



# Agenda

CITY CLERK'S OFFICE

DATE 7-13-11 TIME 10:28 am

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**MAYOR'S COMMITTEE ON DISABILITY  
THURSDAY, JULY 21, 2011  
10:00 A.M.  
GENOVEVA CHAVEZ COMMUNITY CENTER  
3221 RODEO RD.  
CLASSROOM I**

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF THE AGENDA
4. APPROVAL OF MINUTES: JUNE 16, 2011
5. PUBLIC COMMENTS (15 MIN. TOTAL)
6. OLD BUSINESS
  - a) MCD SUB-COMMITTEE REPORTS
  - b) TRANSITION PLAN DISCUSSION FOR APPROVAL – JOE LUJAN
7. NEW BUSINESS
  - a) SERVICE ANIMALS – DEE MARTINEZ
8. ITEMS FROM MEMBERS AND STAFF (3 MINUTES)
9. ADJOURN

NEXT MEETING AUGUST 18, 2011

**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 Ronda Villa, Chair at 570-9084 and/or Joe Lujan, ADA Coordinator/Liaison, at 955-4021 if you are unable to attend.**

**SUMMARY INDEX  
CITY OF SANTA FE  
MAYOR'S COMMITTEE ON DISABILITY**

**JULY 21, 2011**

<b><u>ITEM</u></b>	<b><u>ACTION TAKEN</u></b>	<b><u>PAGE(S)</u></b>
CALL TO ORDER		
ROLL CALL	Quorum	1
APPROVAL OF AGENDA	Approved	1
APPROVAL OF MINUTES June 16, 2011	Approved	1-2
PUBLIC COMMENTS	None	2
OLD BUSINESS		
a) MCD Sub-Committee Reports	Discussed	2-3
b) Transition Plan Discussion for Approval	Discussed	3-6
NEW BUSINESS		
a) Service Animals-Dee Martinez	Discussed	6-8
ITEMS FROM MEMBERS AND STAFF	None	8
ADJOURNMENT & Next Meeting	Adjourned 12:02 p.m. August 19, 2011	8

**MINUTES OF THE**  
**MAYOR'S COMMITTEE ON DISABILITY**  
**SANTA FE, NEW MEXICO**

**July 21, 2011**

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

A quorum was indicated as follows:

**Members Present:**

Ronda Villa, Chair  
Marcia Bowman, Vice Chair  
Buddy Hayes  
Margaret Kuhlen  
Dee Martinez  
Dave McQuarie  
Mary McGinnis  
Lois Simms

**Members Excused:**

Nancy Pieters

**Members Absent:**

**Staff Present:**

Joe Lujan, Staff Liaison

**Others Present:**

Hope Reed  
Charmaine Clair, Stenographer

**APPROVAL OF AGENDA:**

A brief discussion on chemical sensitivity was added under the Transition Plan discussion.

**Ms. Kuhlen moved to approve the agenda as amended. Ms. Bowman seconded the motion and it passed by unanimous voice vote.**

**APPROVAL OF MINUTES –JUNE 16, 2011**

On page 8, the second paragraph, third sentence was clarified: the construction on the sidewalk was on Cerrillos near Camino Carlos Rey not on Camino Carlos Rey.

On page 7, sixth paragraph "Ms. McGinnis asked on Mr. Lujan's comment on Public Works preferring a list; was there a current list" was asked to be changed to:"Ms. McGinnis asked regarding Mr. Lujan's comment on Public Works, if there was a current list.

Same page, ninth paragraph "Mr. Lujan said...should consider a cap on the ramp...should be clarified: "should consider an expense cap on the ramp...

Page 8, third from bottom, was asked to read: "Mr. McQuarie responded to Mr. Lujan's comments about the driveway.

**Ms. Bowman moved to approve the Minutes of June 19, 2011 as amended. Ms. McGinnis seconded the motion and it passed by unanimous voice vote.**

## **PUBLIC COMMENTS**

There were none.

