



Agenda

DATE 2/2/17 TIME 1:20p
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**MAYOR'S COMMITTEE ON DISABILITY
THURSDAY, FEBRUARY 16, 2017
10:00 A.M.
CITY COUNCIL CHAMBERS
200 LINCOLN AVENUE, SANTA FE, N.M.**

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF THE AGENDA
4. APPROVAL OF MINUTES: FOR THE JANUARY 19, 2017 MEETING
5. PUBLIC COMMENTS (15 MIN. TOTAL)
6. NEW BUSINESS
 - a) WELCOME NEW MEMBERS; KATHLYNE GISH AND JOE KITTEL
 - b) ON-STREET PARKING POLICY – NOEL CORREIA, PARKING DIVISION DIRECTOR
 - c) HR 4419 HUMAN CHIP IMPLANTS – NANCY PIETERS
 - d) VOTE FOR VICE-CHAIR
 - e) BRAINSTORM ON SERVICES FOR PEOPLE THAT ARE HOMELESS AND HAVE A DISABILITY
 - f) FORMAL MCD REQUEST THAT RESOLUTION 2006-151 BE RECOMMENDED TO THE GOVERNING BODY
7. OLD BUSINESS
 - a) MCD SUB-COMMITTEE REPORTS
8. UPDATE ON LEGISLATIVE REQUEST – AURORE BLECK
9. INTEGRATED PEST MANAGEMENT UPDATE – MICHAEL WIRTZ & JULIE TAMBOURINE
10. PROW TRANSITION PLAN UPDATE – DAVID A. CHAPMAN

ITEMS FROM MEMBERS AND STAFF (3 MINUTES)

11. ADJOURN

NEXT MEETING MARCH 16, 2017;

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 Aurore Bleck, Chair at (505)473-2060 and/or David A. Chapman, ADA Coordinator/Liaison, at (505)955-2012 if you are unable to attend.**

**SUMMARY OF ACTION
MAYORS COMMITTEE ON DISABILITY
CITY COUNCIL CHAMBERS
200 LINCOLN AVENUE
THURSDAY, FEBRUARY 16, 2017. 10:00 AM**

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE</u>
CALL TO ORDER		1
ROLL CALL	QUORUM	1
APPROVAL OF AGENDA	APPROVED	1-2
APPROVAL OF MINUTES JANUARY 19, 2017	APPROVED	2
PUBLIC COMMENTS	INFORMATION/DISCUSSION	2
<u>NEW BUSINESS</u>		
WELCOME NEW MEMBERS KATHLYNE GISH AND JOE KITTEL	INFORMATION/DISCUSSION	2-4
ON STREET PARKING POLICY	INFORMATION/DISCUSSION	4-7
HR 4419 HUMAN CHIP IMPLANTS	INFORMATION/DISCUSSION	8
VOTE FOR VICE CHAIR	ELECTED	8-9
BRAINSTORM ON SERVICES FOR PEOPLE THAT ARE HOMELESS AND HAVE A DISABILITY	INFORMATION/DISCUSSION	9-10
FORMAL MCD REQUEST THAT RESOLUTION 2006-151 BE RECOMMENDED TO THE GOVERNING BODY	APPROVED	10

OLD BUSINESS

MCD SUBCOMMITTEE REPORTS	INFORMATION/DISCUSSION	11
UPDATE ON LEGISLATIVE REQUEST	INFORMATION/DISCUSSION	11
INTEGRATED PEST MANAGEMENT UPDATE	INFORMATION/DISCUSSION	11-12
PROW TRANSITION PLAN UPDATE	INFORMATION/DISCUSSION	12
ITEMS FROM MEMBERS AND STAFF	INFORMATION/DISCUSSION	12-13
NEXT MEETING	MARCH 16, 2017	13
ADJOURN	ADJOURNED	13

**MAYORS COMMITTEE ON DISABILITY
CITY COUNCIL CHAMBERS
200 LINCOLN AVENUE
THURSDAY, FEBRUARY 16, 2017. 10:00 AM**

1. CALL TO ORDER

The meeting of the Mayor's Committee on Disability was called to order by Chair Aurore Bleck at 10:00 am, on Thursday, February 16, 2017, at the City Council Chambers, 200 Lincoln Avenue, Santa Fe, New Mexico.

2. ROLL CALL

MEMBERS PRESENT

Aurore Bleck, Chair
Dave McQuarie
Julie Tambourine
Nancy Pieters
Michael Wirtz
Meriam Jawhar
Kathlyne Gish
Joe Kittel
(Vacancy)

MEMBERS ABSENT

OTHERS PRESENT

David Chapman, City of Santa Fe
Noel Correra, Parking Division, City of Santa Fe
Leroy Pacheco, City of Santa Fe
Barbara Boltrek, Risk Management, City of Santa Fe
Domonic Gonzales, Governor's Commission on Disability
Elizabeth Martin, Stenographer

3. APPROVAL OF AGENDA

Ms. Pieters asked that under New Business, item 6 C, that the title be changed to Tracking Devices.

