



City of Madison
Meeting Minutes - Final
COMMISSION ON PEOPLE WITH
DISABILITIES

City of Madison
Madison, WI 53703
www.cityofmadison.com

Thursday, April 27, 2006

4:30 PM

215 Martin Luther King, Jr. Blvd.
Room 260 (Madison Municipal Building)

1. CALL TO ORDER

2. ROLL CALL

Present: Mary P. Conroy, Robert P. Monahan, Michael W. T. Howe, Randy G. Black, Jeff C. Erlanger, Alice J. Fike, Linda M. Russell, Michael C. O'Connor and Gregory B. Banks

Absent: Ald. Paul E. Skidmore and Lynn A. Peterson

Excused: Nancy R. Kathman

Staff Present: Lucia Nunez, Director DCR; Angela Bennett

The Chair invited Russell, a new member of the CPD, to introduce herself to the CPD during item 13. She stated her name, demonstrated her sign name as LB on her shoulder, and discussed the following: Her work for the State as a specialist for the Deaf and Hard of Hearing, the location of her work and her home, describing herself as an activist.

Alder Skidmore arrived at approximately 4:50 PM, during discussion of Item 5.

3. PUBLIC COMMENT

No public comment.

4. APPROVAL OF MINUTES of March 23, 2006

A motion was made by Erlanger, seconded by Black, to Approve the Minutes. The motion passed by the following vote:

Absent: Skidmore and Peterson

Excused: Kathman

Aye: Conroy, Monahan, Howe, Black, Erlanger, Fike, Russell and O'Connor

Abstain: Banks

5. REPORT FROM THE DCR DIRECTOR - Lucía Nuñez

Developments regarding the new DCR, including Chapter 39.

(Alder Skidmore arrived during the discussion of this item.)

Ms. Nuñez reported on the following: (1) New DCR space: she is consulting with furniture designers regarding furniture that will accommodate different needs at work, (2) Chapter 39: she deferred discussion of Chapter 39 until that item on the agenda, (3)

Language Assistance program: The DCR is developing a training for use of simultaneous interpretation equipment for use in meetings, and a plan for loaning out the equipment, (4) DCR division heads/recruiter position: she continues to work with HR to develop a job description for division head positions and recruiting for those positions; HR is advertising for the recruiter position, (5) DCR Fair Housing contract with the Fair Housing Center of Madison quarterly report: 10 complaints: 6 based on disability, an issue that the CPD may want to discuss in the future. (6) Sick leave ordinance: EOC staff is working with the sponsors of the sick leave ordinance to determine how that proposed ordinance would impact EOC workload, should it pass, (7) EOC federal EEOC contract: The contract is for 66 cases; the EOC has processed 46, with six months to process the rest, (8) Benchmarks: the DCR is working on developing benchmarks with the Mayor's office, (9) Prevailing Wage: staff has briefed her and she wants to inform the commissions about this program, (10) Accessible Housing Summit, to occur in the fall: Staff has been having, and will continue to have, planning meetings (11) Take our Daughters and Sons to Work Day: This occurred on April 27, with the Children's Common Council passing a "Keep the Lakes Clean" ordinance, (12) Investigations and Training, Outreach group meetings: The Director is having a series of meetings with staff from both EOC and AA that work in those areas to discuss cross-training and collaboration.

The Commissioners had questions about: the high number of housing discrimination complaints that alleged discrimination based on disability, wanting more information about those complaints, and stating that the number was not high, in comparison to the extent of the problem.

Roll Call

Present: Ald. Paul E. Skidmore, Mary P. Conroy, Robert P. Monahan, Michael W. T. Howe, Randy G. Black, Jeff C. Erlanger, Alice J. Fike, Linda M. Russell, Michael C. O'Connor and Gregory B. Banks

Absent: Lynn A. Peterson

Excused: Nancy R. Kathman

6. REPORT FROM THE COMMON COUNCIL - Alder Skidmore

Actions taken during the April meetings.

