

**CITY OF ALBUQUERQUE
MEETING MINUTES
AMERICAN WITH DISABILITIES ACT ADVISORY COUNCIL**

Date: Tuesday, June 5, 2018
Time: 5:30 p.m.
Location: City Council Government Center, Room 9081

Board Members Present:

Karen Cushnyr, Chair
Lisa McNiven
Peggy Chong
Michael Renaud
Terri O'Hare (participated by telephone)
Daniel Strones (participated by telephone)

City Staff:

William Zarr, Managing Assistant City Attorney
Danyel Mayer, Paralegal

Other Attendees:

Michael Lawler

CALL TO ORDER:

The meeting was called to order by Chair Cushnyr at approximately 5:30 p.m. with six members participating. Chair Cushnyr attempted to contact Member Sacheen Smith by telephone twice, but there was no answer.

ITEM 1: APPROVAL OF AGENDA AND MINUTES

Chair Cushnyr proposed an amendment to the Agenda to reflect the correct date for the July meeting; the date of the next scheduled meeting should be July 10th and not July 3rd. A motion was made by Chair Cushnyr to approve the Agenda as amended, and it was seconded by Member Strones. The motion was approved by a vote of 6-0.

The board reviewed the minutes of the May 1, 2018 meeting. There were no proposed changes to the minutes as drafted. A motion was made by Member Chong, and it was seconded by Member McNiven. The motion was approved by a vote of at least 4-0 (it was unclear to the person taking the minutes if the members participating by telephone voted to approve the minutes.) There was no dissent from any of the members when approving the May 1, 2018 minutes.

ITEM 2: DISCUSSION ON CITY E-MAIL ADDRESSES

Member Chong inquired about the status of City e-mail addresses for the ADA board members. Member O'Hare stated she had received an e-mail that said the board would not be receiving City e-mail addresses. Mr. Zarr confirmed this, and advised the board that

he had removed all references pertaining to City e-mail addresses from the draft Rules and Regulations for the ADA Council of the City of Albuquerque. Chair Cushnyr asked Mr. Zarr if the board members should set up separate e-mail addresses just for board related business. Mr. Zarr reminded the board that all board business e-mails are a public record, and setting up an e-mail address just for board business was not a bad idea.

ITEM 3: PUBLIC COMMENT

Public comment was received from Michael Lawler. Mr. Lawler explained that he is seeking guidance on what can be done to handle smoking at bus stops. Member O'Hare explained to Mr. Lawler that non-smokers were not a covered ADA class. Member Strones believes the matter would be a police matter. Member McNiven suggested contacting the Department of Health. Member Chong suggested pursuing a littering fine. Mr. Lawler inquired as to a local ordinance that prevents smoking within a certain distance from a bus stop, and Mr. Zarr said he would look in to this. All the parties agreed that enforcement of any rules against smoking at bus stops would be an issue.

ITEM 4: DISCUSSION ON ADA BOARD BUDGET

Member Chong explained that she had contacted her City Council person to seek support for the ADA board's request for a budget, and the City Councilor's response was for the board to contact City staff. Member Chong has had no further response from the City Councilor, and she feels that the City Councilor had no interest in backing the ADA board budget request.

ITEM 5: DISCUSSION ON ADA COMPLIANCE LETTER SENT TO MAYOR KELLER

Chair Cushnyr advised the board that she had called the Mayor's office twice, sent e-mails, and followed up with Mr. Hummel, but there has still been no response from the Mayor's office to the board's April 10th ADA compliance letter. Member McNiven suggested contacting the Mayor's deputy or someone underneath the Mayor. Member Chong said she would like to give the Mayor another month to respond to the board's letter. Member Renaud recommended sending the board's letter to the Mayor again, and this time to also include a copy of the letter to City Council. If there was still no response to the letter, the next step could be to try and get the matter on an upcoming City Council's meeting agenda. The board agreed with this idea, and so, it was decided that Chair Cushnyr will hand deliver another copy of the board's letter to the Mayor's office during the last week of June.

ITEM 6: REVIEW AND APPROVAL OF MINUTES FROM MARCH 6, 2018 MEETING

The board reviewed the minutes of the March 6, 2018 meeting. There were no proposed changes to the minutes as drafted. A motion was made by Member Chong, and it was seconded by Member Strones. The motion was approved by a vote of 6-0, and so the Minutes were approved.

