

CITY OF OAKLAND

AGENDA REPORT

TO: City Administrator's Office (CAO)
ATTN: Dan Lindheim
FROM: CAO/ADA Programs Division
DATE: March 22, 2011

SUBJECT: Mayor's Commission on Persons with Disabilities and Office of the City Administrator's ADA Programs Division Joint Annual Report for Calendar Year 2010

SUMMARY

This informational report provides the City Council with a listing of the many projects and activities carried out by the Mayor's Commission on Persons with Disabilities (MCPD) and the City Administrator's ADA Programs Division. These two groups form the basis of a comprehensive government program for inclusion of people with disabilities. Few other city governments nationally can claim this level of commitment to disability civil rights implementation. Oakland is recognized as a model city for Americans with Disabilities Act (ADA) compliance and many of our policies and programs are emulated by other cities. Moreover, the progressive work of this small division and all-volunteer commission effectively reduce the City's exposure to disability discrimination claims and provide a mechanism for amicable and cost-effective resolution of complaints that do arise.

For instance, a federal court recently ruled that the City of Los Angeles violated federal law, including the ADA, by failing to meet the needs of its residents with disabilities in planning for natural and other disasters. The ruling is the first such decision in the country. We expect Oakland will receive much positive recognition once Los Angeles and Disability Rights Advocates (DRA) reach a settlement. Oakland achieved a strikingly more amicable agreement with DRA in 2010, which was touted by DRA's Director of Litigation as the "first constructive resolution in the country in which the broader disability community and a public entity worked cooperatively to develop the best possible plan for disability access to disaster readiness activities".

The Department of Human Services, Aging and Adult Services Division and City Administrator's ADA Programs Division are planning a series of joint activities in Calendar Year 2011. Chief among them is strengthening the partnership between the Mayor's Commission on Persons with Disabilities and the Commission on Aging. In 2011, these bodies plan to collaborate in areas of mutual concern, such as improved pedestrian access and safety for older adult and disability populations.

FISCAL IMPACT

This report is informational and, as such, does not have any fiscal impact.

BACKGROUND

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.

The primary mission of the ADA Programs Division is to coordinate citywide compliance with Title II of the ADA (excluding employment provisions). We serve an expansive group of internal and external customers and monitor all city departments for access compliance. The Division makes effective use of City resources thus minimizing public liability exposure, reducing complaints, and averting major spending on litigation.

ADA Programs conducts an expansive set of activities including: disability policy development, physical access improvement projects, customer accommodation programs, capital project review, information and referral, complaint investigation and mediation, technical assistance and training, and community partnership programs.

The MCPD and ADA Programs work in close partnership, successfully facilitating equal access for individuals with disabilities to City programs and services and advocating for full inclusion of people with disabilities in the community. We thankfully receive great support from City officials, thereby avoiding the struggles of other disability advocacy bodies whose influence in oversight and improvement of government programs and policies is more limited. This relationship spans over three decades and is key to the City's success in the disability rights and compliance arenas. We work cooperatively with Commission on Aging and many other local partners to increase opportunities for people with disabilities to participate in civic activities and to lead healthy independent lives.

COMMISSION ANNUAL REPORT

MCPD Membership and Structure

Commissioners represent a broad spectrum of the disability community and a variety of agencies. There are fifteen seats on the MCPD and eight members constitute a quorum per the enabling ordinance. Commissioners and ADA Programs Division staffers work closely with the Mayor's Office to recruit and appoint new members.

Former Chair Chris Finn, former Vice Chair Petrina Alexander, and Commissioner Lorraine Rosenblatt departed in September 2010. Each of them served two full terms on the MCPD and made major contributions during their tenure.

