City of Santa Fe

Agenda

CITY CLERK'S OFFICE
DATE 9/10/15 TIME 11:31a
SERVED BY David Chapman
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MAYOR'S COMMITTEE ON DISABILITY
THURSDAY, SEPTEMBER 17, 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 AUGUST 20, 2015 MEETING
5. PUBLIC COMMENTS (15 MIN. TOTAL)
6. NEW BUSINESS
   a) Service Animal Presentation – DEE MARTINEZ & JOHNNY MARTINEZ
   b) REPORT ON STATUS OF DESINGATED LOCATIONS – DAVID A. CHAPMAN
7. OLD BUSINESS
   a) MCD SUB-COMMITTEE REPORTS
   b) TAXI UPDATE – AURORE BLECK
   c) PROW UPDATE – DAVID A. CHAPMAN

ITEMS FROM MEMBERS AND STAFF (3 MINUTES)

d) ADJOURN

NEXT MEETING OCTOBER 15, 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.

ORIGINAL

SUMMARY OF ACTION
MAYOR'S COMMITTEE ON DISABILITY
September 17, 2015

ITEM	ACTION	PAGE
CALL TO ORDER		1
ROLL CALL	QUORUM	1
APPROVAL OF THE AGENDA	APPROVED	1
APPROVAL OF THE MINUTES August 20, 2015	APPROVED	2
PUBLIC COMMENTS	NONE	2
NEW BUSINESS		
SERVICE ANIMAL PRESENTATION	INFORMATION/DISCUSSION	2-6
REPORT ON STATUS OF DESIGNATED LOCATIONS	INFORMATION/DISCUSSION	6
OLD BUSINESS		
MCD SUB-COMMITTEE REPORTS	INFORMATION/DISCUSSION	6-7
TAXI UPDATE	INFORMATION/DISCUSSION	7-8
PROW UPDATE	INFORMATION/DISCUSSION	8-9
ITEMS FROM MEMBERSHIP AND STAFF	INFORMATION/DISCUSSION	9
ADJOURN	ADJOURNED 11:57 AM	10
NEXT MEETING	NEXT MEETING DATE: 10/15/15	10

MINUTES OF THE
MAYOR'S COMMITTEE ON DISABILITY
September 17, 2015

1. CALL TO ORDER

A regular meeting of the Mayor's Committee on Disability was called to order by Chair Ron Dinkel at approximately 10:00 am, at the Genova Chavez Community Center in Santa Fe, New Mexico.

2. ROLL CALL

Roll Call indicated the presence of a quorum as follows:

MEMBERS PRESENT
Ron Ortiz Dinkel, Chair for Ms. Bowman
Dave McQuarie
Aurore Bleck
Dr. Charles Maynard
Meriam Jawhar

MEMBERS ABSENT
Marcia Bowman
Mary McGinnis
Nancy Pieters
Sharon O'Neal Wirtz

STAFF PRESENT:
David A. Chapman, Interim ADA Coordinator

OTHERS PRESENT:
Clyde Segura, Animal Services, City of Santa Fe
Dee Martínez, Governor's Commission on Disabilities
Barbara Boltrek, Risk Management, City of Santa Fe
Elizabeth Martin, Stenographer

3. APPROVAL OF THE AGENDA

A motion was made by Mr. McQuarie, seconded by Dr. Maynard, to approve the agenda as presented. The motion passed unanimously by voice vote.

4. APPROVAL OF MINUTES FOR AUGUST 20, 2015

Ms. Bleck had corrections as follows:

On page 5 it should say regularly services and on the same page, Ms. Wirtz said it should be no fragrance at all.

On page 8, 5th paragraph, first line it should say Community interactive and on the 5th line from bottom it should say give it a trial run. In the 4th paragraph from the bottom it should say preventive care is in everyone's best interest.

On page 9, 1st paragraph it should say how many animals she has in her house and in the 3rd paragraph from bottom, last word it should be he not I.

On page 10, the 3rd paragraph, 3rd line the first word should be and not are.

Under the Taxi Update instead of we it should be the City.

On page 12, 3rd paragraph it should be completion of formerly incomplete.

Mr. Chapman said on page 9, 3rd paragraph it should say that Mr. McQuarie said Councilor Ives said.

A motion was made by Mr. McQuarie, seconded by Ms. Bleck, to approve the minutes as amended. The motion passed unanimously by voice vote.

