



# Agenda

CITY CLERK'S OFFICE

DATE 12/15/14 TIME 3:40pm

PREPARED BY *DA & CH*

REVIEWED BY *Alicia Hartung*

## MAYOR'S COMMITTEE ON DISABILITY

THURSDAY, JANUARY, 15, 2015

10:00 A.M.

GENOVEVA CHAVEZ COMMUNITY CENTER

3221 RODEO RD.

CLASSROOM 1

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF THE AGENDA
4. APPROVAL OF MINUTES: FOR THE NOVEMBER 20, 2014 MEETING
5. PUBLIC COMMENTS (15 MIN. TOTAL)
6. NEW BUSINESS
  - a) CITY HIGHLIGHTS – MATT ROSS AND MARIA CLOKEY
  - b) RECRUITMENT EFFORTS TO HIRE A HIGH SCHOOL STUDENT WITH A DISABILITY TO WORK FOR THE CITY OUT OF THE MAYOR'S OFFICE AT CITY HALL – CRISTINA CAMPOSBRIGGS, MATT ROSS AND DAVID CHAPMAN
  - c) ADA WEBSITE UPDATES – KATHLYNE GISH
7. OLD BUSINESS
  - a) MCD SUB-COMMITTEE REPORTS
  - b) CHRISTMAS LUNCHEON REVIEW - MARCIA

ITEMS FROM MEMBERS AND STAFF (3 MINUTES)

8. ADJOURN

NEXT MEETING FEBRUARY 19, 2015

**PERSONS WITH DISABILITIES IN NEED OF ACCOMMODATIONS, CONTACT THE CITY CLERK'S OFFICE AT 955-6520, FIVE (5) WORKING DAYS PRIOR TO MEETING DATE.**

**THIS IS A FRAGRANCE FREE MEETING**

\*\*Please notify Marcia Bowman, Chair at 438-4382 and/or David A. Chapman, Interim ADA Coordinator/Liaison, at 955-2012 if you are unable to attend.

Summary Index  
City of Santa Fe  
MAYOR'S COMMITTEE ON DISABILITY

**ORIGINAL**

January 15, 2015

<u>ITEM</u>	<u>ACTION TAKEN</u>	<u>PAGE(S)</u>
Call to Order		
ROLL CALL	Quorum	1
APPROVAL OF AGENDA	Approved	1
APPROVAL OF MINUTES November 20, 2014	Approved	1-2
PUBLIC COMMENTS	Discussed	2-4
NEW BUSINESS		
a) City Highlights –	Matt Ross/Maria Clokey	2/4
b) Recruitment to Hire a High School Student with Disability for Mayor's Office	Campos Briggs/Ross/Chapman	4
c) ADA Website Updates –	Kathlyne Gish	4-5
OLD BUSINESS		
a) MCD Sub-Committee Reports	Discussed	5-6
b) Christmas Luncheon Review -	Discussed	6-7
ITEMS FROM MEMBERS AND STAFF	Discussed	8
ADJOURNMENT & NEXT MEETING Next Meeting	Adjourned at 11:55 a.m. February 19, 2015	8

**MINUTES OF THE  
MAYOR'S COMMITTEE ON DISABILITY**

**SANTA FE, NEW MEXICO**

**January 15, 2015**

A scheduled meeting of the Mayor's Committee on Disability was called to order by Marcia Bowman, chair, on this date at approximately 10:00 a.m. at Genoveva Chavez Community Center, 3221 Rodeo Road, Classroom 1, Santa Fe, New Mexico.

Roll call indicated a quorum as follows:

**Members Present:**

Marcia Bowman, Chair  
Ron Ortiz Dinkel  
Aurore Bleck  
Dr. Charles Maynard  
Mary McGinnis  
Dave McQuarie  
Sharon Wirtz

**Members Excused:**

Nancy Pieters

**Members Absent**

E. Meriam Jawhar

**Staff Present:**

Dave Chapman, ADA Liaison

**Others Present:**

Maria Clokey, City of Santa Fe  
Julie Tambourine, via telephone  
Charmaine Clair, Stenographer

**APPROVAL OF AGENDA**

Under New Business – Item D was added to review the process for ADA complaints.