The MCPD welcomed six new commissioners in 2010:

1. Leticia Escalera, board member of Disability Rights California and activist in the Latino community for 14 years.
2. Marlene Hurd, who also sits on the Board of Commissioners for the Oakland Housing Authority and is Chairperson of the County's Consumer Board.
3. Stephen Beard, a local realtor who specializes in real estate services for people with disabilities and their families.
4. Denise Sherer Jacobson, disability educator, activist, and published author.
5. Michele Hernandez, a doctoral candidate and mental health specialist.
6. Philip Smith, Jr., a deaf person, recreation leader and Oakland Unified School District deaf program aide. (Mr. Smith resigned in February 2011 due to a work conflict.)

The Mayor's Commission on Persons with Disabilities (MCPD) and the Commission on Aging (CoA) are forging a closer working relationship. Three CoA members were assigned to MCPD committees last year, with Dr. Wade Sherwood making a strong commitment to attending MCPD monthly meetings and sitting on the Access Compliance Advisory Committee.

The MCPD February 2011 Roster can be found on Page 9.

MCPD 2010 Committees

The Education, Employment and Outreach Committee (EEOC) plans and coordinates public outreach and event activities and provides educational and vocational information to the local disability community. The EEOC works closely with community based organizations to provide mentorship, recognition and opportunities to persons with disabilities of all ages. By participation in celebrations of our City's rich heritage and in disability community events, commissioners promote a greater awareness of the issues, needs and cultural contributions of people with disabilities in Oakland.

The MCPD suspended the EEOC in January 2011 in favor of a new structure that promotes the formation of project-driven, ad hoc working groups under the leadership of the Vice Chair.

The Access Compliance Advisory Committee (ACAC) provides oversight for development and implementation of ADA policies and programs including mandated self-evaluation and transition plan activities. The Committee hears regular reports from

ADA Programs and Public Works Agency staffers and takes annual reports from departmental access coordinators in the Department of Human Services, Oakland Police Department, Office of Parks and Recreation, and the Office of Emergency Services.

The MCPD is the City's designated advisory body for ADA compliance. Because of the law's focus on accessibility to local government programs and facilities and its potential for costly litigation, effective implementation and broad community support are central to a successful ADA program. All ADA capital improvement program (CIP) allocations are subject to MCPD approval, except those arising from disability discrimination complaints. See ADA Programs Division Annual Report below for further discussion of the City's ADA Capital Improvement Program.

The temporary Emergency Preparedness Access Advisory Committee (EPAAC) was established in April 2009 as an outgrowth of the CFILC v Oakland settlement agreement. Its primary role was to review the draft Mass Care and Shelter Plan Functional Needs Annex that was adopted by City Council on June 15, 2010. The Committee also reviewed other City emergency preparedness programming and policies and promoted education and outreach to the local disability community about personal emergency preparedness. The EPAAC was disbanded in January 2011 and its ongoing monitoring activities were transferred to the ACAC.

The current MCPD / ADA Programs Structural Chart can be found on Page 10.

Other MCPD Accomplishments

On July 20, 2010, the Oakland City Council passed a Resolution Celebrating the Twentieth Anniversary of the Americans with Disabilities Act and Honoring Local Disability Services Agencies and Disability Advocates for Distinguished Service to the City of Oakland and the Disability Community.

The MCPD received a Disability Access and Employment Commendation on the ADA twentieth anniversary from Community Resources for Independent Living (CRIL) and the Center for Independent Living. This award goes to a business or agency that greatly contributes to the advancement of improved access and employment opportunities for persons with disabilities residing in Alameda County.

The Commission launched a speaker series wherein various organizations were invited to speak and share before the public and the MCPD, thus enabling the MCPD to develop relationships and foster the inclusion of persons with disabilities. The following agencies participated:

- DeafHope, a nonprofit organization established to serve Deaf women and child survivors of domestic violence;
- Media Access Northern California Program, a disability resource to the entertainment community;

- Alameda County Behavioral Health Care Services, on the California Mental Health Services Act;
- National Alliance on Mental Illness, NAMI;
- Alameda County Transportation Commission, on the newly formed countywide transportation agency; and
- Alameda-Contra Costa Transit District, A.C. Transit, on the Bus Rapid Transit Program

