



# COMMISSION ON DISABILITY

## REPORT OF THE RETREAT

OCTOBER 5, 2016

\*AUDIO TAPE(S) and CAPTIONING NOTES ARE AVAILABLE UPON REQUEST

## **Summary**

On October 5, 2016, the Commission on Disability convened an annual retreat to discuss its role and priorities. The Commission convened the retreat at the Emergency Operations Center from 10:30 a.m. to 4:30 p.m.

The morning session consisted of guest speakers from the Mayor's Office, City Attorney's and the Ethics' Commission.

In the early afternoon, the Department on Disability presented PowerPoint presentations on it provided services. Because the Department distributed the PowerPoint presentations to the Commission and audience, this report mentions the presentations, but does not summarize them.

Later in the afternoon the Commissioners discussed their current and future priorities. The priorities are summarized in detail in this report. The report will be available at the November 2016 meeting, but not discussed until the December 2016 meeting.

## **Commissioners' Roles and Responsibilities**

### **Mayor's Office, Margaret Wynne**

Commissioners are expected to generate priorities and policy recommendations and submit them to the Mayor. Commissioners might wish to consider undertaking a number of actions to generate recommendations.

- Holding meetings with City Council's staff.
- Reviewing assembly bills that might benefit or harm people with disabilities.
- Talking to community groups or people with disabilities to identify issues.

Commissioners should remember that if they represent the Commission for outreach, the Commissioners should familiarize themselves with the services provided by the Department on Disability, in case constituents and citizens ask for services.

## **Noreen Vincent on Commission History, Powers, Duties and Responsibilities**

Commissioners did not have questions about the history and duties of the Commission on Disability. For that reason, only a synopsis is provided below. The PowerPoint presentations were distributed to all Commissioners and guest, so the details of it are not summarized in this report.

- Tom Bradley created the Mayor's Office on Disability (MOD). In 1998, the City replaced MOD with the Department on Disability and the Commission on Disability.
- The Commission was created to provide a forum for identifying difficulties encountered by people with disabilities and making recommendations to the Mayor and City Council on ways that the Federal, State and local government can undertake to assure full participation for people with disabilities.
- Five members of the Commission must be present to constitute a quorum, but a smaller number may adjourn from time to time until a quorum is present.
- The Commission should convene public hearings at least once a year to take testimony from disabled persons and others, and report its findings to the Mayor and Council.
- The Commission should also submit an annual report to the Mayor and City Council on the activities of the Commission.

### **Noreen Vincent on the Brown Act**

On behalf of the Commission, the Executive Director requested clarification on the application of the Brown Act to committees formed by the Commission on Disability.

The Brown Act applies to standing committees, in particular, when the standing committee has enough members to constitute its quorum.

But the Brown Act does not apply to those committees designated as ad hoc. Ad hoc committees are formed for a specific task and are dissolved upon the completion of that task.

The Brown Act does not prohibit Commissioners from attending the same event or meeting, as long as they refrain from discussing topics that should be taken under consideration before the Commission.

Commissioners were reminded not to comment on topics arising during public comments. Staff should be directed to gather information or place the topic on a future agenda.

Commissioners were provided guidelines for public comments and decorum. The City Attorney indicated that participants are prohibited from being disruptive.

When a Commissioner requested a definition of disruption, the City Attorney gave examples about behaviors that prevent the Commissioners from concentrating and deliberating.

When disruptions occur, the presiding officer should call for order, and issue warnings when necessary. The presiding officer is the Commission's president, but the City Attorney may also be consulted.

A Commissioner asked what might be done during public comment when someone becomes verbally abusive.

Offensive and abusive language is protected speech, according to the City Attorney. Political speech cannot be sacrificed to a formula of civility.

A Commissioner asked about the rules governing allocation of time during public comments.

The City Attorney will forward the council rules, which applies to City Council. Council aggregates five minutes to each person, and the presiding officer determines how that five minutes will be divided for that person.

It is the Commission's responsibility to track the time.

A Commissioner asked whether a reasonable accommodation might be granted for those requiring additional time due to a disability.

The City Attorney affirmed that, in such cases, a reasonable accommodation in the form of additional time can be authorized.