The Alder reported that: (1) the City will enter into the bidding process to purchase 20% of Allied Drive (the City's bid was over \$4 million). (2) Alder King is president of Common Council, and (3) Skidmore is the President Pro Tem.

7. REPORT FROM THE EXECUTIVE COMMITTEE - Nancy Kathman

Actions taken during the April meeting.

The Chair reported for Ms. Kathman that the Executive Committee developed the agenda for the Full Commission meeting, and discussed many of the items that were on it.

8. REPORT FROM THE DCR ADVISORY COMMITTEE - Jeff Erlanger

Actions taken in April by the Committee.

Erlanger reported that there was no meeting held and Ms. Nuñez reported that there was a meeting set for April 17, but it was not held because it missed quorum by one.

9. REPORT FROM THE Parking Council for People with Disabilities - Mary Conroy

Actions taken during the April meeting.

Conroy reported that: (1) Alder Golden had asked the Council to develop a resolution to have the Council develop guidelines for on street parking for individuals with handicapped placards, (2) the Council developed a draft of that resolution, (3) if Common Council agrees, the Council will develop those guidelines. (4) If anyone knows of communities that have those guidelines, the Council is collecting those and is interested in the information.

10. REPORT FROM THE Equal Opportunities Commission - Michael Howe

Actions taken during the April meeting.

The Chair reported that the EOC is involved with the creation of Chapter 39. The EOC is having the summer Diversity Picnic: July 25 at Warner Park.

11. REPORT FROM THE ADA TRANSIT SUBCOMMITTEE - Jeff Erlanger

Actions taken during the April meeting.

Nothing to report that occurred in the meeting.

12. REPORT FROM THE AFFIRMATIVE ACTION COMMISSION - Gregory Banks

Actions taken during the April meeting.

Banks reported that: (1) The DCR Director continues to plan for a retreat for EO/AA staff, and that she would like to evaluate the possibility of training for commissioners, (2) Staff stated that the reference to citizenship had been removed from the City's application for commission membership, (3) the Commission: (a) passed the 2006 goals and work plan draft that now includes the word "staff;" the title is Affirmative Action Commission and Staff 2006 Goals and Work Plan, (b) unanimously supported the first substitute of Ch. 39 light. (c) elected Selkove as vice chair of AAC, (d) tabled until May's meeting electing the CPD representative from the AAC.

13. REPORT FROM THE DISABILITY RIGHTS SPECIALIST

Actions taken during the month of April.

Staff reported that: she has been (1) pursuing a complaint, close to the end of the investigation; (2) looking at the process of obtaining audible signals through the Department of Traffic Engineering, (3) preparing a comment on the curb ramp policy in the packet of information before the commission, (4) commenting on the Hiestand Neighborhood Plan through the Planning and Development; this neighborhood, according to the census, has a relatively high percentage of individuals with disabilities.

14. OLD BUSINESS

a. # 01853 People First Language in Ordinances:
Staff Report: Bennett, A.: Latest draft of Ordinance

01853 SUBSTITUTE - Amending Secs. 1.08, 3.23, 3.35, 3.36, 3.38, 3.48, 3.51, 3.52, 3.59, 3.72, 8.35, 9.13, 11.06, 12.03, 22.14, 23.56, 27.05, 28.03, 28.04, 28.08, 28.11, 28.12, and 31.04 of the Madison General Ordinances to update references to handicapped and/or disabled utilizing People First language.

Staff updated the Commission on the status of the People First Ordinance as follows: Two drafts (one with the EOC changes, and one with the substitution of "impairment related mobility device") provided by the City Attorney's office, and pending issues not in the two drafts--such as the lack of consistency in references of "mental handicap" "persons with a serious mental illness" in items 32, 35, updating the bus pass section of the ordinance, and changing the language in signage-- that need to go into comment form to the Common Council.