MOTION A motion was made by Mr. McQuarie, seconded by Mr. Wirtz, to approve the agenda as amended.

VOTE The motion passed unanimously by voice vote.

**4. APPROVAL OF MINUTES
 JANUARY 19, 2017**

Mr. Wirtz said on page 7, second paragraph, near the bottom, last sentence replace lovely with cooperative.

Mr. McQuarie said this is a Committee not a Board, replace all of those references. Also on page 1, paragraph 1, it should say by a November motion. On page 2, paragraph 3, second sentence, strike Head of Parking. On page 5, paragraph 8, it should say will not meet in January. On page 6, paragraph 7, it should be Santa Fe Ride vehicles are accessible. The last sentence of that paragraph should say compliant. On page 8, second paragraph, McQuarie is misspelled.

Chair Bleck said on page 10, 8th paragraph, the name should be spelled Kathlyne.

MOTION A motion was made by Mr. McQuarie, seconded by Ms. Peters, to approve the minutes as amended. The vote was 7 yes, with Ms. Tambourine abstaining.

5. PUBLIC COMMENTS

Mr. Pacheco, City Staff said he is the Liaison to the City Bicycle and Trails Committee. He recently sent Mr. Chapman an engineers estimate for a proposed trail from the Frank Ortiz Dog Park to Camino de Los Montoyas Trail. BTAC is considering that particular trail and welcomes early feedback so that we can bring it forward with you all as a stakeholder in the process. You can communicate to us through Mr. Chapman.

Mr. McQuarie said he knows it is early but what is the surface going to be.

Mr. Pacheco said all we know at this time is that it will be firm and unyielding.

Mr. McQuarie said he was just wondering for pedestrian access.

Mr. Pacheco said it is a complex problem but we welcome your participation.

6. NEW BUSINESS

A. WELCOME NEW MEMBERS: KATHLYNE GISH AND JOE KITTEL

Chair Bleck welcomed the two new members of the Committee. Everyone

introduced themselves around the table.

Ms. Gish said happy to be on the Committee. She formerly interned with Mr. Chapman and enjoyed every bit of it. She found that disability and access issues were very important to her. She has been disabled since the age of 11. Coping with becoming disabled after 11 years of being ok and then going into adulthood has been an education for her. She is happy to be able to contribute in some way by serving on this Committee and in her other activities.

Mr. Kittel said he is excited to be on this Committee and to have a mechanism to address the issues he has encountered with his children for years. He has special concerns about access, parking, transportation and housing. He had two children who both had Friedreich's Ataxia, which is a genetic disease that worsens over time. His son died when he was 33. His daughter is 24 now and does not have that much longer to live. He is interested in addressing some of the issues that they have had to deal with and is looking forward to working with the Committee on them and others.

Mr. Chapman said there is going to be an historical history exhibit at Cathedral Park. They approached him to get parameters on the exhibits. The Governor's Commission did the research for us on this.

Mr. Gonzales said we work with the Federal Board to research these types of issues. We found from them that the exhibits have to be fully accessible. The Prado exhibit starts in June.

Mr. Chapman said there is an economical solution to the problem of exhibits on the ground like matting.

Mr. Gonzales said there is matting for lawns that will provide traction for accessibility. It can be used as a temporary fix.

Mr. Chapman said he will keep the Committee posted on that. He would like us all to view that exhibit and give feedback. He appreciates the Tourism Department contacting us. Our work is getting recognized.

Mr. McQuarie said he was diagnosed with the same Friedreich's Ataxia that Mr. Kittel's daughter has over 50 years ago. Don't worry about how much longer she has, he is still around.

Mr. Kittel said he thought he recognized the speech pattern of Mr. McQuarie as being the same as his kids. He has worked with Friedreich's Ataxia for many years. He has taken over 20 road trips with groups of people with FAA. The annual event is at end of August.

Mr. Kittel said he has to leave at 11:30

B. ON STREET PARKING POLICY

Mr. Chapman introduced Noel Correra.

Mr. Correra said he is here as invited. His understanding is that there is a need for a discussion about on street parking and policies. We enforce expired meters and illegal parking in disabled spots, residential areas where signs are displayed, loading zones and fire hydrants. We have 8 enforcement officers, however not all 8 are on duty at the same time. We have enforcement officers on duty from 8:00 am to 6:00 pm, Monday through Saturday. Holidays are exempt. We definitely take ADA rules and regulations to heart. For example, vehicles displaying valid disability placards for Veterans can park free all day.

Ms. Gish asked do you enforce clearing of the parking spaces of snow or ice.

