



Agenda

CITY CLERK'S OFFICE

DATE 2/11/15 TIME 7:25am

PREPARED BY David Chapman

APPROVED BY Alicia Hartley

**MAYOR'S COMMITTEE ON DISABILITY
THURSDAY, FEBRUARY, 19, 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 JANUARY 15, 2015 MEETING
5. PUBLIC COMMENTS (15 MIN. TOTAL)
6. NEW BUSINESS
 - a) 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 – XOCHITL CAMPOS BIGGS
 - b) MAYOR'S PROPOSAL FOR GENDER NEUTRAL RESTROOM SIGNAGE
7. OLD BUSINESS
 - a) MCD SUB-COMMITTEE REPORTS
 - b) TRANSITION PLAN AND ADA COMPLIANCE FORMS – DAVID CHAPMAN

ITEMS FROM MEMBERS AND STAFF (3 MINUTES)

8. ADJOURN

NEXT MEETING MARCH 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.**

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City of Santa Fe
MAYOR'S COMMITTEE ON DISABILITY

ORIGINAL

February 19, 2015

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MINUTES OF THE
MAYOR'S COMMITTEE ON DISABILITY

SANTA FE, NEW MEXICO

February 19, 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, vice chair
Aurore Bleck
E. Meriam Jawhar
Nancy Pieters
Mary McGinnis
Dave McQuarie

Members Excused:

Dr. Charles Maynard
Sharon Wirtz

Members Absent:

Staff Present:

Dave Chapman, ADA Liaison

Others Present:

Xochitl Campos Biggs, Mayor's Office
Mary Feldblum, Executive Director Health for Security for New Mexicans Campaign
Dee Martinez, Governors Commission on Disability
Hope Reed, Governor's Commission on Disability
Elizabeth Martin, Recorder for Charmaine Clair

APPROVAL OF AGENDA

The agenda was approved by consensus of the Committee.

APPROVAL OF MINUTES – January 15, 2015

Xochitl Campos Biggs was incorrectly reflected in the minutes as Christine Biggs.

Mr. McQuarie moved to approve the minutes of January 15, 2015 as amended. Mr. Ortiz Dinkel seconded the motion, which passed by unanimous voice vote.

PUBLIC COMMENTS: Postponed until later in the meeting.

OLD BUSINESS: (Revised Agenda Order)

b) Transition Plan and ADA Compliance Forms – David Chapman

Mr. Chapman said the city is required to provide an inventory of all rights of way; citywide sidewalks, roads etc. He will meet with Lisa Nye in March and promised to give her a draft scope of work and the RFP (Request for Proposal) that will go out.

He said he has been meeting with the Santa Fe MPO (Metropolitan planning Organization) and an opportunity came from that to synergize their efforts. The MPO contractor will do an inventory of routes leading to the bus stops. He said the advantage is this would be more functional for the MPO, ADA and the Transition Plan and provide more "bang for the buck".

Mr. Chapman said the first week of March he is scheduled to meet with the consultants to look at how to integrate the ADA requirements and see what the consultants are planning. He said the Mayor's Committee will pay for the ADA requirements and the MPO will pay for their needs. The information will be web-based and easier to navigate than the Transition Plan was for the buildings. He explained that he and Mr. McQuarie had problems deciphering the plans and exactly which door, hallway, etc. was referred to, because the plans were ambiguous. He will give a follow-up on the progress in March.

Mr. McQuarie said four years ago the MCD paid for a consultant to do a sample survey of public rights-of-way. He said parts of the buildings and parks were done and city staff was to take care of the rest. He asked when city staff will address the rest of the Transition Plan and why should the MCD pay again when they have already paid. He said the money should come from the city budget and not the ADA budget. He said the ADA budget is limited and there are 3200 intersections and over 400 bus stops and with 640 miles of sidewalks to survey. That cannot be done with the Committee's money.

He said the reason the local federal highway on the last ADA complaint said to do only public rights of way was they only have jurisdiction over that and not buildings and other ADA facilities. He said an example is the new convention center. He said since the person responsible left the city, the city has not picked that back up. He wants to know why. He said that all of the city facilities have never been reviewed and those that were the MCD paid for. He thought people in Santa Fe should know what is happening and what is deficient.