A Commissioner asked whether participants must sign in and fill out a speaker cards.

The public is not required to sign-in or identify itself at meetings. If you have a sign-in sheet, you must include a disclaimer on the top indicating it's voluntary.

However, the City Attorney must research whether it's prohibited to demand someone to fill out a speaker's card, or whether it's prohibited only to demand someone to provide the correct name.

Commissioners discussed authorizing a reasonable accommodation during public comment that would permit more time for someone with a disability. But this option might allow someone to claim a disability and insist on more time to speak.

Still a Commissioner encouraged the Commission to consider updating the speaker's card to include a request for a reasonable

accommodation that would authorized more time. The Commission agreed to consider it and place it on a future agenda.

The City Attorney indicated that it would be helpful to determine what other Commissions and councils have done about imposing time limits, permitting reasonable accommodations, and issuing a call for order when someone is disruptive.

### **Armen Tarzi and Nicole Enriquez from the Ethics Commission**

The PowerPoint presentations were distributed to all Commissioners and guest, so the details of it are not summarized in this report.

On behalf of the Commission on Disability, the Executive Director encouraged Commissioners to call the Ethics Commission with questions.

The Ethics' Commission provides both informal and formal advice, but the latter is public and must be posted on the City's website.

Commissioners did not have further questions.

## **By-laws**

Commissioners must determine whether they are satisfied with the by-laws, or wish to form a committee to review the by-laws and its guidelines for instituting the standing committees. Commissioners asked how the Brown Act applies to its standing and ad hoc committees.

The City Attorney responded that the Brown Act applies to the standing committees, requiring a 72-hour notice, the posting of an agenda, and an indication of the place designated for the public to attend.

Whereas the Brown Act does not apply to ad hoc committees, Commissioners should note that an ad hoc committee consists of less than a quorum, is for limited purposes and a limited time. An example

of an ad hoc committee would be one established to plan a retreat or special event.

Commissioners were concerned about convening standing committees, but violating the Brown Act when other Commissioners arrived constituting a quorum for a regular Commission meeting.

Commissioners were also concerned about serial meetings. Serial meetings can occur when one Commissioner discusses a topic by phone or e-mail with another Commissioner, and the latter does the same with a third Commissioner, and so on, thereby taking up a topic outside of a public meeting and creating a violation of the Brown Act.

Serial meetings are prohibited, so Commissioners must be aware that such meetings can take a number of forms.

## **DEPARTMENT ON DISABILITY'S PRESENTATIONS**

***John Rodriguez*** and ***Rick Pope*** provided an overview of the Title II training. The PowerPoint presentation was distributed to the Commissioners and the public, so it is not summarized in this report.

***Richard Ray*** provided a brief overview of the Accessible Technologies. The PowerPoint presentation was distributed to the Commissioners and the public, so it is not summarized in this report.

***ADA Compliance, Carey Stone*** provided an overview of the ADA Section. The PowerPoint presentation was distributed to the Commissioners and the public, so it is not summarized in this report.

***AIDS Coordinator's Office, Dahlia Ferlito*** provided an overview of the ADA Section. The PowerPoint presentation was distributed to the Commissioners and the public, so it is not summarized in this report.

***Community Outreach, Resources and Education (CORE), Juliana Soto*** provided an overview of the CORE section, on behalf of the

department. The PowerPoint presentation was distributed to the Commissioners and the public, so it is not summarized in this report.

## **COMMISSION'S PRIORITIES**

Commissioners and audience members explored topics and concluded on a number of strategies and priorities.

First, public hearings should be scheduled, in order to survey individuals, City departments, and organizations representing people with disabilities. Their input would constitute public participation and help determine priorities for the Commission on Disability.

Second, the Commission, in preparation for such public hearings, identified some priorities and projects. Some of priorities were identified as a "Return to Basic.

The rest of this section consists of a listing of those priorities.

- **Education**

The Commission identified the special education programs of the Los Angeles Unified School District (LAUSD) as a topic for exploration at the public hearing. Knowledge about LAUSD's program will be very important in assisting children, parents, and families obtain their full rights under disability law. Suggestions were made that a designated LAUSD liaison would improve our success in helping our constituents.