Mr. Correra said street snow removal we are not involved with. However, the driveways that lead to our lots or garages are the responsibility of our staff.

Ms. Tambourine said she wanted to thank his staff for enforcing the citing of people illegal parking in disabled spaces. Could you explain to us what the officers wear and are they Police Officers.

Mr. Correra said Police Officers are in full uniform with a badge and a gun etc. Civilian staff called Public Service Aides drive in police issued vehicles and have the authority to stop people going through a red light and to call a sworn police officer to take over. They do issue citations, particularly at night. Illegal parking is always going on, especially in hotels. They wear a lighter blue shirt with navy blue pants. Our enforcement officers are non sworn and do not carry weapons. They wear all black uniforms for now. We will be changing that in a couple of months to a lighter blue shirt with a navy blue pant.

Mr. Kittel said the issue of parking is an issue he could go on and on about. Is this just on street parking or also private parking lots that you are concerned about.

Mr. Correra said his division's concern is only on City property. We do get calls about parkers on private property and we do then go on their property and cite the illegal parking.

Mr. Kittel said a lot of times his daughter comes up to a designated parking spot and someone is loading or unloading. People say the business said they could do this. Or she comes upon someone who is standing there waiting to be picked up like it is a

pick up zone. What should she do. If she calls the police they will be gone by the time they come. In Ft. Collins, where he lived before, they were able to write a ticket themselves. We need awareness that this is not a loading zone or a pick up zone. His daughter has a van with a lift and she needs the space. What do people do about it. Can we get the word out and is there a way to allow us to issue tickets directly.

Ms. Pieters asked did it work in Ft. Collins.

Mr. Kittel said once he was loading his son up and a teenager parked beside him in a disabled spot and ran in to get a movie ticket. He pulled up behind him and followed him when he left and got his license plate number. The police issued the ticket. The tickets were enforced. He was told to put the tickets on the windshield and not approach the person.

Mr. McQuarie said there was a recent effort to decriminalize parking tickets. What are the qualifications of the review officer who looks at that and what happens when someone is issued a citation. What teeth do you have.

Mr. Correra said the Ordinance is very clear that the violations are a \$250 fine and it is a valid citation. The recipient can appeal it at a staff level. We look at the evidence provided and make a decision based on the evidence. If the review is not in their favor then they can go before a hearing officer. It is an independent hearing officer and they make a decision. The City defends their case to the hearing officer.

Mr. McQuarie asked have you noted an increase in the disregard of the parking regulations as far as this goes. In the past every time they raise the parking fee a little bit there were more and more people parking in disabled spaces. Now that you have doubled the price have you noticed more.

Mr. Correra said there has been no decrease at the meters. In certain locations where there are businesses we see some employees parking there. In parking garages no. There has been neither an increase or declined. It is remaining the same.

Mr. McQuarie said in November when he, Mr. Correra and David Chapman met he said you never issued the signs. In 2004 your division issued 1,500 signs. You mentioned you are going to have sign change. What will it say.

Mr. Correra said thank you for bringing that to his attention in November. We knew there was language at the bottom of the sign that says mandatory appearance. That has changed to make it more convenient for people to appeal the citations. That has to be removed. He needs money in his budget to replace signs. The solution we are going to attempt is to block out that bottom part of the sign with a tape that matches the sign color. There are lots of signs. We will only be able to change that language on the signs on City property. Not other locations. That is up to those owners to do what they need to do. We don't have the authority to go on their property.

Mr. McQuarie said you have the authority on City property and all public streets.

Mr. Correra said yes, when he is talking about City property that includes City streets.

Mr. McQuarie said there are over 200 places not done. We want to know what your standards are for delineating a disabled parking space. The public does it now and your staff believes that the public should know where to do it and how to do it.

Mr. Correra said there is obviously a lot of frustration. He has been in this job 2 years. When he came most disability signs were failing. Last year his staff repainted all the signs. Also we made sure that all the Federal and State requirements were met such as upright signs and grading of spaces. This has been done even though the budget restrictions were there. He borrowed money from other projects that were not as critical. Moving forward we will continue to do those improvements. He can only say that within the last year and a half we have been very proactive to make sure we are in compliance. Are we perfect, no. When people call in and say that a space is not up to standard we take care of it.

Mr. McQuarie said last summer when you changed the Ordinance how come no one from your division had the common courtesy to inform this Committee of what was happening. Can a citizen go to your office and get a straight answer. Why won't you communicate.

Mr. Correra said the statements you made are impossible for me to verify. His policy is to answer all calls within 24 hours. That has been his standard for 24 years. If there are any staff you have communicated with and you have not received a response within 24 hours let him know. His policy is employees have to answer or acknowledge receipt of an email or comment before the end of the day. If you don't receive a response he needs to know about it so he can educate and retrain the staff.