**Mr. McQuarie moved to approve the agenda as amended. Dr. Maynard seconded the motion and the motion passed unanimously by voice vote.**

**APPROVAL OF MINUTES – November 20, 2014**

Page 2, paragraph 4: "Ms. Bleck...received an e-mail from Katherine Lee and (?) that wanted to forward a concern". The person in question was *Nat Dean*.

*Ms. Maria Clokey entered the meeting at this time and was introduced by Mr. Chapman. A discussion ensued.*

## **NEW BUSINESS (Revised Agenda Order)**

- a) City Highlights – Matt Ross and Maria Clokey

Mr. Chapman introduced Ms. Clokey. He said she was present because of a suggestion to link with City Highlights for exposure and she wanted to take photographs of the members.

Ms. Clokey said in addition to the photographs, she has a weekly newsletter she sends to over five thousand people.

Ms. Bleck said the purpose for contacting Ms. Clokey was beyond giving her stories; it was to have more inclusion from the disability perspective. Chair Bowman added that the Committee would like to not have to contact Ms. Clokey for every article. She asked Ms. Clokey to be aware of disability features in her reviews; especially in transportation, which impacts disability.

## **APPROVAL OF MINUTES – November 20, 2014 (continued)**

Page 4, first sentence under Media: *Dr. Maynard thanked Mr. Chapman and Ms. Gish for great interviews that were at random....* was clarified to read: "Dr. Maynard thanked Mr. Chapman and Ms. Gish for their great interviews, which aired on the radio."

The motion by Mr. McQuarie to accept the nomination for vice chair of Mr. Ortiz Dinkel was clarified. Mr. Ortiz Dinkel was nominated for the vice chair position at the previous meeting. The nomination was brought forward and there were no other nominations.

**Dr. Maynard moved to approve the minutes as amended. Mr. Ortiz Dinkel seconded the motion, which passed by unanimous voice vote.**

## **PUBLIC COMMENTS**

Julie Tambourine was introduced via telephone. She said she wanted to talk first about a serious situation in Santa Fe. She said she is on a crisis team in Santa Fe that helps people with disabilities that are at risk of being homeless, homebound or lost their homes, etc. She has helped people who have dietary restrictions; people with disabilities medical restrictions on what they can eat; heart conditions; diabetes; cancer, etc.

She said Santa Fe has abundant resources for people who cannot afford to buy groceries, but it is hard for people to gain access. Substantial donations come from Whole Foods and a good portion of that food is organic/high-quality.

Ms. Tambourine said she had been using her van and personal funds to pick up food from food banks and then deliver to people. She said during the holidays a severe medical situation put her in a financial bind. She tried to get assistance to buy her food at Whole Foods. She talked with different organizations and followed up on recommendations. She said New Mexico law does not have something in place for a person to request accommodation under ADA that allows the food contributors to give food directly to people.

Ms. Tambourine said these people usually cannot get food from the food banks, because of problems with their health and cannot utilize the food from food banks. She said she has great relationships with organizations and agencies in Santa Fe and the issue is not that they do not want to help. She cannot go to

food banks to ask for food for others or for herself for personal reasons. Ms. Tambourine said that is a problem they need to work on.

Ms. Tambourine suggested a member of the Santa Fe Mayor's Committee on Disability should step forward to resolve the situation. She said these people with disabilities are not being accommodated with a reasonable accommodation to get organic food that is very available at the Food Depot.

Ms. Tambourine said if no one is able to take the project on, she would, if she can be appointed as an honorary member of the MCD. She has contacts and people willing to discuss the situation and feels she could get this into effect by summer.

She said in the meantime she, like many, cannot work and she does not qualify for help for those with less income. She said there needs to be help for people who fall through the cracks.

Ms. Tambourine said secondly she has litigation in Santa Fe First District Court. She said often a person with a disability is not able to stand up to discrimination by themselves and rare they can take a perpetrator to civil court. She said they have to find an attorney willing, able and knowledgeable to litigate. Attorneys often do not take a contingency case, because the filer of the lawsuit pays only if the attorney wins.