Mr. McQuarie said this does more than plan; it lists deficiencies and possible dates for addressing the issue. The Transition Plan is for *all* ADA features, not just public rights of way. He said until the city realizes they need to start addressing the deficiencies, or at least recognizing them and make a list, nothing will be done.

Mr. Chapman said the part of the Transition Plan that was conducted under his predecessor covered city-owned buildings and is about five inches thick. He said the Santa Fe Convention Center was being constructed at the time and did not meet the cut.

He said the city has made incremental improvements throughout the city. He said Ms. Gish was indexing that but was unable to complete the work, partly because of the complexity of the software. He said there is a paper trail, but in the foreseeable future he cannot address Mr. McQuarie's question on the city's progress on what has been done and not done.

Mr. Chapman explained that he is working to get Ms. Gish back for a month or so and the city has made progress. He said to fix everything wrong would take millions of dollars. He said communication has been opened with facilities and they are trying to incorporate the ADA requirements with facilities project managers moving forward.

Mr. Chapman said the city has a ways to go. He does not know why parts of the Transition Plan were left off that initially was incorporated or if there were savings because that was removed from the scope of work. He said he has not had time to go back and look at the files.

Mr. McQuarie said the complete Transition Plan was supposed to be done four years ago. The consultant was hired to do a portion of the work so city staff would know how to complete the remaining work. The city never did that and is why one step in the RFP is for a survey of public rights of way. He said the last engineer told the consultant not to bother.

Mr. Chapman said if the direction from the Committee is that the Transition Plan is the their highest priority, he will work to that end.

Mr. Ortiz Dinkel said digesting everything Mr. McQuarie said; the city needs to recognize deficiencies and address them. He thought the frustration of the Committee members is because the city has not done that. He said it would be wise for the city, because there have been changes, to somehow recognize there are deficiencies in the Transition Plan and when doing work, address the deficiencies.

Mr. McQuarie said the ADA literature refers to 'self evaluation' of all the facilities that should be accessible and how those would be addressed by the city or municipality. The literature does not say it has to be addressed right away, but says to list the deficiencies and propose when the issues will be mitigated. He said the city has never followed through and a list was never made.

Chair Bowman asked Mr. Chapman if this was helpful and he feels he has more direction.

Mr. Chapman said he attended the ADA Symposium in Denver and ninety-nine percent of the municipalities said they are in the same shape as Santa Fe. He said this is a huge undertaking and part of the analysis and work that needs to be done is to physically go out and write down the running slope and slide slope of sidewalks and whether there is a clearance around utilities, etc.

Mr. McQuarie said that is partly to make it less of a deficiency. He said when he plans something he wants to know where he is before he says what he is doing. That is why the ADA says to do a self-evaluation.

Mr. Chapman said for the most part that was done with the buildings.

Mr. Chapman said recently the website was redone and information is easily accessed by clicking on "ADA". He said the first notice has been posted in all facilities. A concern was that the form not be too complicated and long. The ADA grievances and complaint forms are front and back and the website gives instructions on how to file a complaint and what to expect and the policies, etc.

Mr. McQuarie suggested the Committee send an email to the city manager and ask when the city will complete the list of deficiencies required on the Transition Plan self evaluation. He said a copy of the letter and hopefully a response from the city manager, should be included in next month's packet.

Mr. McQuarie suggested two additions to the grievance form: one to add a statement regarding confidentiality or privacy. He said also upon appeal, the directive should be that the appeal be handled by the city manager and not given to the ADA coordinator. Mr. McQuarie said what is the sense of appealing if the appeal is given back to the coordinator. He added then the person could only appeal straight to the Department of Justice.

Chair Bowman amended the agenda to discuss item (b) under New Business.

NEW BUSINESS (Revised Agenda Order)

b) Mayor's Proposal for Gender Neutral Restroom Signage

Ms. Hope Reed with the Governor's Commission on Disability (GCD) said she is concerned about the gender-neutral restroom signage. She has talked with the building permit office, who will handle the issue. She said there is a requirement when a building is built that there be a men's and women's restroom and the minimum is based on the square footage and the number of employees. In an existing building with a men's and women's restroom, the restroom could be made into a unisex bathroom, if the building is too difficult to remodel. She said she is not sure what the Mayor wants.

