requesting kids camp/team sports programs for disabled children Berkeley. As policymakers and administrators specialize in Park and Recreation Services, you need no introduction on the significance of sports and recreation opportunity on children, and the impact of team sports on our younger generation in their development of team work, collaboration, finding identity and community. There are currently 70 Sports and Rec programs offered by City of Berkeley, in the format of either afterschool sport programs, or summer camps. If you take a second to think of any child in your lives, they probably have been a part of a team sport programs. It is universally acknowledged that team sports have a positive correlation to academic excellence, student retention rate and professional achievement in a child's life.

However, the access to any team sport opportunities are shockingly limited for kids with disabilities, especially for those with physical, hearing, and visual disabilities. My blind child is 11 and very athletic. The only team sport he can play competitively is a Paralympic Sport called goalball ([What is goalball?](#)). The only team practice we could find in the bay area is an adult goalball practice which does not allow kids. My child is just one of the examples. What about other disabled kids? What options do they have? When we talk about how important team sport is in someone's lives, my non-disabled child can choose any sport City of Berkeley has to offer, but this is not true for my blind child. As far as I know, there is currently not any program designed specifically kids with disabilities offered by City of Berkeley.

I am writing to bring this critical issue to your attention. 25% of our residents have visible/invisible disabilities, the budget and programmatic planning of the Park and Rec services should reflect the diversity of our residents. I am writing to request team sport programs designed specifically to serve kids with disabilities, especially in City of Berkeley Summer Camps and Programs. Those programs

can be extremely beneficial for the siblings, friends, allies and educators of those children, for their total integration to the greater Berkeley community.

I am happy to continue this conversation and identify resources. I can be reached by email or phone. Thank you for your time and consideration.

Mina Sun, PhD

Phone: 704-807-7873

Email: biomxsun@gmail.com

Edits to ADA Grievance Form, Feb2024

Dear Commission on Disability (CoD),

At the 2/14/24 CoD public meeting, the City will seek CoD's approval of the proposed edits outlined below. All of these edits pertain to bringing the City's ADA Grievance procedure and form up to date in terms of staff names, titles, and contact info.

The "Grievance Form" is linked to from the City's Disability Compliance Program webpage. The document consists of four distinct sections:

- An unnumbered introductory page,
- And overview of the grievance procedure...this Grievance Procedure section consists of five pages numbered 1-5,
- A one-page Attachment 1, which is a list of City department heads and their contact info, and
- A two-page Attachment 2...this is the actual Grievance Form itself, and its two pages are numbered 1-2.

Below is a page-by-page list of the edits that the City is asking CoD to vote to approve.

Introductory Page:

1. Change "Disability Services Specialist" to "ADA Program Coordinator."
2. Change "Dominika Bednarska – Disability Services Specialist" to "Thomas Gregory – ADA Program Coordinator."
3. Change "dbednarska@cityofberkeley.info" to "tgregory@berkeleyca.gov."

Procedure section, p1:

1. Change "Adopted: 10/01/01" to "Adopted: Feb 2024."
2. Change "(805) 564-5553" to "(510) 981-7441."

Procedure section, p2:

1. Change "Adopted: 10/01/01" to "Adopted: Feb 2024."

Procedure section, p3:

1. Change "Adopted: 10/01/01" to "Adopted: Feb 2024."
2. Change "ADA Compliance Officer" to "ADA Program Coordinator."

3. Change "ADA Compliance Officer's" to "ADA Program Coordinator's."
4. Change "Dominka Bednarska, Disability Services Specialist" to "Thomas Gregory, ADA Program Coordinator."
5. Change "dbednarska@cityofberkeley.info" to "tgregory@berkeleyca.gov."
6. Add TTY # where none previously was listed.
7. Change "Assistant City Administrator" to "Assistant City Manager."

Procedure section, p4:

1. Change "Adopted: 10/01/01" to "Adopted: Feb 2024."
2. Thrice change "ADA Coordinator" to "ADA Program Coordinator."

Procedure section, p5:

1. Change "Adopted: 10/01/01" to "Adopted: Feb 2024."
2. Change "ADA Compliance Officer" to "ADA Program Coordinator."
3. Change "Assistant City Administrator" to "Assistant City Manager."
4. Change "City Administrator" to "City Manager."

Attachment 1:

1. Added relevant email addresses and phone numbers where none previously existed.
2. Added an "Assistant City Manager's Office" item where none previously existed.
3. Change "LaTanya Bellow" to "Aram Kouyoumdjian," change "Savita Chaudhary" to "Kevin Fong," change "David Branning" to "David Sprague," change "Chief Andrew Greenwood" to "Jennifer Louis," and change "Liam Garland" to "Andrew Murray."

Attachment 2, p1: no changes.

Attachment 2, p2:

1. Change "Disability Service Specialist" to "ADA Program Coordinator."