Mr. McQuarie said the agenda item says On Street Parking Policy. Where is the policy. A policy is a written document and he has yet to see a written document. You were notified about it in November. Why can't we get anything from you. Are we considered as not being able to read.

Mr. Correra said the response is this, when we met in November he was clear in advising you that our policy in parking enforcement is that we follow every single law in the books in the Uniform Traffic Ordinance. That is approved by Council. We don't have anything else other than that. He can take you to the link where it is located on the website. He thought that inquiry was ended there. The second email he received from David Chapman was a question asking what the City was going to do regarding the rule that every City block needs to have a disability space. His response was that his division does not have the funds to do a study to survey the City on this Federal law and then present to the City a solution. The Parking Division follows the rules on the books

and we enforce them. Anything outside of that is an engineering issue and engineers have to work on that. Most often Cities hire consultants for issues like this.

Mr. McQuarie asked why is this answer not in writing in your presentation today.

Mr. Correra said he did answer this to David Chapman in writing.

Mr. Chapman said he did receive that and has not had a chance to give it to Mr. McQuarie.

Chair Bleck said we need to move on.

Mr. Correra said he just called on Julie to ask her question. Can we do that last one.

Ms. Tambourine asked can we have your direct number.

Mr. Correra said it is 955-6611.

Ms. Tambourine said she thinks the time is here where we need to bring you back to talk about deputizing citizens to issue tickets. Also there is an issue going on in Santa Fe. She is involved in helping people with disabilities with physical activities. She was in the process of looking for gyms that allow service dogs. Santa Fe Spa allows people to use the handicapped spaces. It is employees using the spaces. She found Planet Fitness on Cerrillos Road and they have been fantastic. She has been working with them since October. One of the issues is that every night people park in handicapped spaces there. The management there is very supportive and calls the Police.

Mr. Correra said if he may, you have the right to call the Police non emergency number and the dispatchers will dispatch an Officer or Public Service Aide who will issue a citation.

Mr. Kittel said this is such an important issue. He suggested that Mr. Correra come every meeting and we can spend 15 or 20 minutes on specific issues.

Mr. Correra said he will make himself available as much as he can.

Mr. Kittel said we can use a systematic approach.

Ms. Tambourine asked if she could have one more minute.

Chair Bleck said no, we are moving on. He will come back.

C. HR 4419 HUMAN CHIP IMPLANTS

Ms. Pieters handed out an information sheet which is incorporated into these minutes herewith as Exhibit "1". She has spent many hours working on this. The language of Congress is hard to understand. She reviewed the handout including what issues were of concern to her. What she said at the last meeting was incorrect. This Legislation is not about chips being implanted in people. It is for individuals at risk of wandering away from places and getting lost. This is not about chips. They are not talking about implanting anything. They are talking about bracelets that you can wear so that whoever is monitoring the system can find them. There are many tracking devices. Bracelets are the most common. She asked the Committee that in their spare time they read the Bill. Maybe she and Mr. Chapman could sit down sometime and he could help her understand some of the language. She is also not clear if it has been passed. It went to the senate in December of 2016. She is also not sure if it has funding attached to it. This Bill is set up to be a program for 5 years and for communities to write grants to the Federal Government to start a tracking system in their community. They want \$2.5 million a year. Project Lifesavers has been in existence since 1998 and is in Santa Fe, Albuquerque and Rio Rancho. It is set up to track people with dementia or developmental disabilities through bracelets or tags on clothes. Funding for that comes through the Police Department which is not a very good place to house something like this. The cost is to the individuals or parents. They say it is voluntary. If they can't speak how do you know if they are willing. It is ok for a parent to make that decision for someone under 18 but for adults, no. The Autism Society is one of the major players in this. There are a lot of problems with dignity at risk. Autism or dementia. They have a right to choose. Maybe she and David can meet and get clear where this stands. It is hugely sported in a bipartisan manner and is coming out of the Department of Justice as well. They are meant to come up with standards and best practices and she is finding that there are none anywhere. A lot of education is needed. It is well intentioned but how do you determine voluntary choice. Medicaid is involved in some states. There could be no end in sight. We need to get clear on where we are on this. It is very concerning. She can give an update next time.

Mr. Kittel left the meeting.

D. VOTE FOR VICE CHAIR

Chair Bleck said the Vice Chair fills in for the Chair and handles the Community Day activities.

Mr. McQuarie said the Vice Chair does whatever the Chair tells him to do.

Chair Bleck said Mr. McQuarie has volunteered. Are there others.

Mr. McQuarie said the Vice Chair only becomes Chair in the absence of the chair.

If the Chair resigns you have to elect a new Chair. The term limit is 2 years. The Vice Chair does not automatically become Chair.

MOTION A motion was made by Ms. Tambourine, seconded by Mr. Wirtz, to elect Mr. McQuarie as Vice Chair.

VOTE The motion passed unanimously by voice vote.