Chair Bowman said she understood the proposal will only apply to businesses/buildings with a single restroom that specifies the restroom can be used by anyone. She said no one will be forced to add a bathroom.

Ms. Reed said that will be tied to the building code minimums. She gave an example of the restaurant being built where the code said that the size of the restrooms would require two women's stalls and a men's stall and urinal. She said a larger restaurant might need more restrooms that require three ladies stalls and three men's; a total of six. That would now require a unisex bathroom.

She said she did not understand how *gender-neutral* is different than a unisex bathroom. She has seen some unisex that are not accessible and some unisex are accessible with the grab bars, etc.

Mr. McQuarie said he addressed the idea of gender-neutral bathrooms at the last City Council meeting. He requested that the city send a copy of the plans to the Plan Review Subcommittee for their review and comment. He said he told Councilors they need to reinforce that restrooms "shall accommodate and be in compliance with ADA regulations", and includes signage of a white on blue sign.

Ms. Reed said the building permit office will work on the issue.

Ms. Dee Martinez from the GCD said she wanted to comment on the compliance forms. She said she has offered her support in the past and is here to support MCD and can provide training. She said the GCD also has the support of the Southwest ADA Center, who is an expert on ADA. She said Title I is not just about jobs, but accommodations on the work side and is one of the biggest pitfalls of risk management. She said that is where a lot of the training is needed.

Ms. Martinez said she is currently working with the city police on the animal ordinance. She thought that the GCD recommendation on service animals has been accepted.

a) Recruitment Efforts to Hire a High School Student with a Disability to work out of the Mayor's Office- Xochitl Campos Biggs

Ms. Biggs said she is the Mayor's assistant and is happy to provide any additional information on the gender-neutral bathrooms, particularly on why the Mayor included them.

She said she had been approached by Mr. Chapman about whether the Mayor's office had an opportunity for an intern. She said she prefers to call the program the *Mayor's Empowerment Program*. The hope is to create an opportunity for an intern within the Mayor's office to learn life skills and work skills. The opportunity is directed toward a group that might not have the opportunity normally to build a resume and skills and would be available to everyone.

Ms. Biggs said she is working to develop a job description with Jen Madeiros, a Special Education teacher with the Santa Fe Public Schools and Sandy Perez, the HR (Human Resources) Director for the city. She said the feasibility/opportunity within the Mayor's office is currently being looked at and she should have more information in the coming weeks on the duties and time required. She said this is a internship/mentorship-type program and the student does not get paid. All options are being explored.

Chair Bowman asked if people with cognitive disabilities would be looked at specifically or will people with physical disabilities that may not have cognitive disabilities also be considered.

Ms. Biggs said they understand there are many different disabilities that would not necessarily prevent a person from doing the work. The opportunity will be available to everyone regardless of whether they have a cognitive or a physical disability. There will be a selection process, but only one or two people can be taken per semester. They are looking at whether the internship would be for a semester or goes into the summer.

Mr. Ortiz Dinkel offered his card after asking about recruitment. He explained the School for the Deaf has a community-based instruction program for high school students, which is basically a work-study situation. He said he thought the instruction program would have some ideal candidates for the internship program in the Mayor's office.

Chair Bowman thanked Ms. Biggs.

Mr. Chapman introduced Leah Rhule. He said she has a lot of interest in the program.

Ms. Rhule said she is an affiliate representative of the Southwest ADA Center. She said she first wanted to thank Ms. Martinez whom she has known for a long time and who has done many great things.

She thought the Mayor's Empowerment Program is a great idea. She said she met with Mr. Chapman because she is paid to help generate interest in the celebration of 25 years of the signing of the ADA. She said she also does other outreach. She talked with Mr. Chapman about the Mayor's office partnering with the Southwest ADA Center for the celebration and is here to brainstorm ideas. She said the student initiative was a great place to start.

Ms. Rhule explained that the Southwest ADA Center is based out of the University of Texas in Houston and serves Region Six that includes New Mexico, Louisiana, Arkansas, Oklahoma and Texas. She passed out cards of ADA related issues and invited people to call her for more information. She said there are resources available on the committee issues discussed earlier.

Ms. Rhule said she has invited stakeholders to a breakfast or a tea to highlight programs and events that are happening in Santa Fe and follows up and she writes newsletters and articles. She added that she left information on the table for members.