She said her case *Tambourine versus Owen* is currently being litigated. She said the case has gained national attention and will set a precedent for persons with disabilities in the United States. She said anyone concerned about the rights of people with disabilities should closely follow the case. She said she has been discriminated against in numerous ways. She instructed her attorney to file the documents so they will be available for public access.

Ms. Tambourine said the trial date is March 9, 2015. She added that the judge is convinced that ADA is futile. She said claims referring to ADA were thrown out and the case now stands only on New Mexico law as it pertains to people with disabilities.

She noted that her reasonable request to testify by telephone was not accommodated, even though one of the defendants did testify by telephone. She said the judge said if she refuses to testify, they will consider dismissing the case. She added that also the trial date will probably be vacated.

Chair Bowman thanked Ms. Tambourine and said the information was very informative. She said regarding the issue about food access for those with dietary needs; if Ms. Tambourine could work on the issue and bring that to the Committee, they could get to work through the city process.

Ms. Tambourine said the project would be more effective if done by a MCD committee member. She said this is basically a violation of ADA; people with disabilities are not being accommodated when [the request is] reasonable. She said she was more comfortable turning the issue over to the Committee to handle, or if she can become an honorary member of MCD, she would do the work.

Chair Bowman said the Committee is not in a position to make appointments and currently the Committee is fully constituted. She said there are several items of business on the agenda and the Committee will discuss the issue later in meeting. She added that if anyone wants to work on the project with Ms. Tambourine she would contact her.

Mr. McQuarie said he appreciated "trying to hear" Ms. Tambourine's information on the speakerphone, but that just gave him more questions. He thought someone at City Hall could train or talk to city employees about what is required by ADA and what is in violation. He said he is vaguely aware of Ms. Tambourine's court action, but not sure what it is about. He said the Committee needs to know, because if there are questions, how can members give answers.

## **NEW BUSINESS**

### a) City Highlights – Matt Ross and Maria Clokey

Ms. Bleck said she was disappointed in the discussion earlier and thought Ms. Clokey misunderstood why she was invited; it was more than just for a 'photo op'. Dr. Maynard asked if Ms. Clokey could be asked to come back to the February meeting.

### b) Recruitment Efforts to Hire A High School Student with A Disability for the Mayor's Office– Cristina Campos Briggs, Matt Ross and David Chapman

Mr. Chapman said this was brought up during the Christmas luncheon by the Mayor. He explained that this is a new initiative with the city to hire high school students who can learn about city government and to empower them with the tools to communicate that they will use in life. He said his role is to organize the efforts. Sandra Perez from Human Resources and Christine Campos Briggs, liaison from the Mayor's office will make a presentation at the next MCD meeting.

The Committee discussed the project. A summary of the conversation follows:

- The high school students' duties are being developed. The KIVA group will provide the current job descriptions of their students and job descriptions will be created for various levels for the teenagers with disabilities. The work will include routine duties like shredding documents or work for students with cognitive skills.
- Students might help at city functions setting up tables and chairs and with maintenance like sweeping, etc.
- City staff will work with KIVA and the Santa Fe Public Schools, which has a similar program. Mr. Ortiz Dinkel asked that the School for the Deaf also be included.
- Ms. Bleck thought an intern position would be an excellent opportunity for a smart kid. Chair Bowman said she would like to include disabilities that are not necessarily cognitive. She said there might be a student with a disability and is a fully functional student but not in the KIVA program.
- Mr. Chapman said he will give city staff the Committee's feedback. Mr. Ortiz Dinkel asked if Ms. Gish would provide input in terms of criteria. Mr. Chapman said she would, however her internship expired at the end of the year and he is working to get funding for that.
- Ms. Bleck suggested an intern project could be to survey Santa Fe's disabled youth. She said a disabled teen would be ideal to develop and assist in a survey of what they need or what needs the city has already met.

### c) ADA Website Updates – Kathlyne Gish

Mr. Chapman said an instructional guideline was written that could be used by city staff to bring them up to date on the various protocols.

