

Commission on Disability Meeting Agenda: June 5, 2024, at 5pm

**North Berkeley Senior Center, Foxtail Lounge
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: May 8, 2024 meeting*
6. Approval: Order of Agenda*

Staff Updates

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

Commissioner Reports/Announcements

9. Global Accessibility Awareness Day

Discussion/Action Items

10. Framing the July discussion with Rex Brown, CoB DEI Officer*
11. Emergency Preparedness: New CoB draft plan (LHMP) being developed*
12. Work Plan Updates and Developments
 - a. Contract clause on WCAG compliance**
 - b. Active Accessibility Icon**
 - c. Feedback on Ohlone Signage**
 - d. CoD webpage**

Adjournment

Projects (Active & Proposed)

- a. Contact clause for WCAG compliance - A
- b. Active Accessible Icon adoption - A
- c. Ohlone Greenway signage feedback - A
- d. Use of motorized scooters and bicycles on sidewalks (with CoAging?) - P
- e. Safer pathways map of Berkeley (with CoAging?) - P
- f. ADU Accessibility brochure - P
- g. Accessibility of speaker's lectern - P
- h. Maudelle Shirek Building (Old City Hall) renovation letter - P

- * **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 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.

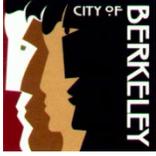
Any writings or documents provided to a majority of the Commission regarding any item on this agenda will be made available for public inspection at 1947 Center Street, 4th Floor, during regular business hours. The Commission Agenda and Minutes may be viewed on the City of Berkeley website: <http://www.cityofberkeley.info/commissions>.

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 May 8, 2024

Preliminary Matters

1. Call to Order by Chair Fischer at 5:07pm
2. Land Acknowledgment recognizing Berkeley as the ancestral, unceded home of the Ohlone People
3. Roll Call by Secretary
 - Commissioners present: Vice-Chair Walsh, Chair Fischer, Commissioner Pugh, Commissioner Lewkowicz.
 - Commissioners absent: Commissioner Sun and Commissioner Marrero.
 - Commissioner on a Leave of Absence: Commissioner Paz.
 - Staff present: Thomas Gregory, Guillermo Campos, Janney Lockman, and Wahid Amiri.
 - Presenter present: Colin Dentel-Post (of AC Transportation Commission).
 - Public members present: none.
4. Public Comments: none.
5. Approval of draft minutes: April 17, 2024 meeting
 - “...to adopt the minutes as presented.”
 - Moved by: Chair Fischer; seconded by: Commissioner Lewkowicz.
 - Ayes: unanimous.
 - The motion passes.
6. Approval: Order of Agenda
 - “...to approve the order of the draft agenda as presented.”
 - Moved by: Chair Fischer; seconded by: Commissioner Lewkowicz.
 - Ayes: unanimous.
 - The motion passes.

Presentation

7. San Pablo Avenue Corridor Project by AC Transportation Commission staff.

Staff Updates

8. Log of Access Complaints
9. Email and voicemail sent to the Commission (none)

Commissioner Reports/Announcements

Discussion/Action Items

10. Work Plan Updates and Developments
 - a. Contract Clause for WCAG Compliance
 - b. Active Icon

Adjournment at 7:15pm.

Minutes approved by CoD vote on: _____

Thomas Gregory, Secretary to Commission

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.” ETA: 2024.	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	7/3/23	For the City to waive Brown Act requirements, an accommodation dependent upon the submission of medical	Litigation pending.	Unsatisfied.

	teleconference into Commission meetings.		documentation was offered to complainant.		
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.
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 (with tentative timeline, that is...the actual remediation has yet to happen)
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 were replaced with pallet-based structures, which was scheduled to happen in late FY2023-	No compliant solution yet implemented.	Unsatisfied.