5. PUBLIC COMMENTS

There were no public comments.

6. NEW BUSINESS

Mr. Chapman introduced Clyde Segura, Animal Services, City of Santa Fe, Barbara Boltrek, Risk Management, City of Santa Fe and Dee Martínez, Governor's Commission on Disability.

A) Service Animal Presentation

Ms. Martínez began her slide presentation on service animals. This presentation is incorporated herewith to these minutes as Exhibit "1".

Questions from the Board were as follows:

- Mr. McQuarie said you mentioned $1,000 or 30 days in jail for failure to comply with the law regarding service animals. The form shows a year in jail. Which is it.

Ms. Martínez said she would have to look at the law.

Mr. Segura said it is 30 days or both the 30 days and the fine.

- Mr. Dinkel asked are service animals allowed in airplanes.

Ms. Martínez said yes, if you ask for a reasonable accommodation and then submit paperwork.

Mr. Segura said a service animal needs no documentation.

Ms. Martínez said yes but, they might ask for it on an airline.

- Mr. McQuarie said it says for persons with a disability. How can you tell if a person has a disability if it is against the law to ask them.

Ms. Martínez said you can ask is it a service animal for a disability or what service does it perform.

- Mr. McQuarie restated his question.

Ms. Martínez said sometimes you can't tell if they have a disability.

Ms. Jawhar said like a brain injury.

Ms. Martínez said they have a right to ask if the animal is for a disability.

- Mr. McQuarie asked what about an emotional support animal.

Ms. Martínez said this is only with the airlines.

- Ms. Jawhar asked about hotels allowing two service dogs.

Ms. Martínez said hotels do not allow two service dogs unless they are trained to preform two different activities for the owner.

Mr. Segura said are two service dogs allowed if one is retired and one is in training.

Ms. Martínez said yes.

Ms. Martínez said during the Los Alamos fire service dogs were separated from

their owners in shelters. The Governor's Commission had to get involved in that issue.

Ms. Martínez said if there is an accident and the responders don't allow the service animal in the ambulance, police or a friend should take the animal immediately to where their owner is.

- Ms. Jawhar asked what do you answer if someone asks you what do you need the service animal for and they want to know what your disability is.

Ms. Martínez said just say he helps me with my disability.

Mr. Segura said that happens mostly when people say they are emotional support dogs. That is not covered under ADA so they have to leave.

Ms. Martínez said the problem is if the dog misbehaves then they have a right to tell them to take the dog out, but the person is allowed to stay or to come back.

- Mr. McQuarie asked is there any Ordinance in Santa Fe where an animal must be wearing a seat belt in a vehicle.

Ms. Martínez said not that I know of.

Ms. Jawhar said she thought the Board should start looking at that issue and putting service dogs in a seatbelt.

Mr. Segura said they do sell restraint devices for dogs now.

Ms. Jawhar said she has those now for her dogs. They clip into a regular seatbelt.

- Mr. McQuarie asked what about a grocery store. Are service animals allowed.

Ms. Martínez said she would discuss grocery stores in a bit.

Ms. Martínez said service animals do not have to wear a jacket with papers or credentials. People have been going on line and buying jackets. This is where the issues are happening. That is the reason the Governor's Commission, the Attorney General's office and the Governor's Office are meeting to deal with this issue. We want to educate the public and businesses not to be afraid and that there are questions you can ask and things people cannot do.

Ms. Martínez said regarding grocery stores, some people carry their service animals in baskets. They don't have to let you do that. That is not an ADA requirement. Smiths has a flyer up that says no pets allowed, only service animals specifically trained to assist a person with a disability. They do not allow emotional support animals or

animals in baskets.

Ms. Martínez said she thinks if the cities give permits to a new business there should be an orientation packet where risk management could include information about service animals and what is allowed and not allowed and questions that can be asked.

Ms. Martínez said we used to give tags away. That got abused. We threw them away and are not giving them out anymore. They do have a little card that states what the service animal law is and they can carry that. It also has emergency preparedness tips. There are books put out by ADA that discuss service animals and emotional support animals, the laws that apply and who to call if there is an issue. She placed several copies of these materials on the table for Board members to take if they would like to.

Ms. Martínez thanked the Board for letting her speak on this issue.

- Mr. Chapman asked is there such a thing as certification of service animals.

Ms. Martínez said no and it is not mandated.