The Commission also identified education and training for people with developmental disabilities as a topic of exploration.

A public forum would require invitations be sent to LAUSD, advocates, and others, in order to identify priorities and resources.



Former Commissioners Sandy Driver-Gordon could also be contacted, in order to discuss the public hearings and educational policy gleaned from the past.

- **Employment**

The Commission recognized that people with disability, including veterans with disabilities, have a high unemployment rate. Employment provides self-sufficiency and dignity.

Commissioners and DOD staff identified as a resource the City's Economic and Workforce Development Department (EWDD).

EWDD has a workforce development plan that may have available funds the DOD or COD could use.

EWDD should be contacted early by the Department on Disability and City Attorney, before the funds are depleted.

Commissioners would invite for a hearing the following:

1. EWDD
2. Mayor's Veterans Programs
3. Department of Rehabilitation
4. Others

- **Housing**

The Commissioners identified affordable and accessible housing as a priority, but understood that the City's affordable housing stock must be identified.

The staff reported that approximately 4,000 apartment units/buildings retrofitted with federal funding are required to be made accessible to people with disabilities.

The accessibility is expressed as set-asides of two (2) and five (5) percent for people with sensory and physical disabilities, respectively. Yet the City might negotiate the set-asides as four (4) and ten (10) percent for people with sensory and physical disabilities, respectively.

Nevertheless, Commissioners recognized that a public forum would demand invitations to the following:

1. Housing and Community Investment Department
2. City Planning Department
3. Mayor's Office on Homelessness
4. Mayor's Office on Veteran Affairs
5. Department of Aging

The public hearing could also consider a public hearing previously held on housing (HUD/CRA Accessible Housing Compliance Report (8-1-12)).

- **Transportation**

Commissioners mentioned transportation, but did not fully discuss it. Areas of exploration are suggested below:

1. Paratransit services like Access and Cityride
2. Priority Seating on public transit
3. ADA Compliance for all new fixed route services proposed in the Los Angeles.

- **Outreach**

Commissioners spent significant time discussing outreach.

Commissioners recommended outreach in the form of public service announcements in newspapers, on radio, on television, and along the electronic scroll at DMV and Social Security offices.

Commissioners sought outreach especially through its public forums or public hearings. Also, Commissioners wished to pursue outreach through electronic, mailed and phone surveys.

The Executive Director indicated that one resource of outreach might be an upcoming communication plan required under the housing and the sidewalk settlements. The communication plan will include a public information campaign, which could involve announcing to the public to contact the Department Disability through 3-1-1.

Currently, the Department conducts outreach through Twitter, Facebook, and a City website.

- **Public Right of Way**

Commissioners made mention of the accessibility of the public right of way, including that of sidewalks.

The Department discussed the Sidewalk Repair Program and will provide information at future meetings or the public hearing.

Commissioners must clarify their interest in this topic and what might need further research.

- **Financial Resources**

First, the Commission and Department explored whether the Department should seek funding through the budget to support the Commission.

Second, the Commission recommended that it immediately discuss making a recommendation to the Mayor and City Council that portions of grants received be devoted to disability.

Another recommendation was to continue working with budget advocates, in order to have support for acquiring financial resources.

A fourth recommendation was a consideration whether the Commission should explore the creation of a non-profit. However, the Department on Disability reported that direction on how to proceed has not been forthcoming.

A fourth recommendation might be a consideration of Measure R.

- **Law Enforcement and Interactions with People with Disabilities**

Commissioners recognized that people with disabilities have sometimes not fared well when interacting with law enforcement.

Commissioners recommended exploring existing and new policies on training law enforcement about people with mental, hearing, and other disabilities.

The Commission has explored this issue, so it will retrieve the file for future discussion.

Commissioners and Department should note to contact the budget advocates from the Neighborhood Council, in order to enlist their support for more resources.

## **Conclusion**

The retreat concluded with the understanding that the identified priorities would be for consideration at the next Commission's meeting.

Additionally, the Commissioner recommended that the PowerPoint presentations be emailed to all Commissioners and interested parties.

For further details, please review the captioning taken for this event on December 5, 2016.