E. BRAINSTORM ON SERVICES FOR PEOPLE THAT ARE HOMELESS AND HAVE A DISABILITY

Chair Bleck said this issue has come up quite a bit. Some use city facilities, some fall through the cracks. She thought we would have a discussion about what the needs are and who is providing services.

Ms. Tambourine said she really want to thank Elizabeth for what she is doing for Veterans. Petes Place is really our first official homeless shelter. She is part of the Coalition to End Homelessness and we worked hard to get that shelter built. It is supposed to be a one stop shop. The problem is that we have Veterans and others who can't access shelters and food banks because they have a medical condition such as a weakened immune system. It is dangerous to be in those types of places if you are sick or weakened and it can be a health risk. Veterans and others can have been exposed to different types of toxins in war or where they have served and they are advised by their health care professionals that they cannot be exposed to such. She used to take her van and get groceries for people around town. She got organic food and dropped it off to those people. She has had several people she knew who killed themselves. It does not hit the news because it is bad for tourism. She has worked from the Mayor down and there is no way to access help if you find yourself disabled and over the poverty level. You don't get much of anything. We are set up here to help immigrants but our people with disabilities are suffering and dying.

Ms. Pieters said from what she understands they have found in the country that the most important service a homeless person can receive is housing. That means you can have all kinds of disabilities but if you don't have a permanent house your ability to receive services is full of obstacles. Housing for the homeless, she doesn't know where the City stands on that.

Ms. Tambourine said she has worked on those issues a lot. She was able to convince and educate them to vote unanimously that we would require healthy housing accessibility to the disabled and that it would be mandated in Santa Fe. It was pushed through and passed. But things don't get funded. People in this category are shunned.

People don't want to face the fact that they don't know the answers so they go into denial. These people are shunned.

Ms. Pieters asked is that not a topic we talk about today.

Ms. Tambourine said in the City we have 2 housing projects that we pushed for. We put several people into that housing that were environmentally sensitive and they were told no pesticides would be used. That was reneged on and people were poisoned. There is no housing now. Santa Fe is probably the most progressive City in the country and a sanctuary City for people who are environmentally sensitive. The Veterans have a very good reason why they don't and can't stand up for themselves. They have met with huge obstacles. Horrific abuse from Community College, the Federal Veterans Administration and other government officials. Our state Department of Veterans Affairs is good and helpful.

Ms. Pieters said it is 5 minutes to 12.

Chair Bleck said this is a huge topic and will not be figured out in a day.

There was discussion about the overall picture of homelessness. It was suggested that the Committee have some speakers come to the meetings to inform them of the current status of Homelessness. Hank Hughes, Executive Director of the Coalition to End Homelessness, was suggested.

Chair Bleck said let's invite Mr. Hughes.

Mr. Chapman said he will invite him.

Chair Bleck said this and parking are large issues that we will be discussion for a while.

**F. FORMAL MCD REQUEST THAT RESOLUTION 2006-151 BE
RECOMMENDED TO THE GOVERNING BODY**

Chair Bleck said we have revised the Resolution and discussed it. Now we have to approve it to move it along to the City Council.

MOTION A motion was made by Mr. McQuarie, seconded by Mr. Wirtz, to submit the 2016 Resolution to the City Council for revision and acceptance.

VOTE The motion passed unanimously by voice vote.

7. OLD BUSINESS

A. MCD SUBCOMMITTEE REPORTS

PLAN REVIEW

Mr. McQuarie said they did not receive any plans for review. He did walk through about half of the current curb area. Some are very good. Some are terrible. There is a report coming out about it. He will not sign off on the report because he does not agree with some of the points in it. The City is acting illegally by discrimination and that will be pointed out.

MEDIA

No report.

TRANSPORTATION

Ms. Bleck said the Transportation Advisory Board did not meet in January. There is nothing new to report. The Senior Newsletter does put on their transportation page that they are at capacity and falling behind. They need more drivers.

8. UPDATE ON LEGISLATIVE REQUEST

Chair Bleck said she and David completed and mailed the letters. We went to Senator Wirth's office and spoke to his wife. She called us back and said that none of the Legislators are going to receive Capital Outlay this year. They are supportive and said to come back.

Chair Bleck said they are also going to talk with the Senate Finance Chair, Senator John Arthur Smith.

9. INTEGRATED PEST MANAGEMENT UPDATE

Mr. Wirtz said he and others met with the Sustainable Santa Fe Committee. There were people there from all kinds of groups. The intent was to try to get these various committees that report to the Mayor in line with each other to ensure that the IMP Ordinance will be honored by the Park staff. It was decided that we will write a letter to the Mayor and we recommend to this group that we, the Committee, write a letter supporting the IPM Ordinance to the Mayor and the City Council and the list of 1,200 signatures on the petition of last summer to support IPM and the 42 pages of comments from the petitioners. It will be a unified letter. We have a feeling now that the current Parks folks are trying to dilute the Ordinance so that they can use more herbicides and pesticides. That is in direct violation of the Ordinance. He would like to

write a letter to present to this Committee next month. If it is accepted, sign it and send it to the Mayor.