Mr. Chapman asked when an animal is picked up off the street and taken to the pound what is the length of time before it is put to sleep.

Mr. Segura said we are humane officers. We do all we can before we put them to sleep unless they are extremely aggressive or sick. We work with other shelters to have the animals adopted as well. We hold animals for five days at the City then they go to the Shelter and they decide where to go from there.

Ms. Martínez said people who want a service animal sometimes go and buy a dog at a shelter and not all dogs are trainable. You need to mention on their tags if they are trainable.

Mr. Segura said if you get a service dog from the shelter, thank you, but a lot of times they are traumatized and those kind of dogs need loving care and attention. 90% of the time our dogs are like that.

Chair Dinkel thanked Ms. Martínez and Mr. Segura for the presentation.

Mr. McQuarie asked if you are in court you need to ask for an accommodation. What if they refuse.

Ms. Martínez said we get called or they can make a call to the Department of Justice.

Mr. McQuarie said you have no teeth to enforce that.

Ms. Martínez said no, we don't, but we tell them the law and we can refer them to the website where it is explained.

B) Report on Status of Designated Locations

Mr. Chapman said this is a work in progress. He does not have the report finished. He will present it at the next meeting.

Mr. McQuarie discussed a memo from him to Mr. Chapman. He asked why there are nine locations where people are not allowed access. He would like a report in writing on this issue.

7. OLD BUSINESS

A) MCD Sub-Committee Reports

Mr. McQuarie reported that there were no plan reviews this month, however, there are two items that did come up that the Board needs to be aware of.

Mr. McQuarie said the first one is that a citizen complained to me that they have problems with some curb cuts that are causing her wheelchair to have issues with being unstable or tipping over. He told the person to contact David Chapman, John Romero or Katanack. It is a potential liability issue with the City. They were installed improperly or improperly maintained and are creating a hazard.

Mr. McQuarie said the second issue is that at the last City Council Meeting, he got up and let them know that there is a Federal Court Order that the City is not following. The Order says when the City does an overlay they will install or bring up to date all ramps and all intersections. The City is not doing that. 2014 overlays were done and they have not even submitted plans to take care of the issues. 2015 overlays were done in August and nothing has been done yet. He said he advised the Council not to spend public funds for anything else because it is improper. There are three items that are in violation of the Court Order from 2013. They did ramps for private businesses in spite of the Anti Donation Clause. The City spent $3,000 to $8,000 donating work to the private businesses.

Dr. Maynard reported that he has finished the first part of the interview on the walk around.

Mr. Chapman said he sent out the audio clip and pictures.

Dr. Maynard said it should be airing today. For part two, he needs to get reorganized with Aurore.

Ms. Bleck reported that the Transit Advisory Board did not have any specific topics. John Bulthuis did admit that Santa Fe Ride is understaffed. There would be more riders if they had more staff. There is not adequate space for everyone.

B) TAXI UPDATE

Ms. Bleck reported that there is no update. It is on the next agenda for the next Transit meeting. We will know more then.

Mr. McQuarie said when John admitted there was not adequate capacity did he say anything about how they are going to remedy that or when.

Ms. Bleck said part of the problem is hiring. They have gotten the Personnel Department to agree to continually run ads for bus drivers and ride drivers. They had a hiring freeze and dropped the ads but they are back up now. They keep losing people to higher paid departments.

Mr. Dinkel said the City is training them and off they go to other departments.

Ms. Bleck said yes, we have had that problem before. People who transfer within the City usually do it for more money or a better schedule.

Ms. Jawhar said a friend of hers has several aneurism and she cannot sit up. They have the machine to lift her body up and put her in a chair. They were trying to raise her spirits and take her to a ballet, however, her daughter had no way to get her there. They live in the City.

Ms. Bleck said Santa Fe Ride runs between 6:00 am and 10:00 pm Monday through Friday and 8:00 am to 8:00 pm weekends. You can register for Santa Fe Ride with a Doctor's signature. If your event is between these hours they will take you.

Mr. Jawhar said her friend ended up having to rent a van with a machine for $150.00.

Ms. Bleck said if she signs up for this service during those hours it costs $2.00 a trip. You can download forms off the web or they will send them to you. There are forms for you and for the Doctor to complete. Then you go in and they take your picture and give you an ID card. The trip for them to take you in for an ID card is free.