## **OLD BUSINESS**

### **a) MCD Sub-Committee Reports Plan Review**

Mr. McQuarie said a couple of presentations were made to the H-Board (Historic Design Review Board) about remodels. He said he hadn't received plans yet. He said the depot had been reviewed by the H-Board and he wondered why changes would be made for the police station, substation etc. but accessibility not addressed.

He said secondly, the Cross of the Martyrs work had changes to the flagstone and that was specifically in the Transition Plan. He wondered why what was required wasn't being followed.

Mr. Lujan said to his knowledge the train depot had no construction or alterations being done. He said Carla Lopez e-mailed him that the Cross of the Martyrs was maintenance on the bricks etc. but he would ask the project manager for details. He said staff was aware the plans had to come to the MCD if over a certain dollar amount and that ADA guidelines have to be met.

Mr. McQuarie noted the language on the memo for Villa Linda Park "*a written report specifying how each item of the barrier assessment survey in the transition plan was addressed shall be submitted to the ADA coordinator*" would be added to all reports. He said that put the responsibility on the engineering manager to report what was done immediately.

Mr. Lujan explained that was an administrative procedure specified in the implementation portion of the Transition Plan that would occur upon final inspection. He said he asked project managers to notify him by e-mail and he would then produce a report.

Chair Villa recognized visitors who had entered and asked that they introduce themselves.

Ms. Carolyn Beatle said she was the Executive Director for Assistance Dogs of the West. Kent Kreider said he attended with Shaun Kramer. They were interested in what was happening with the committee.

### **° Transit Advisory Board (TAB)- Mary McGinnis**

Ms. McGinnis said the last TAB meeting was canceled because there was no quorum. The good news was that transit fares and reduction of services wouldn't happen this year. She said she communicated to Jon Bulthuis that she was willing to assist Ms. Granillo with the pilot surveys but hasn't heard from Ms. Granillo. She would attend the meeting on Tuesday to learn the status.

◦ Media – Marcia Bowman

Ms. Bowman said an idea for October was to talk about the effect unemployment disproportionately has on those with disabilities. She said she thought it would be of interest for a radio show and/or newspaper.

She said she also thought it would be good for the Committee to make a firmer statement about the chemical and electromagnetic sensitivities discussion.

Chair Villa asked the Committee to think about things that could appear in the media for October Disability Employment Awareness Month. She asked that ideas be forwarded to Ms. Bowman.

b) Transition Plan Approval- Lois Simms

Ms. Simms said the Committee would have to approve the Transition Plan before it could move forward.

**Ms. Simms moved that the MCD approve the Transition Plan. Mr. McQuarie seconded the motion. He asked that the vote be by roll call.**

Mr. Lujan said the minutes of the public hearing had good comments and questions and was included in the Committee's packet. He asked the Committee for their comments or questions particularly on Ann McCampbell's presentation on chemical and electromagnetic sensitivity.

Ms. McGinnis said she and Ms. McCampbell discussed what was possible for the Transition Plan to cover. She said it could be possible for city meetings and for the city to adopt safe cleaning products for people with MCS (Multiple Chemical Sensitivity) but she wasn't sure how that could be incorporated into the plan.

Mr. Lujan advised the Committee that Swanson Architects based the Transition Plan on what was required per chapter 28, section 35-150 in the code of federal regulations that identified physical obstacles in existing facilities.

He said the Committee could make a recommendation in the form of a policy to the Governing Body on the use of cleaning products and a request for fragrance free meetings in city facilities but the electromagnetic sensitivity would be difficult. The US Access Board and the Department of Justice (DOJ) were looking at the issue but there were no current guidelines.

Mr. Lujan said he specifically asked several times whether the state had a policy for either of those but hadn't received a response. He said the state's policy could be a basis for the Committee to recommend a policy for the city. He said the GCD (Governor's Committee on Disability) had the only recommendations regarding chemical sensitivity disability but there was nothing on electromagnetic sensitivity.