Chair Bowman asked what the ILRU is.

Ms. Rhule explained the acronym stood for the Independent Living Resource Center, but they just use the acronym. She added there is also the DBTAC (Disability Business Technical Assistance Center) that provides training. She said they have worked with and support the GCD to provide training and have created brochures for them as well. She indicated that the cards she left include amendments to the ADA that are especially important to the hospitality industry and she also left a magazine. She provided her contact information and email address: lcrhule@gmail.com.

OLD BUSINESS (Revised Agenda Order)

- a. MCD Sub-Committee Reports
 - Transportation – Mary McGinnis

Ms. McGinnis said there would be no TAB (Transit Advisory Board) meeting until next week. She said the survey has gone out, but she is not sure how effective it is to return the survey back to [Santa Fe Ride] drivers. She said there will be an ADA Subcommittee meeting at 4 o'clock today for TAB.

Ms. Bleck said someone had asked in the past about the requirements for Uber and Lift app-based taxicabs. She said the PRC (Public Regulation Commission) has a certification process to revise the regulations and is in the comment period.

She said essentially there are two types of taxicab destinations. Capital Cab is the municipal provider for Santa Fe. A municipal designation means the cab must serve everything within the designated area and has no option of refusal. She said a general taxicab could be that Capital Cab is municipal for the city, but a general provider for the county and then would have right of refusal. She said Uber and Lift people come under the general taxicab provision, which means they will have no requirement for accessibility/disability, etc.

Ms. Bleck said the PRC only enforces fees and safety problems on the municipal side and does not pay attention to ADA [issues]. She said Capital Cab should have some disability vehicles, but does not. That will be a discussion item at the TAB meeting on Tuesday and at the ADA meeting. They will be looking for ideas on how to make Capital Cab's next vehicle purchase accessible. She explained that when Santa Fe Ride switched from 24/7 the idea was that Capital Cab had accessible vehicles. Those in wheelchairs or using scooters without private transportation have no transportation options for 39% of every week. During the weeks of Thanksgiving, Fourth of July and Christmas, 51% of those people will have no transportation options. She said she is looking for any ideas.

Mr. McQuarie suggested the ADA Subcommittee check with the recent ADA compliance with New York City cab companies. He was sure there is a requirement that cab companies must serve people with disabilities who have different modes of transportation like scooters and wheelchairs, etc.

Ms. Bleck said her concern is that might be state-based. She said she cannot find anything in the PRC database other than municipal must serve the entire community. She asked if Ms. Biggs could find out additional information. She requested that the lack of transportation [issue] be on the agenda for March.

Mr. McQuarie said there have been recent federal court orders that apply to all cities.

- Media - Dr. Maynard / Ms. Jawhar

Chair Bowman asked about a date for Community Day. Mr. Chapman offered to follow up and send information via email.

- Plan Review – Dave McQuarie

Mr. McQuarie said eight other locations were done, but the report is not in the packet yet. He said specifically at Ft. Marcy he asked if the work was renovations and in accordance with the Transition Plan Building Accessibility Report. He said he was told no.

He said the report in their Committee packet is for the downtown bus terminal. He said he told them [the city] that there was no Transition Plan done and it needs to be and he asked why that has not been done. He said he received no answer.

Mr. McQuarie said looking at the plans he saw questionable access points and appears that the engineer in charge is not even beginning to accommodate the access. He added that two new locations went before the Quality of Life Committee and he plans to respond. He told about asking a lady who was injured at one intersection, if she realized that [the intersection] went through the Federal Grievance Committee and DOT in 2004. He said he asked why the city was changing that and what gave them the power, but he did not receive an answer.

He said a few months ago the city applied for and received a grant. The grant stated it was reviewed by MCD and the H-Board (Historic Design Review Board) and was approved by City Council. He said "that is a lie". He said the MCD never saw the plans even though he has asked 15 times to see it and someone lied. He said they (?) need to know someone lied to the "Feds" and got money for lying.

Chair Bowman said at this time she would return the agenda to Public Comment.