MCPD 2011 Goals and Objectives

1. Continue recruitment efforts with a focus on youth, ethnic diversity, language diversity, and broad representation of the disability community.
 - Establish a membership committee and increase appointed membership to the full compliment of fifteen members and /or change enabling ordinance as needed to ensure a quorum at monthly meetings.
 - Expand participation in MCPD initiatives beyond current MCPD appointees to include Commission on Aging and Youth Advisory Commission members, representatives of other city boards and commissions, and representatives of other key Oakland-based agencies such as the Oakland Unified School District, United Cerebral Palsy, and the Lions Center for the Blind.
2. Strengthen and expand the Access Compliance Advisory Committee; provide ADA Title II oversight and ensure that issues and needs of people with disabilities are represented and addressed across all city programs, activities and services. The ACAC will schedule reports from the following departments:
 - CAO / ADA Programs
 1. City Access Policy (A.I. 123)
 2. City ADA Capital Improvement Program
 3. Implementation of the City's ADA Buildings & Facilities and Curb Ramp Transition Plans
 4. Implementation of the CFILC v. Oakland settlement agreement (Mass Care and Shelter Plan Functional Needs Annex)
 5. City Web Site Compliance
 - Public Works Agency
 1. City Transportation Programs: On-Street Disabled Parking Zone; Curb Ramp; and Citywide Sidewalk Repair Programs
 - Department of Human Services; paratransit
 - Office of Emergency Services; functional needs programming
 - Office of Parks and Recreation; inclusive recreation
 - Oakland Police Department; training

- CEDA: Workforce Investment Board; state audit
3. Provide educational and networking opportunities for the disability community and key internal and external agencies and become a better resource for the disability community during these hard economic times. These activities will be conducted on a project-driven ad hoc basis under the leadership of the Vice Chair:
- Continue MCPD Monthly Speaker Series with an emphasis on employment of people with disabilities.
 - Establish Speakers Bureau of current and former MCPD members; call on former members to assist with recruitment and other MCPD projects.
 - Improve MCPD communications: start a monthly newsletter; Facebook page; Oakland-disabled list serve; etc.
 - Reactivate the Youth in Action program and add a strong school to work transition component.
 - Promote and celebrate disability art and culture; provide venues for the display of accomplished performing and visual artists.

ADA PROGRAMS DIVISION ANNUAL REPORT

ADA Programs 2010 Accomplishments

1. With the Office of Emergency Services, drafted and implemented the City's Mass Care and Shelter Plan disability subpart as part of the CFILC v. Oakland settlement agreement
2. Acted as the agreed upon monitor for the CFILC settlement agreement, thereby saving the cost of an outside monitor and reducing ongoing liability for the City.
3. Conducted physical and programmatic assessments and provided ADA training for all Workforce Investment Board contractors as part of a State EDD audit.
4. Provided information and referral and facilitated needed accommodations for almost two hundred City customers with disabilities (excluding job applicants).
5. In fiscal years 2009-11, the ADA Programs Division initiated a number of small capital improvements projects under the ADA Transition Plan and ADA Accommodations Capital Improvement Projects. This includes ADA upgrades at City tot lots, recreation centers, and the Morcom Rose Garden. We also provided funds to support the remediation of approximately two hundred and fifty (250) non-compliant on-street disabled parking zones located in commercial areas.

The Non-Residential Disabled Parking Zone Remediation Project and the Lincoln Square Recreation Center ADA Project are complaint resolution activities. Funds were also used to support installation of poured rubber play surfacing at several City tot lots.

The complete Fiscal Year 2009-11 ADA Capital Improvement Projects list can be found on Page 11 of this report. This list does not include ADA sidewalk repair and curb ramp improvement projects. The Public Works Agency / Design, Engineering and Construction Division and the ADA Programs Division will bring a separate report forward to the City Council Public Works Committee.

6. Provided ADA review and sign-off for all city capital improvement programs, including federal economic stimulus projects.
7. Provided ADA technical assistance, training and monitoring for the new City website.