Mr. Lujan said the Committee could choose to recommend both be inserted in the Transition Plan. He said Mr. Khambatta had pointed out that the Transition Plan doesn't pinpoint every disability.

Ms. Bowman said she couldn't see a need to change the Transition Plan but thought it worth considering for a policy recommendation to the city. She said the recommendation might be more effective as an individual piece.

Mr. Lujan said once guidelines were approved, the city would be bound to follow them and have a policy immediately. He pointed out individuals with electromagnetic sensitivity would ask for Ms. McGinnis to turn off her reader and that the fluorescent lights, computer and microphone not be used. He said that happened at the Mayor's coffee.

Ms. Martinez said *reasonable* accommodations would have to be determined such as listening over the phone or providing a video etc.

Ms. Reed said more discussion was needed; a policy would be good but the Committee should wait until the Access Board developed guidelines.

Mr. McQuarie said he thought the Transition Plan was not ready to go to the Finance and Public Works Committees. He said the individual responsible for the Transition Plan should be identified and that information was not given as required.

Mr. McQuarie said a second point brought up at the public hearing was that a list of programs offered by the city wasn't provided and Mr. Khambatta had agreed all of the services should be included.

Mr. McQuarie said he has tried for two years to identify buildings and that needs to be done and a complete list has not been received from staff.

**He moved that the motion be tabled until that information was received. He added that the big book (Transition Plan) does not have a table of contents.**

Ms. Simms said the Committee was just continuing to delay the Transition Plan. She said all of the items could be taken care of after the plan was approved.

Mr. Lujan said regarding Mr. McQuarie's concerns on policy and procedure that was the purpose of the staff self evaluation and the 25 page questionnaire on particular service programs and activities and why they made recommendations and they were noted in the Transition Plan. He said he would work with each department, division and section regarding their individual policies.

Mr. Lujan said never, other than curb ramps, had he had a person say that they were denied access in Santa Fe, including program services and activities. He said staff knows they have to comply with ADA.

Mr. Lujan said the consultants based their policies and procedures on the 13 points recommended by the DOJ (Department of Justice) and those were priority. He would create policies on meeting communication, service animals in public areas, emergency preparedness etc. and everything in the 13 points.

Chair Villa asked if the suggestions for changes to the Transition Plan would be incorporated by an appendix or if the Transition Plan would be changed. She asked if the changes would be sent with the plan to the next committee or Governing Body.

Mr. Lujan said after the city responds to the questions the appendix would be created and the questions/comments and responses, whether implemented or not, would be part of the appendix. He said a

good Transition Plan was in place and the Committee had reviewed it throughout the process; it wasn't perfect and some things had been left out.

Mr. Lujan suggested to Mr. McQuarie that he make a list of facilities such as the convention center, the Rail Yard, and the train depot left out of the plan. He said anyone denied access for any building should be brought to the attention of the ADA Coordinator.

Ms. Hayes asked to clarify that changes could be made after the document was voted on because the Transition Plan is a living document.

Mr. Lujan said yes, that was the purpose of a living document and it could be amended. He said the real changes would be the database for the progress the city made to resolve the accessibility issues in the plan. He said the Committee could determine how often an update should be done and he would update them as to what projects were happening and what was checked off of the barrier assessment survey.

Ms. Reed said her vote would be to table the Transition Plan until the person responsible for the plan was identified and the appendix was corrected.

Mr. Lujan pointed out that the Transition Plan does state that-*"the city manager or his designee."*

Ms. Kuhlen said the Table of Contents issue was critical and should be added before the Transition Plan went to City Council.

Mr. Lujan said Mr. Khambatta has no problem with implementing that and planned to take care of it.

Ms. Simms said it was already mentioned that concerns would be taken care of. She asked what else the Committee was holding up the approval for. She said it would be a travesty not to pass the Transition Plan that day because everyone was picking at the plan and that doesn't get the job done. She said and the Committee had been going through the plan for too many months.