ITEM 7: DISCUSSION ON VOTE ON PROPOSED RULES AND REGULATIONS FOR ADA ADVISORY COUNCIL

Mr. Zarr explained to the board that a public hearing would need to be noticed before the vote and adoption of the proposed Rules and Regulations for the ADA Advisory Council ("Rules"). Mr. Zarr further explained that a public hearing can take place at the beginning of a regular ADA meeting, and the public hearing would allow for public comment on the

Rules before a vote was held. The latest version of the draft Rules was sent by Shannon Triplett to each board member by e-mail on May 31st.

Chair Cushnyr asked Mr. Zarr if there is a limit as to how many members can participate by telephone during a meeting. Mr. Zarr explained that there is no limit. Chair Cushnyr also inquired about the requirement in the Rules that the board have three developmentally disabled (“DD”) individuals from the community, or their representatives, on the board. Mr. Zarr explained the rule to mean that the ADA board can create a separate advisory committee consisting of DD individuals, or their representatives, whose purpose is to provide input to the ADA board. The DD advisory group’s membership would be separate from the ADA advisory board’s membership. Chair Cushnyr said she would like to see the DD advisory group come to fruition, and Member Strones agreed.

Member Strones asked Mr. Zarr if brain injuries were included in DD. Mr. Zarr did not know. Member O’Hare recommended Member Strones contact the local ARC or brain injury association and find out from them if brain injuries qualify as a DD or an intellectual disability. Member Strones agreed with this recommendation.

Member McNiven pointed out that page 2, item 10 did not make sense. Mr. Zarr said he would fix that.

Mr. Zarr explained the Rules, as currently drafted, state that interpreters will be provided at meetings if there is a demand for them as opposed to being present at every meeting regardless of demand. The board members explained to Mr. Zarr that the ADA board had sought approval from previous City staff, and it was granted, that allows them to have interpreters at every meeting regardless of demand. The board feels that having language pertaining to interpreters being present at every ADA meeting is an essential piece to the Rules. Mr. Zarr expressed concern related to expenditures incurred by having interpreters at every meeting regardless of whether or not there was a need for the interpreter, and said he would look in to this matter. Member O’Hare expressed dissent, and does not believe Mr. Zarr needs to check into the board being able to have interpreters at meetings regardless of demand because this matter was already approved by prior City staff.

The board would like to plan to have the Rules ready for a public hearing in July. Both Members McNiven and Renaud will not be present at the July 10th meeting. The board discussed holding a special meeting on July 24th for the purpose of voting on the Rules. Member Chong moved to hold a public hearing on July 24th, with the time and place to be confirmed by Chair Cushnyr, for the purpose of approving the Rules, and it was seconded by Member McNiven. The motion was approved by a vote of 6-0, and so, a special meeting on July 24th for the purpose of approving the Rules is approved.

ITEM 8: OTHER BUSINESS/ANNOUNCEMENTS

Member Chong shared some Albuquerque Rapid Transit updates related to the blind community.

Member McNiven sought the board’s position on hosting an ADA community event in July. Member O’Hare doesn’t think the board has time to do anything for July, but thinks October

may be a better plan. Member Chong suggested posting something on the board's Facebook page.

Chair Cushnyr has asked Dr. Shelly Sanchez from Cultural Services to attend the July 10th meeting. Chair Cushnyr explained that she also has a meeting with Cultural Services tomorrow (June 6th) at 2:30 p.m. to discuss the status of service animal policies that are still lingering, and invited anyone that would like to attend to attend.

Member McNiven wondered if the City could add captioning (either closed or open captioning) to the movies it shows on the Civic Plaza during the summer. Chair Cushnyr said she would pass this along.

Member O'Hare inquired as to whether anyone had experienced any accessibility issues while voting today.

ITEM 9: ADJOURNMENT. NEXT MEETING SCHEDULED FOR JULY 10, 2018

At approximately 6:45 p.m. a motion was made by Chair Cushnyr to adjourn the meeting, and it was seconded by Member Chong. The motion was approved by a vote of 6-0.

Karen Cushnyr, Chair

Date: _____