ADA Program 2011 Plans

1. Develop a consolidated City access policy that incorporates the ADA Amendments Act and new U.S. Department of Justice regulations passed by the Obama administration (excluding employment provisions).
2. Continue monitoring the CFILC settlement and coordinating implementation of the Mass Care and Shelter Plan Functional Needs Annex with the Office of Emergency Services.
3. Coordinate a new On-Call ADA Capital Improvement Project to expedite urgent repairs and improvements to City buildings and facilities (excluding streets and sidewalks).
4. Partner with the MCPD, Workforce Investment Board, Commission on Aging, Youth Advisory Commission, and other public and private organizations to increase employment opportunities for Oakland residents with disabilities, especially at-risk youth.
5. Recruit applicants to the MCPD and help facilitate further consolidation of the MCPD and Commission on Aging with the Department of Human Services.
6. Provide technical assistance and monitoring for the ADA Curb Ramp Transition Plan and other City right-of-way access compliance programs.
7. Conduct ADA plan review and sign-off for all other city capital improvement programs.
8. Provide information and referral and facilitate reasonable accommodations for City customers with disabilities (excluding job applicants).
9. Provided ADA technical assistance, training and monitoring for the new City website.
10. Conduct training for City contractors under the Community Development Block Grant, Oakland Fund for Children and Youth, Workforce Investment Board, and Cultural Arts funding programs.

Planned Disability and Older Adult Activities

1. Pedestrian Access Task Force to raise awareness and improve safety and accessibility for pedestrians with disabilities in Oakland, such as frail seniors, wheelchair users, and individuals with vision impairments. Staffed by the City ADA Coordinator with representatives of the Commission on Aging, Commission on Persons with Disabilities, and Bicycle/Pedestrian Advisory Committee, and City staff from Aging & Adult Services, Oakland Paratransit, Parking Enforcement, Transportation Services, and Design, Engineering and Construction.
2. Proclamation and event celebrating older adult and disability populations in the fall; Department of Human Services (DHS) and the ADA Programs Division.
3. New senior and disability resources publication to replace the ADA Disability Resource Guide; DHS and the ADA Programs.
4. Further merger of Commission on Aging (CoA) and Commission on Persons with Disabilities (MCPD); make CoA appointees voting members of MCPD and schedule 2011 joint meeting.
5. Expand 9-1-1 Registry; Oakland Fire Department, DHS, and ADA Programs.
6. Partner with Creative Growth Art Center to serve senior center clients; DHS and ADA Programs.

ACTION REQUESTED OF CITY COUNCIL

Staff requests that the City Council accept this informational report.