Ms. Jawhar said she saw the need very clearly. It would help tourists as well if

they have a disabled person with them or are disabled themselves.

Ms. Bleck said if a person is a tourist from another state, any city is required to have a para transit system. If they signed up for that then they can apply in advance to use our system.

Ms. Jawhar said for evening functions you have to get there yourself or not go.

Chair Dinkel said we all appreciate what Aurore is doing. If John Bulthuis is starting to acknowledge things, that will help in the long run.

C) PROW UPDATE

Mr. Chapman said he appreciated Dave's help with this. He helped me correct the titles. This is the City of Santa Fe's Transition Right of Way update. This is an item mandated by the Department of Justice. It should have been done when the original ADA Transit Plan was done. They left out public right of way. This will fill that gap. It will identify all the public right of ways in the city and make an analysis of those to see if they are in ADA compliance. They will identify hazards and sidewalk compliance. This just got advertised on the 16th and I am pleased that Juan and David are going to participate on the evaluation committee along with myself and others. We want to do better than last time and we want a more usable system. We want the GIS people involved in it. This will apply to the ADA part and any renovations so that planning can include what is needed for new construction. It will have good applicability.

Mr. Chapman said we were able to coordinate and collaborate with the Metropolitan Planning Organization, Mark, Keith and Eric, and they put out a Professional Service Agreement with KFH who does this kind of work. Their scope is accessibility to bus stops so we can leave out bus stops on this RFP and that will reduce the price to the City. Mark has agreed to make a presentation at our next meeting and give us the status of their project. The RFP was written with this as a component. He is sure KFH will bid on this one as well. We want a lot of people applying for it. The RFP says their systems have to align with the GIS systems. This is a long time coming.

Ms. Bleck asked what happened with theannexation, did it get added in.

Mr. Chapman said it will be in this plan. It will include everything within the City limits. I am confident that the City will get there. Three Councilors came to the walk around and that helped. The Mayor's office was there as well. We have a lot of buy in. An example of that is Barbara being here.

Chair Dinkel thanked Mr. Chapman for all the hard work.

ITEMS FROM MEMBERS AND STAFF

Mr. McQuarie said it was in the paper that there may be proposed a $12 million bond issue to upgrade the soccer fields. Considering that we need to take care of what we have like the City streets and sidewalks, we need to look at this. We still have not completed the 2011 Transition Plan action items on some buildings and parks. Most of the parks have been taken care of but, the buildings are hit and miss. If the City is renovating they should send plans to our Committee. As of yet we have not received any. City staff was supposed to do all other facilities and that has not been done. They have not started. He wrote a letter to the City Manager last Spring and quoted the Federal laws. He should give an answer to us in writing. He asked David Chapman if he would indicate to the City Manager that he should respond to that.

Mr. Chapman said the City Manager's office essentially directs or delegates those to me.

Mr. McQuarie said he can only delegate to a Department Head by Federal regulation. You are still acting.

Dr. Maynard said we had a presentation from the Fire Department at our last meeting. He contacted the Chief as a private citizen and suggested that since they have a standard form of questions to ask patients they could add a question regarding if they have a disability to the form. The Chief thought that would just gloss things over. He has is working on adding the need to ask that question to the training they receive. He has been very responsive

Mr. Chapman said we will be working on updating our brochure over the next few months. We have received correspondence from three organizations who want to be a part of our brochure. This revision comes at a good time. We can add them if it is okay with the committee.

Everyone agreed that it was fine.

Mr. Chapman said he attended a New Mexico ADA Coordination Meeting in Albuquerque last week. They had a presentation on New Mexico TAP, a company providing technology and technical assistance. They have free rentals of a tablet and smart pen to people with disabilities for thirty to sixty days. When you write on the tablet with the smart pen, it shows up on your computer. Is a recorder as well. I thought it could be of assistance for some people. They are providing these so that they can test how helpful they will be before they spend a lot of money on it. They also have devices for people with sight impairment. We will put this information in our brochure.

D) ADJOURN

The meeting adjourned at 11:57 am.