			<p>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.</p> <p>Update: the “late FY2023-24” ETA re replacing trailers with pallet-based structures has been abandoned, and the new ETA is: October - Jan 2025.</p>		
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.
3/13/24	4 and 5 – complaint that City is not promptly providing a commissioner with the brailled materials they need to effectively serve as a commissioner.	Not yet.	HHCS dept will secure the funding and establish the purchase order needed for the ongoing service of translating the commission’s monthly agenda packets into braille...the relevant secretary and chairperson will strive to	Not yet compliant...once implemented, the solution will be compliant.	Unsatisfied. (Note: the complainant is not the individual who needs the braille.)

			finalize agenda packets early enough to account for braille translation turn-around times.		
4/18/24	2 – construction work at/near Bancroft and Fulton is not being done in a compliant manner.	Not yet.	City staff have informed the contractor of what the PROWAG violations are and what the solutions are. As of 5/14, the contractor had not yet implemented the solutions.	Not compliant as of 5/14/24...once solutions are implemented, they will be compliant.	Unsatisfied (as no solution has yet been implemented)
5/1/24	2 (purportedly) -- exposed pothole in the street not blocked by any protective barrier.	5/1/24	Relevant contractor sent staff photo of pothole, showing that it was in the roadway rather than in a public right-of-way where pedestrians are permitted to travel.	Compliant with laws governing accessibility.	Unknown.
5/3/24	4 and 5 – document posted to City website not screen readable and WCAG-compliant.	Not yet.	Staff expressed apology and expectation that the City will have WCAG-remediation capacity in FY25...offered to read entire document to constituent at a time convenient to him.	Not compliant.	Unsatisfied.

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

Questions for Rex Brown, CoB DEI Officer

The next paragraph is in an email from CoD Chair Fischer inviting Rex Brown, CoB Officer for Diversity, Equity & Inclusion (DEI) to present at a CoD meeting. Rex Brown will be participating at the meeting on July 10, 2024.

“I hope that you could start with your thoughts about the following:

As the Commission on Disability, we seek to include disability as an integral part of the DEI conversation — rather than an afterthought. Within the City, we want to get ahead of the issue of disability inclusion and not always play catch up. Disability does not discriminate. Every race, ethnicity, gender, sexuality, and culture include people with disabilities. We are everywhere. Yet too often, disability is excluded from conversations about diversity, equity and inclusion. We look forward to hearing from you on this important subject.”

What other frames or questions should we ask Rex Brown?

Local Hazard Mitigation Plan: Input from the Disability Community

Attend an upcoming workshop to give feedback on a draft plan for how Berkeley can prepare for wildfires, earthquakes, and other natural hazards.

The draft plan also strives to address how the City can better serve underserved populations, marginalized groups, and those with access or functional needs during natural hazards.

Join us to help develop a more complete understanding of the hazards facing Berkeley as well as the actions that can reduce risk and increase resilience.

The plan, known as a Local Hazard Mitigation Plan (LHMP), identifies the hazards Berkeley faces and prioritizes City and community-member actions to reduce risks – which are increasing in severity and likelihood due to climate change. The LHMP is a comprehensive analysis of the natural hazards that can impact Berkeley, including earthquakes, wildfires, and poor air quality.

There are three ways you can help shape this plan:

- Read the [first draft](#) of the plan
- Attend in-person workshops on June 3 and July 20
- Email comments to mitigation@berkeleyca.gov by July 31

[In-person workshops on June 3 and July 20](#)

Each workshop will begin with a short presentation on the 2024 LHMP, followed by small group discussions with City staff. The workshops will cover City, individual, and household actions to reduce hazard risks.

[Local Hazard Mitigation Plan Workshop #1](#)

Monday, June 3, 5:30 – 7:30 pm
Berkeley Central Library, The Commons
2090 Kittredge St., 1st Floor

[Local Hazard Mitigation Plan Public Review Workshop #2](#)

Saturday, July 20, 10 am – 12 pm
South Berkeley Library Branch, Community Meeting Room
1901 Russell St.

Share feedback at the workshops or email mitigation@berkeleyca.gov by July 31.

After incorporating public input, City staff will submit the updated draft to State and Federal partners for review and aim to finalize the plan by end of 2024.

Other ways to get involved if you can't attend either workshop:

- [Watching videos related to the plan](#)
- Emailing your comments to mitigation@berkeleyca.gov
- Sharing feedback at the Planning Commission meeting on June 3
- Sharing feedback at the Disaster and Fire Safety Commission meeting on June 27

Links

- [Local Hazard Mitigation Plan Update](#)
- [June 3 workshop: review Local Hazard Mitigation Plan](#)
- [July 20 workshop: review Local Hazard Mitigation Plan](#)
- [Disaster Preparedness Resources](#)