Respectfully submitted,

Christine Calabrese
City ADA Coordinator

APPROVED AND FORWARDED TO THE
LIFE ENRICHMENT COMMITTEE

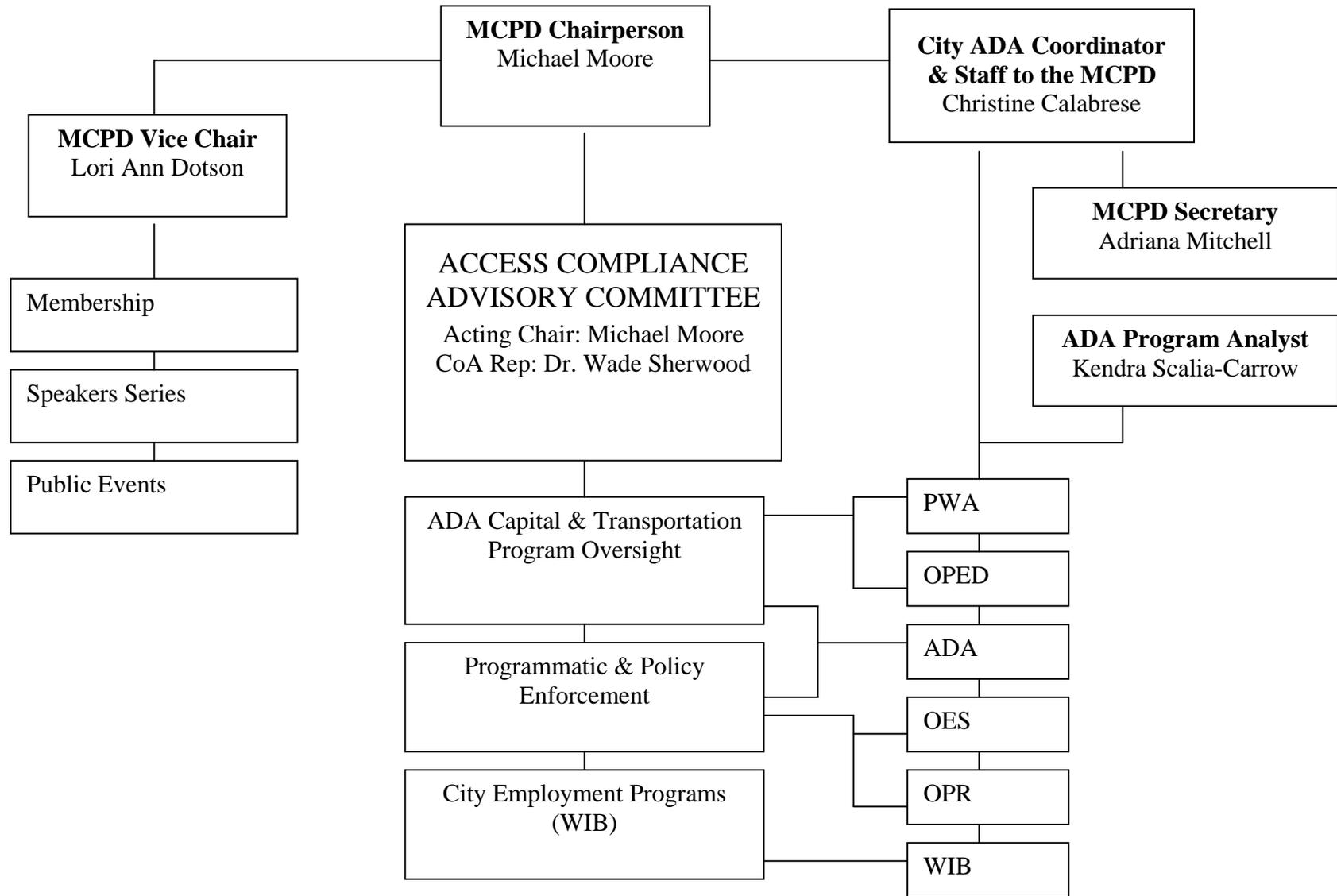
City Administrator's Office

Item No. _____
Life Enrichment Committee
March 22, 2011

MCPD FEBRUARY 2011 ROSTER

| | Last | First | Date Appointed | Term Beg. | Term End | Seat Designation | Term | Status |
|----|--------------|--------------|-----------------------|------------------|-----------------|-------------------------|-------------|---------------|
| 1 | Aguillard | Eva | 2/1/2011 | 9/3/2009 | 9/2/2012 | Mayor Appointee | 1 | Current |
| 2 | Beard | Stephen | 10/19/2010 | 9/3/2009 | 9/2/2012 | Mayor Appointee | 1 | Current |
| 3 | Cutler | Lynne | 2/17/2009 | 10/18/2008 | 10/18/2011 | Mayor Appointee | 1 | Current |
| 4 | Diaz | Margarita | 9/15/2009 | 9/3/2008 | 9/2/2011 | Mayor Appointee | 1 | Current |
| 5 | Dotson | Lori Ann | 10/15/2010 | 9/3/2010 | 9/2/2013 | Mayor Appointee | 2 | Current |
| 6 | Escalera | Leticia | 1/5/2010 | 9/3/2009 | 9/2/2012 | Mayor Appointee | 1 | Current |
| 7 | Hernandez | Michelle | 10/19/2010 | 9/3/2009 | 9/2/2012 | Mayor Appointee | 1 | Current |
| 8 | Hurd | Marlene | 1/5/2010 | 9/3/2009 | 9/2/2012 | Mayor Appointee | 1 | Current |
| 9 | Jacobson | Denise | 10/19/2010 | 9/3/2009 | 9/2/2012 | Mayor Appointee | 1 | Current |
| 10 | McLeod | Lateef | 9/15/2009 | 9/3/2009 | 9/2/2012 | Mayor Appointee | 2 | Current |
| 11 | Moore | Michael | 9/15/2009 | 9/3/2009 | 9/2/2012 | Mayor Appointee | 2 | Current |
| 12 | (Barton) | (Eugenie) | 9/15/2009 | 9/3/2009 | 9/2/2012 | Mayor Appointee | 2 | Vacant |
| 13 | (Nw) | (Merlin) | 3/17/2009 | 9/3/2008 | 9/2/2010 | Mayor Appointee | 1 | Vacant |
| 14 | (Rosenblatt) | (Lorraine) | 7/3/2007 | 9/3/2006 | 9/2/2009 | Mayor Appointee | 2 | Vacant |
| 15 | (Smith) | (Phillip) | 10/19/2010 | 9/3/2008 | 9/2/2011 | Mayor Appointee | 1 | Vacant |

MCPD / ADA PROGRAMS 2011 STRUCTURE



FISCAL YEAR 2009-11 ADA CAPITAL IMPROVEMENT PROJECTS