The commission discussed: (1) the previous request by the Commission to substitute language regarding "emotionally handicapped" with "persons with an emotional disability" in item #32 and #34, (2) the use of a more appropriate term, such as "people with a mental illness," focus on language needs, and on recovery language, (3) changing the ordinance which would change the way it is interpreted, and the people to whom it would apply, (4) the ambiguity in the term for those with mental illness, wondering if there was uniformity in the language at the State and Federal level (5) in no instance should the change in language be more restrictive than the language currently that exists in the ordinances, (6) to separate the issue of mental illness and deafness: calling people who are deaf as deaf people, rather than use people first language. (6) strike out the word "serious" and have it read "mental illness."

A motion was made by Monahan, seconded by Conroy, to Refer For Attorney Review to the Attorney's Office/Approval Group to prepare a draft with consistent substitute language in Items #32 and #34, and any other items, using the term "persons with emotional disabilities." The motion passed by the following vote:

Absent: Peterson

Excused: Kathman

Aye: Skidmore, Conroy, Monahan, Howe, Black, Erlanger, Fike, O'Connor and Banks

No: Russell

A motion was made by Conroy, seconded by Erlanger requesting the City Attorney's office to research State and Federal legislation and other sources to be sure that the language the Commission is proposing would not be exclusive of any population. The motion passed by acclamation.

b. # 02556 Proposed Ordinance for DCR: Chair, Howe, M.
Staff Summary Report: Bennett, A.

The Commission addressed this item after item 14.c. on the agenda.

02556

THIRD SUBSTITUTE - Adopting and confirming amendments to the Madison General Ordinances as set forth in attached Exhibit X pursuant to Sec. 66.0103, Wis. Stats.regarding the Department of Civil Rights.

A motion was made by Russell, seconded by Ald. Skidmore, to Return to Lead with the Following Recommendation(s) to the EQUAL OPPORTUNITIES COMMISSION :

Staff did not make a summary report.

Chair reported that the Executive Committee recommended approval of the 2nd substitute with the following change: Under Item 5, page two of the document that the Disability Rights Coordinator serve as staff to the Commission on People with Disabilities.

A motion was made by Monahan, seconded by Ald. Skidmore, that CPD returns this proposed ordinance to lead with the following change: to approve the 2nd substitute ordinance Chapter 39, #02556, with a phrase inserted in the final sentence in 39.01(5) as follows: "This person shall assist the Director of the Department of Civil Rights in carrying out his/her responsibilities under sec. 3.72 MGO, shall serve as staff to the Commission on People with Disabilities, and shall perform such other duties as the Director of the Department of Civil Rights may direct. The motion passed by acclamation.

Alder Skidmore asked that his name be added as a sponsor to this proposed ordinance with corrections (the 3rd Substitute), and the Commission agreed without making a formal motion.

Some members of the commission wanted to discuss the proposed ordinance further. A motion was made by Erlanger, seconded by Skidmore to Reconsider the motion. The motion passed by acclamation.

The commission members discussed the following: (1) Is the Affirmative Action Officer, referred to on P. 6, Item 17. (4)(a), the Affirmative Action Division Head? The commission decided that answering this question would not change the direction of the ordinance, but would like a report back regarding this position within the Affirmative Action Department. (2) P. 3 (10) EOC: nine sentences down: Sentence starting "Members shall be appointed from among.. handicapped citizens.." that this be changed to People First language.

To add to the first motion that on P. 3, item 3 (10) be changed to state that the sentence starting "Members shall be appointed from among.. handicapped citizens.." be changed to the following: "Members shall be appointed from among.. people with disabilities.." The motion passed by acclamation.

A motion was made by Erlanger, seconded by Black to take item 14.c. out of order, after item 14.a. The motion passed by acclamation.

c. Accessible polling places: City Clerk: Christenson, S.; State Elections Board: Kennedy, K., Executive Director, Frederick, K. Election's Director

The first speaker, Malischke stated the following: (1) Accessibility of the polls needs ongoing monitoring, because of changes to buildings, and accessibility features put in place just for elections (such as accessible routes being marked, and heavy doors being propped open.) (2) Parking at the schools: four schools have "Do Not Enter" signs in driveways where accessible parking is available, four others have similar signs, (3) Consolidation and closing neighborhood polling places because of accessibility problems is not a desirable outcome (4) Possible suggestions include: (a) publish an executive summary of "election day plan" in the summer that would include information about accessibility along with other information, such as number of ballots, poll workers (number, training, whether and where they are bilingual); (b) ongoing, on-site program of quality control that hires additional poll workers to evaluate how the election is going, and accessibility. May 16, the CCOC will be taking up the issue of accessibility of polling places, among other issues.