The guideline has been between Legal and Human Resources (HR) for about six weeks. Mr. Chapman said he plans to meet with the HR Director on the status.

d) ADA Complaint Process

Mr. McQuarie said members received an e-mail that identified him as having filed a complaint with the city. He said the Committee had asked to be made aware of the ADA grievances filed, but he thought Mr. Chapman went too far. He said when he has filed complaints in the past he received a letter to sign to release specific information. He has not received that with the complaint filed with Mr. Chapman and there is no mention of a privacy statement. He said that violates federal law.

Mr. McQuarie suggested the Committee review the forms about the grievance; the Transition [Plan], etc. He said according to the forms for the Transition Plan it said that everything is "A okay". He said approximately four years ago MCD paid \$150,000 to hire a consultant for a Transition [Plan]. He said the Transition [Plan] did not cover all of the areas the Committee requested so it is incomplete.

Chair Bowman offered to delete or review the information Mr. Chapman sent; whichever Mr. McQuarie preferred. The other members concurred.

Mr. McQuarie said "the cat is out of the bag" and whether members have looked at the e-mail or not; he will give permission to review his complaint to the *Committee* only.

## OLD BUSINESS

a) MCD Sub-Committee Reports

- Transportation – Mary McGinnis

Ms. McGinnis said in the December meeting a new survey was approved by TAB (Transit Advisory Board) for Santa Fe Ride customers. A new handbook listing the rules has been given to all of the riders. The ADA subcommittee will meet prior to the February TAB meeting to review issues and look at what has been done and what needs to be resolved.

Ms. Bleck added that the survey went out and riders could either return the survey to a driver or take the survey by telephone. She added that she recently became aware that there is no overnight transportation for people in wheelchairs and will put that on the TAB agenda. She suggested it also be on MCD's radar.

Mr. McQuarie said the survey has good and bad points, but overall he agreed with doing the survey. He said the new handbook is very user-friendly, but the date of issue was *May 27, 2014*.

He said also, a few years ago a committee of citizens put out a report that recommended a 95 percent on-time percentage. He said Mr. Bulthuis said that would be his goal, but on page 10 of the new guidelines the goal is 90% [on-time] and half way down the page there is a 95% goal. He asked if anyone would hire an employee that is only 90% dependable.

Ms. Bleck said TAB gets upset when the number falls below 92-93%, but in the four years she has been here 93% is about the most ever obtained.

- Media - Dr. Maynard / Ms. Jawhar-There was nothing to report.
- Plan Review – Dave McQuarie

Mr. McQuarie said officially only one set of plans were reviewed. He said it appears that the city was addressing or planned to address all of the items brought up by the subcommittee. He said the Plan Review Subcommittee is supposed to get more plans for ADA ramps in the near future on overlay projects. The ramps should have been done at the time the overlay was done in September.

Mr. Chapman coordinated a subcommittee meeting for Monday for plans.

b) Christmas Luncheon Review – Marcia Bowman

Everyone noted their appreciation to Mr. McQuarie for treating them to lunch.

Mr. Chapman asked to read an e-mail from Ms. Gish asking the Committee if they would like a Face Book page. Ms. Gish offered to run the page and explained the page could be used to announce meetings and city disability events. She said Face Book would be a great way to advertise the MCD and communicate with the public. She currently is the creator on a few Face Book pages and said there would not be a problem administering another.

Mr. Ortiz Dinkel thought Face Book a good idea. Chair Bowman agreed. Ms. Bleck suggested the page be audience oriented.

Chair Bowman returned to the issue brought by Ms. Tambourine. She explained that many people have specific dietary needs and for a number of reasons are unable to access food. She said Ms. Tambourine is no longer able to pick up and deliver food and is having difficulty getting food for herself. She said that Ms. Tambourine feels there are resources available and would like to be appointed an honorary member of MCD, because she feels more could be done if the person doing the work has a title.

Chair Bowman said the MCD members do not have the authority to appoint Ms. Tambourine.