| CD | Project Number | Title | Building Category | Scope of Work | 09-10 ADA | 10-11 ADA | Feb. 2011 Status | Other Funding |
|-----|----------------|--|---------------------|--|-----------|-----------|-----------------------|--|
| All | C274360 | On-Street Disabled Parking Zones (DPZ) | Streets & Sidewalks | Correct noncompliant on-street DPZ | 29,508 | 86,501 | Construction Contract | |
| 1 | C274350 | Mosswood Tot Lot ADA | Parks & Recreation | Rubber play surfacing | 20,000 | | Pre-Construction | Kaiser |
| 2 | C274222 | Lincoln Square Rec. Ctr. Emergency Shelter ADA | Parks & Recreation | ADA path of travel & restroom upgrades | | 100,000 | Design | TBD |
| 2 | C274281 | Rose Garden ADA | Parks & Recreation | Rental facility physical access improvements; sensory garden | 100,000 | | Construction Contract | Measure WW (\$1.1 mil.) |
| 2 | C274370 | Clinton Park Recreation Center ADA | Parks & Recreation | ADA path of travel and restroom upgrades | | 50,000 | Design | TBD |
| 3 | C274252 | Wade Johnson Park ADA | Parks & Recreation | Rubber play surfacing | | 50,000 | Community Design | Kaboom! Rebuilding Together Oakland. PayGo (\$8,500) |
| 4 | C274251 | Montclair Tot Lot ADA | Parks & Recreation | Rubber surfacing & play equipment upgrades | 162,000 | | Construction Contract | ADA 08-09 (\$203k) |
| 5 | C274340 | Cesar Chavez Tot Lot ADA | Parks & Recreation | Rubber play surfacing | 20,000 | | Design | PayGo |
| 5 | C274211 | Peralta Hacienda Historic Park ADA Ramp | Parks & Recreation | Park trail connecting Coolidge Avenue to the park center | | 40,000 | Construction Contract | Federal Recreational Trails Grant Match (\$792k) & ADA 07-08 (\$50k) |
| 6 | C2743xx | Concordia Park Tot ADA | Parks & Recreation | Rubber surfacing & ADA site improvements | | 75,000 | Pre-Design | Kaboom! |
| 7 | C274261 | Willie Wilkins Park ADA | Parks & Recreation | Rubber play surfacing | 40,000 | | Closeout | PayGo (\$50k) |

TOTALS \$371,508 \$401,501

KEY: CD=Council District; TBD=To Be Determined; RTP=Recreation Trails Project; N/A = Not Available