Chair Bleck said bring the letter next month and we will put it on the agenda.

Ms. Tambourine asked can we get a copy of the comments from that petition.

Mr. Wirtz said he thinks he can get one. The other thing we talked about is in lieu of the \$3,000 of herbicides and pesticides that the City has already purchased we came up with a list of the least toxic pesticides that would be better to use.

Mr. McQuarie left the meeting.

Ms. Tambourine asked can we get a copy of the list of the less toxic items.

Mr. Wirtz said David can make copies of this now for everyone.

10. PROW TRANSITION PLAN UPDATE

Mr. Chapman said yesterday he received the first 3 items on the plan. They are voluminous. He will summarize them for the next meeting and provide them to the Committee. They have completed the surveying and are working on the analysis.

11. ITEMS FROM MEMBERS AND STAFF

Ms. Gish said thank you for welcoming her. She has some things to add to the homelessness issue and will do so at the next meeting. Also on the transportation issues as well.

Chair Bleck said we look forward to your comments and ideas.

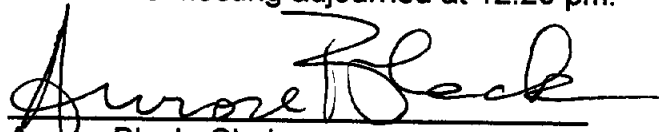
Ms. Tambourine said she is sorry that Noel left when he did. We have a very contentious situation that he is aware of at Planet Fitness. There has been an injury there. There are issues with people parking where you can't park your vehicles. There have been threats against management there. She met with John Griego who is an inspector for parking lots and works for the Land Use Division. One of the issues is that police dispatch is telling management that they are not going to enforce the handicapped spaces. There are no painted lines that you can see. It is getting very heated over there. John is helping with the landlords refusal to do anything unless the City instructs them to do it. After construction is done and businesses are open no more inspections are done. It is becoming a very serious issue. Santa Fe is not like Ft. Collins. People will take matters into their own hands here. She looks forward to Noel coming back.


Ms. Pieters left the meeting.

12. NEXT MEETING
MARCH 16, 2017

13. ADJOURN

The meeting adjourned at 12:20 pm.


Aurere Bleck, Chair


Elizabeth Martin, Stenographer

Issues Raised by HR 4919

1. "Voluntary" use is not easy to ascertain with individuals with developmental disabilities.
 2. Issue started with Alzheimer's in 1998, then moved to include autism, then current bill now includes down syndrome and developmental disabilities and individuals with cognitive disabilities. No parameters.
-
3. Moves from parents having right to decide for their children with autism, to service providers deciding for adult individuals with autism, etc.
 4. Current national organizations, who promote this idea, all use law enforcement as only agencies who can apply for grants. Law Enforcement is least educated on ideas such as 'dignity of risk', choice for adults with developmental disabilities, determining if something is voluntary or not.
 5. ½ of parents of children with autism have been given any guidance in issues of their children wandering off such as including issue in IEPs.
 6. Huge bi-partisan support of this law shows great need for education of public at large, as well as parents, law enforcement, etc.
 7. Project Lifesavers (national program to find lost, at-risk individuals) is now in 46 states, including New Mexico. Started with individuals with Alzheimer's. Autism Speaks national program fully supports law. Can request local law enforcement to start a local program and apply for grants to fund.
 8. Costs of devices and monthly tracking fees are huge and parents must cover.
 9. Unclear if any funding appropriated yet. Attorney General Holder said the Byrne Criminal Justice Innovation Program would be best grant to cover costs, states would need to apply.

Summary Information on H.R. 4919 – 2/16/17

House Resolution “appears” to have passed both House and Senate of Congress – 12/16 but not sure due to confusing language. “1/2/17 stalled.” Means what?

Amends “The Violent Crime Control and Law Enforcement Act of 1994,”
Re-authorizes the “Missing Alzheimer’s Disease Patient Alert Program” and promotes initiatives that will reduce risk of injury and death relating to the wandering characteristics of some children with Autism,
and working together with “National Center for Missing and Exploited Children.”

A competitive grant program under Attorney General and the Dept. of Justice “to health care agencies, state and local law enforcement agencies, or public safety agencies, tribes, and non-profit organizations to assist such entities in planning, designing, establishing, or operating locally based, proactive programs to prevent wandering and locate missing individuals with forms of dementia, such as Alzheimers Disease, or developmental disabilities, such as Autism, who, due to their condition, wander from safe environments.”