PUBLIC COMMENT (Revised Agenda Order)

Ms. Mary Feldblum (?), Executive Director of the Health Security for New Mexicans Campaign said they are the largest coalition. The coalition has 150 organizations around the state that endorse Senate Bill 152 (SB152) called the Health Security Act. She said 34 cities and counties have endorsed the Act from Santa Fe to Roswell and at the local level there is a lot of bipartisan support.

Ms. Feldblum explained the idea for SB 152. A summary of her presentation follows:

- The proposal is to set up a state health plan in New Mexico that covers health care for almost everyone; military, tribes and sovereign nations can decide whether to join. Most New Mexicans will automatically be covered with freedom of choice of doctors and hospitals, including across state lines. There would be no more networks and in addition the service would be no less than what state employees have. Acupuncture, chiropractic and behavioral health, etc. will be included.
- The plan would be administered like a co-op/citizens board of ten consumer/ business people and five provider/facility people that are geographically representative from around the state.
- The plan will be paid for by the use of existing healthcare dollars that currently pay for coverage; portions of Medicaid, agreements with Medicare and a mix of young/old healthy and not, that share the risk. The plan would be simple unlike plans with Loveless, etc. with over 100 healthcare plans and co-pays and deductibles for different services.
- The campaign was originated by Representative Max Cole and two separate studies were done in New Mexico. The bill has been looked at and changed over the years addressing people's concerns and has become better each time. New Mexico could be an innovator and a model around the country, particularly for rural states.
- The unusual thing about the legislation is the cost and on the first try the LFC (Legislative Finance Committee) will conduct a study to look at economic feasibility; in terms of the cost and in the revenue that will be needed to cover the costs. In addition, healthcare is also paid currently through automobile/commercial automobile insurance and Worker's Comp. insurance. It has been mandated that the Superintendent of Insurance estimate the health components to the insurance policies and reduce the premiums accordingly.
- Shopping for insurance or betting on your help for the year will not be needed. Premiums will go to a private insurance company to invest. The cost of premiums will be based on a sliding scale matched to a person's income and go into a dedicated fund and could be invested. That could create a fund in which resources could be expanded and infrastructure could be built in areas of the state that currently cannot afford to do that.
- The more people that purchase the insurance, the better. The LEC report has to go to the subsequent session to be approved, and if feasible a geographical commission would be set up and solicit input from around the state to determine how the plan will work for doctors in the state, for groups and in rural New Mexico.
- An important piece of the legislation is how to deal with problems fairly and people's rights.
- Regarding how this fits in with the Affordable Healthcare Act: the Health Insurance Exchange requires that every state have an exchange that is federally or state run through which the uninsured can purchase health insurance. People can receive subsidies to help them purchase insurance at a certain income level.
- A waiver can be received if the state applies for the waiver beginning January 1, 2017. States will still receive Medicaid expansion, subsidies and all of the tax credits and the state does not lose money when they receive a waiver.
- The first step is to get the bill passed by the legislature and the hope is to get the bill onto the Senate floor for this session. The bill has passed the first committee and is headed to the Senate Judiciary Committee next week.
- There is a website where the Bill, a Table of Contents and an Index are provided and there are user workshops to help people understand how to read the bill.

Ms. Feldblum invited everyone to come out if the bill passes. She said the tragedy is that spreading the word is just through local donations. She said she is hearing there is the need for financial resources to upgrade facilities, etc. and this will be a savings and hopefully release money to do some of the upgrades.

Ms. Feldblum thanked the MCD for their time. She offered to put a recording on their website that would make it easier for everyone to learn about the bill.

ITEMS FROM MEMBERS AND STAFF

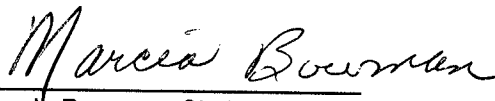
Mr. McQuarie asked Mr. Chapman if he had responded to the federal highway on the intersection. He said he asked, because the Plan Review Subcommittee advised that be made accessible and it was not.

Mr. Chapman said he had not responded yet.

ADJOURN:

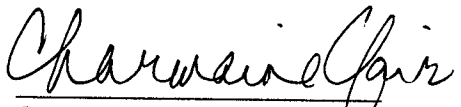
Having completed the agenda and with no further business, the meeting adjourned at 12:00 p.m.

Approved by:



Marcia Bowman, Chair

Submitted by:



Charmaine Clair, Stenographer