NEXT MEETING: OCTOBER 15, 2015

Marcia Bowman

Marcia Bowman, Chair

Elizabeth Martin, Stenographer

1 **SERVICE ANIMALS**

- Regulations under the New Mexico "Service Animal Act"

2

3 **The New Mexico "Assistance Animal Act" has been amended to read: "Service Animal Act"**

4 **DEFINITION OF A SERVICE ANIMAL**

- A service animal is a dog or a miniature horse that is individually trained to do work or perform tasks for a person with a disability.
- Service Animals are covered under the ADA
-

5 **EMOTIONAL SUPPORT ANIMALS***

- An animal that provides emotional support to a person with a disability who directly benefits from having that support.

6 **SERVICE ANIMALS**

REGULATIONS UNDER THE ADA

7 **TASKS**

- The task the dog has been trained to provide must be directly related to a person's disability.

8 **EXAMPLES OF TASKS**

- Guiding people who are blind
- Alerting people who are deaf
- Pulling a wheelchair
- Alerting and protecting a person who is having a seizure
- Calming a person with PTSD during an anxiety attack
- Assist with balance, stability

-

9 **EXAMPLES OF TASKS**

10 **EXAMPLES OF TASKS**

11 **SERVICE DOGS MUST BE UNDER CONTROL**

Service dogs must be harnessed, leashed, or tethered unless the devices interfere with its work.

The owner must keep control with voice, signal or other effective controls.

Exhibit "1"

12 **SERVICE ANIMALS ARE ALLOWED**

EVERYWHERE!

- ❑Businesses
- ❑Non-profit organizations
- ❑State and local government facilities
- ❑Housing
- ❑Air Carriers and Airports

Wherever the public is normally allowed to go.

13 **SERVICE ANIMALS ARE ALLOWED**

EVERYWHERE!

"No Dogs Allowed" restrictions do not apply to service animals.

14 **SERVICE ANIMALS ARE ALLOWED**

Health care facilities must allow service animals in patient rooms, clinics, cafeterias, or examination rooms.

EXCEPTIONS! Burn units and operating rooms—anywhere a sterile environment must be maintained.

15 **SERVICE ANIMALS ARE ALLOWED**

EMERGENCY SHELTERS/DISASTER RELIEF

Service dogs must be allowed to accompany owners to emergency shelters.

16 **PEOPLE WITH DISABILITIES**

Cannot be charged extra for service animals.

Cannot be isolated from other patrons.

Cannot charge "pet deposits" for service animals.

17 **INQUIRIES**

There are limited inquiries when it is obvious the individual with a disability is using a service dog.

18 **INQUIRIES**

Staff may not ask:

- ❑About the person's disability.
- ❑For medical documentation of a disability.
- ❑For a special training card or documentation.

❑For the dog to demonstrate how it performs a task.

19 **Reasons To Exclude A Service Animal**

- ❑ The dog is disruptive, growls, bites, or snaps.
- ❑ The dog is not under the handler's control.
- ❑ The dog is filthy or sick.

20 **Excluding A Service Animal**

When a service animal is asked to leave, the person with the disability must be given the option to stay.

--Unless there is significant reason for doing so, a service animal should not be excluded permanently.

21 **Excluding A Service Animal**

❑Allergies or fear of dogs cannot be used as a reason to exclude a service animal in a public place.

22 **Service Dogs As A Reasonable Accommodation**

A service dog may be allowed in a classroom or work setting as a reasonable accommodation.

23 **Miniature Horse Exceptions and Reasonable Accommodations**

24 **Miniature Horse Assessment Factors**

❑The type, size, and weight of the horse and whether the facility can accommodate those features.

❑Handler has sufficient control of the horse.

❑Horse must be housebroken.

❑Whether the horse's presence in a specific facility compromises legitimate safety requirements.

❑

25 **Miniature Horses**

❑Miniature horses range in weight from 70 to 100 pounds.

❑Miniature horses can range in height from 24 to 34 inches, however, the Guide Horse Foundation only uses miniature horses that are less than 26 inches high.

❑A small pony is not a miniature horse!

26 **Requirements For Miniature Horses**

The regulations set out four assessment factors to assist entities in determining whether miniature horses can be accommodated in their facility. The assessment factors are (1) whether the miniature horse is housebroken; (2) whether the miniature horse is under the owner's control; (3) whether the facility can accommodate the miniature horse's type, size, and weight; and (4) whether the miniature horse's presence will not compromise legitimate safety requirements necessary for safe operation of the facility.

27 **Species Not Considered Service Or Support Animals**

■Snakes and other reptiles

- Ferrets
- Rodents
- Spiders

☐

28 **Believe It Or Not**

29 **Thank You**

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