Grants that must include: “prevention and response info, online training resources to first responders, schools, the public and referrals to families, facilitate rescue, recognize and appropriately interact with endangered missing individuals, with dementia or developmental disabilities, develop alert systems, emergency systems, hold conferences, or for designing, establishing or operating locative tracking technology. Must also include data on how many and types of people helped by programs and recommendations for improvements to program.”

\$2 Million per year for 5 years: 2017 – 2021. Grants subject to availability of appropriations. “Appears” that no funds appropriated for 2017.

DOJ must develop standards and best practices,
to determine which technology and devices can be used,
for use of non-invasive and non-permanent tracking devices, i.e. ...the procedure to install the technology or device does not create an external or internal marker or implant a device or other trackable items. Instead, they are referring to things like ID bracelets, shoe or clothing tags. This technology can only be used if determined to be least restrictive alternative to prevent injury or death. Can only be used voluntarily by an individual.

Government cannot use data to establish a personalized database. Data must only be used to prevent injury or death.

EXHIBIT

H.R.4919 - Kevin and Avonte's Law of 2016

114th Congress (2015-2016)

BILL

Hide Overview

Sponsor: [Rep. Smith, Christopher H. \[R-NJ-4\]](#) (Introduced 04/12/2016)**Committees:** House - Judiciary; Education and the Workforce**Latest Action:** 12/08/2016 Received in the Senate. ([All Actions](#))**Roll Call Votes:** There has been [1 roll call vote](#)**Tracker:**

Introduced

Passed House

More on This Bill[Constitutional Authority Statement](#)[CBO Cost Estimates \[0\]](#)**Subject — Policy Area:**

Crime and Law Enforcement

[View subjects](#)

Summary (1)

Text (3)

Actions (14)

Titles (5)

Amendments (0)

Cosponsors (93)

Committees (2)

F

Text: H.R.4919 — 114th Congress (2015-2016)[All Bill Information](#) (Except Text)

There are 3 versions:

[Received in Senate \(12/08/2016\)](#)Text available as: [XML/HTML](#) | [XML/HTML \(new window\)](#) | [TXT](#) | [PDF](#) (PDF provides a complete and accurate display)**Shown Here:**

Received in Senate (12/08/2016)

114TH CONGRESS

2D SESSION

H. R. 4919

IN THE SENATE OF THE UNITED STATES

DECEMBER 8, 2016

Received

“(A) provide prevention and response information, including online training resources, and referrals to families or guardians of such individuals who, due to their condition, wander from a safe environment;

“(B) provide education and training, including online training resources, to first responders, school personnel, clinicians, and the public in order to—

“(i) increase the safety and reduce the incidence of wandering of persons, who, due to their dementia or developmental disabilities, may wander from safe environments;

“(ii) facilitate the rescue and recovery of individuals who, due to their dementia or developmental disabilities, wander from safe environments; and

“(iii) recognize and respond to and appropriately interact with endangered missing individuals with dementia or developmental disabilities who, due to their condition, wander from safe environments;

“(C) provide prevention and response training and emergency protocols for school administrators, staff, and families or guardians of individuals with dementia, such as Alzheimer’s Disease, or developmental disabilities, such as autism, to help reduce the risk of wandering by such individuals; and

“(D) develop, operate, or enhance a notification or communications systems for alerts, advisories, or dissemination of other information for the recovery of missing individuals with forms of dementia, such as Alzheimer’s Disease, or with developmental disabilities, such as autism; and

“(2) shall award grants to health care agencies, State and local law enforcement agencies, or public safety agencies to assist such agencies in designing, establishing, and operating locative tracking technology programs for individuals with forms of dementia, such as Alzheimer’s Disease, or children with developmental disabilities, such as autism, who have wandered from safe environments.”;

(3) in subsection (b)—

(A) by inserting “competitive” after “to receive a”;

(B) by inserting “agency or” before “organization” each place it appears; and

(C) by adding at the end the following: “The Attorney General shall periodically solicit applications for grants under this section by publishing a request for applications in the

during the 2-fiscal-year period during which the entity is barred from receiving grants under subparagraph (C), the Attorney General shall —

“(i) deposit an amount equal to the amount of the grant funds that were improperly awarded to the grantee into the General Fund of the Treasury; and

“(ii) seek to recoup the costs of the repayment to the fund from the grant recipient that was erroneously awarded grant funds.

“(2) NONPROFIT ORGANIZATION REQUIREMENTS.—

“(A) DEFINITION OF NONPROFIT ORGANIZATION.—For purposes of this paragraph and the grant programs under this part, the term ‘nonprofit organization’ means an organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and is exempt from taxation under section 501(a) of such Code.

“(B) PROHIBITION.—The Attorney General may not award a grant under this part to a nonprofit organization that holds money in offshore accounts for the purpose of avoiding paying the tax described in section 511(a) of the Internal Revenue Code of 1986.