Mr. McQuarie said it is staff's responsibility to identify the facilities, not MCD. He asked how they could vote on something when no one knew what was out there.

Mr. Lujan said he received three lists and some were different because facilities were eliminated; the wastewater treatment plant that has no public access and fire stations that were only used by staff. He said all of the buildings with the most impact for access were included in the plan. He said the Transition Plan would need to be redone and funding sought to include every building regardless of whether it was accessed by the public. He said that was why a list of facilities not surveyed, that could be addressed in the future was suggested.

**The motion to table the Transition Plan died for lack of a second.**

The question was called regarding the approval of the Transition Plan.

With no further comments or changes to the motion to approve the Transition Plan, a roll call vote was taken as follows:

**For:** Marcia Bowman, Buddy Hayes, Margaret Kuhlen, Dee Martinez, Mary McGinnis, and Lois Simms.

**Against:** Dave McQuarie. He said for the record he thought the Transition Plan had not fulfilled the legal obligation as set by the DOJ.

**The motion to approve the Transition Plan was passed by majority vote.**

Mr. Lujan thanked the Committee members and said he would work with Mr. McQuarie on the list.

Ms. Martinez asked when she could get a copy of the survey of the data (in the public hearing minutes.)

Mr. Lujan said he would furnish data and responses to anyone who wanted them. He said the questions were in the Transition Plan under the self evaluation.

Mr. Lujan said he would focus on the responses to the questions and work with Chair Villa and Ms. Bowman. He planned to get the appendix, etc. completed before the Transition Plan moved forward and to work out the next meeting date that should be before the end of August.

## **NEW BUSINESS**

Chair Villa said she invited a guest to the next meeting for discussion of issues on service animals and the Committee could do preliminary work at that time.

Ms. Martinez passed out the New Mexico State Assistance Animal Act and said the new ADA ruling is that service animals would be dogs and trained miniature ponies (70-100 pounds.) She said the New Mexico State statute stated qualified assistance animals meant any assistance dog or other animal trained to provide assistance to an individual with a disability. A service animal could be a variety of species trained specifically to perform tasks for a person with a disability.

She said there were problems in New Mexico because it was such a gray area and she received at least five calls a day on service animals. She mentioned the law now allows dogs on restaurant patios she showed a picture of a dog on a table. She explained that comfort animals could be accepted in employment areas and on planes but there were problems once on the ground and many laws covered the issue. She said comfort animals were no longer covered under ADA but people not only used them, they were using their pets as service animals.

Ms. Martinez said she would meet with ADA via teleconference on Friday to discuss the gray areas. She said she wanted the Committee to know she was working on the issue in collaboration with others.

Ms. Hayes said an ADA provision just changed for a psychiatric support dog; the owner needed a letter from a psychologist, psychiatrist or licensed counselor.

Ms. Hayes said a bigger problem was people who went online to buy a (service dog) vest and then went on the plane or in a store. She asked to be involved if there was a committee.



Ms. Hayes said International Service Dog Awareness Week is August 7-13 and she is a member of the Association of Assistance Dog Partners. She said the Association is the main group with testing that service dogs go through. She said she has received information that included a press release. She plans to send that to the newspapers to make people aware of International Service Dog Awareness Week. She said she was also sent a proclamation that she sent to the Governor.

Ms. Martinez said she receives a lot of calls regarding the state statute and service animals. She said Santa Fe Police officers would be trained on service animals by one of the officers. She said she also gets calls about police not giving violations to those that abuse the law and the officer would discuss that also.

Chair Villa said Officer Pratz, the officer who would do the training, would attend the next meeting.

Ms. Beatle was asked if she wanted to participate in the discussion as a trainer of service dogs.

Ms. Beatle said she echoed Ms. Martinez's comments and said they all work together to educate and advocate. She said the confusion between the trained service animal that works with a variety of disabilities and the comfort animal and/or pet confused the issue and does harm to accessibility for a person with a disability. She said her organization was accredited by ADI and committed to regional training and she was available to answer questions.

