

## Commission on Disability Minutes re September 13, 2023 Meeting

### Preliminary Matters

1. Call to order at 5:02pm
2. Land acknowledgment read recognizing Berkeley as the ancestral, unceded home of the Ohlone People.
3. Roll Call  
Present: Chair Fischer, Commissioner Pugh, and Commissioner Sun.  
Absent: Commissioner Lewkowicz.  
On a Leave of Absence: Vice-Chair Walsh.  
Staff present: Thomas Gregory, Guillermo Campos, and Kenneth Jung (guest presenter).  
Public present: April Dawson (guest presenter) and Ginny Kamp.
4. Public Comments: none
5. Approval of draft minutes for August 9, 2023 meeting  
"...that we approve minutes for August 9th."  
Moved by: Chair Fischer; seconded by: Commissioner Pugh.  
Yeas: unanimous; nays: none.  
Motion passes.
6. Approval and Order of Agenda  
"...that we approve the agenda order."  
Moved by: Chair Fischer; seconded by: Commissioner Sun.  
Yeas: unanimous; nays: none.  
Motion passes.

### Staff Updates

1. Staff informed Commissioners that Vice-Chair Walsh was on a leave of absence through 12/13/23 and that this would not impact the Commission's current quorum.
2. Regarding the Log of Access Complaints, there was consensus among Commissioners present that the log (a) should convey all pertinent info in a succinct manner and (b) does not need to include quoted content from correspondence or details of all intermediary actions, but should include a summary of information. The internal Public Works log is too detailed; an edited version will better suit the Commission's use.

There was also consensus that the log should include both (a) the degree to which the remediation satisfied ADA/legal requirements and (b) the degree to which the remediation satisfied the individual who reported the access issue.

3. Regarding the ADA Program Coordinator's template for courtesy letters to local businesses with reported ADA Title III violations, Chair Fischer objected to the sentence, "You have no obligation to respond to this letter, and the City of Berkeley is not asking you to take any actions." Chair Fischer noted that the letter already indicates the City "has no authority to enforce Title III of the ADA" and that the letter is a "courtesy." She believes that the City "not asking you to take any actions" sends the message that businesses do not need to take action, and works against the letter's intent to have accessibility issues corrected. Commissioners Pugh and Sun concurred.

## **Presentations**

1. Ohlone Greenway Project: presentation by Public Works Project Manager Ken Jung.

The Commission asked that the presentation focus on safety concerns raised in the design and implementation of a shared-use path. The Commissioners strongly believe that the project's 2'-wide shoulders should be paved, except through the grove of trees in Cedar Rose Park, in order to provide 4' of additional, usable space. Commissioners pointed out that unpaved shoulders are unusable for many wheelchairs—and, for some wheelchairs, an area in which to become stuck. Unpaved shoulders are also a tripping hazard for disabled and older pedestrians. Widening the paving, by including (striped) paved shoulders, will result in a safer shared path.

The Commissioners asked that "share the path" signage and other communications designed for shared safety be submitted for Commission feedback while in the development phase.

2. California Commission on Disability Access (CCDA): presentation by CCDA Executive Director April Dawson.

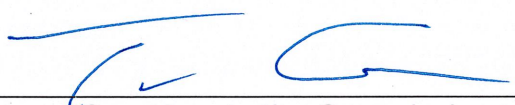
There was consensus among Commissioners present that if/when CCDA and the City were to collaborate on a Berkeley-based event focused on ADA Title III requirements, the Commission would like to play a role in such an event.

## **Discussion/Action Items**

1. Recruiting new CoD members.  
Commissioners discussed strategies for recruiting additional qualified candidates.
2. Work Plan Updates and Development.  
Commissioners continued to discuss Work Plan objectives and language.

**Commissioners adjourned at 7:28 pm.**

Minutes Approved by CoD vote on: *October 11, 2023*

A handwritten signature in blue ink, consisting of a horizontal line followed by a stylized 'T' and 'G'.

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Thomas Gregory, Secretary to the Commission on Disability