“(C) DISCLOSURE.—Each nonprofit organization that is awarded a grant under this section and uses the procedures prescribed in regulations to create a rebuttable presumption of reasonableness for the compensation of its officers, directors, trustees, and key employees, shall disclose to the Attorney General, in the application for the grant, the process for determining such compensation, including the independent persons involved in reviewing and approving such compensation, the comparability data used, and contemporaneous substantiation of the deliberation and decision. Upon request, the Attorney General shall make the information disclosed under this subparagraph available for public inspection.

“(3) CONFERENCE EXPENDITURES.—

“(A) LIMITATION.—No amounts made available to the Department of Justice under this section may be used by the Attorney General, or by any individual or entity awarded discretionary funds through a cooperative agreement under this section, to host or support any expenditure for conferences that uses more than \$20,000 in funds made available by the Department of Justice, unless the head of the relevant agency or department, provides prior written authorization that the funds may be expended to host the conference.

“(B) WRITTEN APPROVAL.—Written approval under subparagraph (A) shall include a written estimate of all costs associated with the conference, including the cost of all food,

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Attorney General, in consultation with the Secretary of Health and Human Services and leading research, advocacy, self-advocacy, and service organizations, shall establish standards and best practices relating to the use of non-invasive and non-permanent tracking technology, where a guardian or parent, in consultation with the individual's health care provider, has determined that a non-invasive and non-permanent tracking device is the least restrictive alternative, to locate individuals as described in subsection (a)(2) of section 240001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14181), as added by this Act.

(2) REQUIREMENTS.—In establishing the standards and best practices required under paragraph (1), the Attorney General shall—

(A) determine—

(i) the criteria used to determine which individuals would benefit from the use of a tracking device;

(ii) the criteria used to determine who should have direct access to the tracking system; and

(iii) which non-invasive and non-permanent types of tracking devices can be used in compliance with the standards and best practices; and

(B) establish standards and best practices the Attorney General determines are necessary to the administration of a tracking system, including procedures to—

(i) safeguard the privacy of the data used by the tracking device such that—

(I) access to the data is restricted to law enforcement and health agencies determined necessary by the Attorney General; and

(II) collection, use, and retention of the data is solely for the purpose of preventing injury or death to the patient assigned the tracking device or caused by the patient assigned the tracking device;

(ii) establish criteria to determine whether use of the tracking device is the least restrictive alternative in order to prevent risk of injury or death before issuing the tracking device, including the previous consideration of less restrictive alternatives;

TITLE II—EDUCATION AND OUTREACH

SEC. 201. ACTIVITIES BY THE NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN.

Section 404(b)(1)(H) of the Missing Children's Assistance Act (42 U.S.C. 5773(b)(1)(H)) is amended by inserting ", including cases involving children with developmental disabilities such as autism" before the semicolon.

TITLE III—PRIVACY PROTECTIONS

SEC. 301. DEFINITIONS.

In this title:

(1) **CHILD.**—The term "child" means an individual who is less than 18 years of age.

(2) **INDIAN TRIBE.**—The term "Indian tribe" has the meaning given that term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(3) **LAW ENFORCEMENT AGENCY.**—The term "law enforcement agency" means an agency of a State, unit of local government, or Indian tribe that is authorized by law or by a government agency to engage in or supervise the prevention, detection, investigation, or prosecution of any violation of criminal law.

(4) **STATE.**—The term "State" means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands.

(5) **UNIT OF LOCAL GOVERNMENT.**—The term "unit of local government" means a county, municipality, town, township, village, parish, borough, or other unit of general government below the State level.

(6) **NON-INVASIVE AND NON-PERMANENT.**—The term "non-invasive and non-permanent" means, with regard to any technology or device, that the procedure to install the technology or device does not create an external or internal marker or implant a device or other trackable items.

SEC. 302. STANDARDS AND BEST PRACTICES FOR USE OF NON-INVASIVE AND NON-PERMANENT TRACKING DEVICES.

(d) LIMITATIONS ON PROGRAM.—

(1) DATA STORAGE.—Any tracking data provided by tracking devices issued under this program may not be used by a Federal entity to create a database.

(2) VOLUNTARY PARTICIPATION.—Nothing in this Act may be construed to require that a parent or guardian use a tracking device to monitor the location of a child or adult under that parent or guardian's supervision if the parent or guardian does not believe that the use of such device is necessary or in the interest of the child or adult under supervision.

TITLE IV—MISCELLANEOUS

SEC. 401. NO FUNDS AUTHORIZED FOR BYRNE CRIMINAL JUSTICE INNOVATION PROGRAM.

For fiscal year 2017, no funds are authorized to be appropriated for an Edward Byrne Memorial criminal justice innovation program.

Passed the House of Representatives December 8, 2016.

Attest:

KAREN L. HAAS,
Clerk