Mr. Lujan suggested the media subcommittee get together with Carla Lopez once the presentation was given and put that on public television for outreach and awareness. He said the law had a lot of changes and variables and loopholes and the biggest tool was education and awareness.

Ms. Beatle said she would host Rail Yard Dogs, an awareness day at the Rail Yard on Saturday, August 13 from 2-4:00 p.m. Representatives of all types of assistance dogs would attend and the youth board and teenage teaching assistants would give a test of five behaviors service dogs must be able to perform.

Ms. Hayes confirmed that Canine Companions for Independence could attend and set up a table. She said the International Association of Assistance Dog Partners was trying to develop an international dog ID. She said businesses were afraid of lawsuits but they could ask if a dog was a service dog and for the dog to perform three visible tasks or the person could be asked to leave.

She said signs were posted going into Fiesta, and big events, etc. that state "service animals only" but nothing was done to prevent pets being brought in. She wanted more police enforcement at big events.

Ms. Martinez suggested the questions be brought up to Officer Pratz at the next meeting.

Chair Villa asked if there was any implication to change the state law to be more like the ADA after the meeting on Friday.

Ms. Martinez said the purpose of Friday's meeting with ADA was to work on the state statute.

Mr. Lujan said part of the difficulty was that the state law statute is a misdemeanor and ADA doesn't have that and that was a gray area that should be discussed. He said if a person with a disability went into a

store and had an accessibility issue; the issue was with the business/land owner and not the city's responsibility. Mr. Lujan said Officer Pratz would know if the state police could enforce that.

#### **ITEMS FROM MEMBERS AND STAFF**

Ms. Kuhlen said the Committee members and constituents should be concerned about Christus St. Vincent Regional Medical Center because they walked out of mediation and the community hospital is at risk. She called on Committee members to show support for the union today between 8 a.m. and 6 p.m. at the Courtyard Marriott Hotel and on Sunday at 3:30 p.m. at Guadalupe Church.

Mr. McQuarie reminded everyone that the Land Use Committee would change the city ordinance for parking and make it a resolution. He said he wants to fight that but doesn't want to be the only one. The ordinance currently states there has to be an aisle for a van but that should include the aisle should be on the passenger side. He said also there were still blue signs out and the ordinance only states "a sign" and the old signs weren't visible at night.

Ms. Bowman said she had information on the ADA Amendments Act of 2008, Tax Incentives for Improving Accessibility etc. and offered them to anyone interested.

Ms. Hayes said parking is a huge issue. She said all of the accessible vans had a drop lift on the passenger side. She said people don't understand the hash marks were there for a person to get out of their vehicle and she had brought that up to stores that used the area to collect shopping carts.

Ms. Hayes said she received \$500 worth of parking tickets last year. She said she took photos because she saw a lot of violations and only her car was ticketed. She took the photos to court to make them aware that the Veteran's Administration provides two sets of license plates- one without the symbol of the wheelchair that doesn't allow veterans to park in a disabled parking spot. She said she also wasn't able to reach where the ticket was placed on her windshield.

Ms. Simms suggested that the MCD not have a meeting in August. The majority of the Committee wanted to have the meeting because a speaker was scheduled.

Mr. Lujan informed the Committee he would be out of town until August 16<sup>th</sup> and the packets would be delivered before that. He said he would forward the agenda to Officer Pratz.

**NEXT MEETING: August 18, 2011**

#### **ADJOURNMENT**

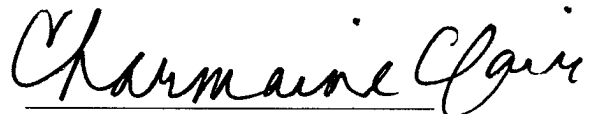
*There being no further business to conduct the meeting was adjourned at 12:02 p.m.*

Approved by:

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Ronda Villa, Chair

Submitted by:

  
Charmaine Clair, Stenographer