Ms. Tambourine explained *why* she felt the city has the obligation and a stake to ensure that people are accommodated in getting food. She said a community shelter was opened and the city has a financial involvement with the shelter. She said one purpose of the community shelter is to provide community meals; not only for the homeless at the shelter, but for anyone who cannot afford food. She said these people cannot access the shelter meals for medical reasons or their disability, etc.

Dr. Maynard asked to clarify that the issue is that people with disabilities are having trouble accessing the food banks and the delivery from the food bank to people. Chair Bowman replied yes, but the issue is beyond just the food banks.

Ms. Wirtz agreed there is a need. She said a number of people cannot get out and shop or like Ms. Tambourine, have special dietary needs and cannot eat the food from the food banks.

Dr. Maynard asked what the Committee is being asked to do that falls within the auspices of the Committee.

Chair Bowman said the Committee could only provide a person willing to work with Ms. Tambourine. The Committee's charge is to advise the Mayor/city on issues of disability within the community and this could fall under that.

Ms. Bleck asked how many people Ms. Tambourine delivered food to, including herself.

Ms. Tambourine said it varied; she could funnel the majority of the people into other organizations. She said most people are not aware that they should be accommodated under ADA. She said there were a half dozen people at one time, but the number fluctuates. She reiterated that there is a great need.

Ms. McGinnis confirmed that Ms. Tambourine lived within the City of Santa Fe limits.

Ms. Tambourine said there is a plethora of organizations she could call to see if she qualifies for assistance, but even if she qualifies she cannot eat what comes out of the food bank. She said organizations have parameters and not everyone fits. She said it is not the intention that people who do not fit the parameters should not receive help.

Chair Bowman said that no one offered to work with Ms. Tambourine, but she still could say that the MCD supports her. She said the Committee would be happy to take anything Ms. Tambourine brought to them to the city, if appropriate.

Ms. Tambourine said she did not know of anything she could bring; this will take negotiation with different organizations and education. She asked what the Committee thought about her asking the Mayor to appoint her as an honorary member so that she can do the work.

Mr. McQuarie said MCD has had people as a resource and an extension of the Committee. He said currently there is one person that is not a member as a resource and is called a Citizen Advocate. He said Ms. Tambourine could be called a resource and he would be okay with her as an honorary member.

Chair Bowman explained that the "citizen's advocate" occasionally attends meetings. She said Ms. Tambourine could consider herself a resource of the Committee. She reiterated that the MCD has a limited number of members and currently is fully constituted as a Committee. She said that does not mean there could not be additional resources.

Ms. Tambourine said it is good that there are no openings on the Committee. She said it is possible for the Mayor to appoint an honorary member. She asked if appropriate to say she has the support of the MCD for the Mayor to appoint her. Chair Bowman confirmed that Committee members had nodded in agreement.

Ms. Tambourine said she will plan to meet with the Mayor. She asked that members with ideas about her immediate crisis contact her and she thanked the Committee.

Mr. Chapman offered to follow up with Ms. Tambourine next week.

**ITEMS FROM MEMBERS AND STAFF**

Ms. McGinnis passed out new business cards for her private practice in counseling. She is interested in working with couples and people with disabilities and now has a website.

She said that Jim Parker the past director of the Governor's Commission on Disability, now works with KSFR. She said he is doing a pilot show on people with disabilities and she had been interviewed and the show will air Saturday. She offered to call Mr. Parker about Ms. Tambourine's situation to see if she could get on the show.

Mr. McQuarie asked that the agenda next month include a review/comment by the Committee on the forms given to them by Mr. Chapman; specifically the Transition [Plan] and ADA compliance.

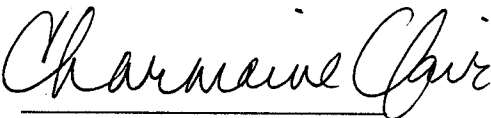
**ADJOURN:**

*Having completed the agenda and with no further business, the meeting adjourned at 11:55 a.m.*

Approved by:

  
\_\_\_\_\_  
Marcia Bowman, Chair

Submitted by:

  
\_\_\_\_\_  
Charmaine Clair, Stenographer