Sharon Christenson reported the following: (1) the City engaged in the State Elections Board accessibility survey that was done in 2005, where the State found that 18 Madison polling places were not accessible, (2) the city addressed those problems (assessment, purchasing temporary items such as signage, bell calls) to make the polling place accessible, applying for re-imbursement funds from the State. (3) Wisconsin Coalition for Advocacy (now Disability Rights Wisconsin (DRW)) also surveyed the polling places, and submitted a report to the City Clerk, (4) the Clerk went out and resurveyed those sites that DRW found had accessibility problems, (5) all of the polling places can be made temporarily accessible, (6) on city facilities will work to make them permanently accessible, (7) two complaints from city facilities: Tenney Park Apartments (no outside automatic door opener) and Romnes (no van accessible stalls), (8) if there are accessibility problems, please contact the City Clerk's office.

Representatives from the State Elections Board also presented to the Commission: K. Kennedy Executive Director, State Elections Board, K. Frederick, State Election's Director, D. Rossmiller, State Elections Board.

Mr. Kennedy introduced members of his staff, and reported that (1) The latest survey is the fourth such survey since the 1980s to make polling places accessible. (2) Information regarding filing complaints is as follows: (a) Start with the municipal Clerk with specific complaints, or to whom you pay your property taxes and work with that person to resolve complaints, (b) then, if that person will not make the accommodation, to the State Elections Board, in the form of a sworn complaint.

The chair discussed registering to vote before election day with the city clerk, and bringing necessary documents with them. In response to a question regarding the criteria used to distribute funds to municipalities for accessibility, the Election Board staff stated that: (1) There were two types of grants (a) accessible polling place grants: \$1500 maximum, only to be used to make inaccessible areas (deemed so by the State Elections Board survey) of polling places accessible, and (b) accessible voting machines grants of \$6,000 per polling place (only available to polling places that are accessible.)

In response to a question regarding whether areas with large concentrations of people with disabilities and/or poor people are having more accessibility problems, the Elections Board staff responded that it was small rural areas (70-140 voters) that have difficulty with accessibility-sometimes because of fiscal reasons or because of a perception that "we don't have any people with disabilities in the area."

In response to a question about accessibility for deaf, or hard of hearing voters, the Elections Board staff responded that (a) There is a training video for poll workers-to be found at elections.wi.gov or elections.state.wi.us-- such as communication through writing, and a touch screen voting machine that does not require an audio component . If the public has ideas about how to increase accessibility, contact the State Elections Board, through the relay system or the state communications system (Textnet). (contact information on the website.)

(b) Under the Help America Vote Act, federal requirements were incorporated into State law. State law (5.36) now states that voters can contact municipal clerks and request specific accommodations (such as braille voting) that they will need on election day, so that there can be planning for cost effective ways to address accommodation needs. The request, by law, will be confidential.

15. NEW BUSINESS ITEMS

- a. Nomination of CPD rep to AAC (term expires 4/30/06).

A motion was made by Erlanger, seconded by Conroy to nominate Greg Banks as the CPD representative to the AAC. Greg Banks declined the nomination. A motion was made by Banks, seconded by Fike to nominate Erlanger as the CPD representative to the AAC. The motion passed by acclamation.

A motion was made by Erlanger, seconded by Fike to Table the rest of the agenda. The motion passed by acclamation.

- b. Curb Ramp Policy from City Engineering Division.

Tabled.

16. FUTURE AGENDA ITEMS

Tabled.

17. ANNOUNCEMENTS

2006 Triangle Fest is on Sunday, August 20, 2006.

18. ADJOURNMENT

The meeting ended with no motion to adjourn, at 6:30 PM.