



City of Oakland

Mayor's Commission on Persons with Disabilities (MCPD)
Monday, February 27, 2023 5:30 p.m.-7:30 p.m. via Zoom Conference

Minutes

Commissioners: Cathy Eberhardt (Vice Chair), Noah Smith (Vice Chair), Ayanna Keeton, Leonard Moore, Marjorie Lynne, Kyle O'Malley

Commission staff: Anh Nguyen-ADA Programs Division Manager, Emily Seelenfreund-ADA Programmatic Access Coordinator

Presenters: Andrea Mariano: Facilitator, City of Oakland, Human Resources Management, Zach Adinoff: City of Oakland, EMSD, Crystal Cho: City of Oakland, EMSD

Other attendees (from webinar Attendee list): Sheela Gunn-Cushman, Fatimah Aure

Meeting called to order by Vice-Chair Smith at 5:36 pm. At roll call, quorum was initially not established with only five of eight commissioners present (X)

Commissioners	Present (x)
Cathy Eberhardt (Vice Chair)	X (late:technical difficulties)
Noah Smith (Vice Chair)	X
Erin Hattersley	
Ayanna Keeton	X
Marjorie Lynne	X
Leonard Moore	X
Kyle O'Malley	X

Open Forum:

Sheila Gunn-Cushmann introduces herself as the new Emergency Preparedness Coordinator for the Independent Living Center. She plans to regularly attend MCPD meetings and would like to be involved in any emergency preparedness planning that the City is undertaking.

Exhibit A

No modifications were suggested for the agenda.

Commissioner's Announcements and Strategic Plan Updates

- Marjorie Lynne brings up the end of the Covid state of emergency and raises a potential concern regarding coverage of telehealth visits as many were developed under the emergency act. Such visits are a huge benefit to persons with disabilities. Additionally, Marjorie Lynne would like more information about how the City is going to cover Covid testing and the distribution of Paxlovid.
- Kyle O'Malley brings up the implementation of Care Courts and states that to the extent anyone is interested in supporting the litigation designed to challenge Care Courts- the public is permitted to send a letter to the Supreme Court of California. If anyone is interested in more information about that process- they can reach out to Kyle or Disability Rights California.
- Vice-Chair Smith informs the Commission that he has been communicating with the Mayor's office and it's likely that two additional commissioners will be sworn in by the March MCPD meeting.

Vice-Chair Eberhardt was able to join the meeting and quorum was subsequently established.

2023 Strategic Planning (Exhibit C to Agenda)

- Andrea Mariano suggests moving this discussion to the March meeting in the hopes that the additional commissioners will be sworn in.
- Vice-Chair Smith moves to table this action item to next month and Kyle O'Malley seconds. The motion passes unanimously.

Now that quorum has been established, the Commissioners return to the agenda item of the January 2023 minutes. Kyle O'Malley moves to approve them and Vice-Chair Smith seconds. The motion to approve the January 2023 minutes passes.

Election of 2023 Officers

Exhibit A

- Vice Chair Smith notes that the MCPD is several months delayed in electing new officers but also states that they are due to have two new commissioners join next month. He is inclined to wait until next month, provided they can elect new officers before the strategic planning agenda item.
- Marjorie Lynn moves for the Commission to delay election until there are more officers available. Vice Chair Smith seconds Marjorie's motion and the motion passes unanimously.

The Brown Act, Amendment AB 2449, and In-Person Commission Requirements (Exhibit B to Agenda)

- Vice-Chair Smith begins the conversation by noting that with the end of the Covid State of Emergency, subsequent MCPD meetings are scheduled to take place in person. He notes that this may pose difficulties for both Commissioners and members of the public with disabilities, and it may be worth doing some advocacy around this issue.
- Anh Nguyen leads a presentation about the Brown Act and Public Meeting requirements:
 - A message from the City Administrator's Office confirms that all public bodies subject to the Brown Act that were temporarily allowed to meet virtually, will be required to resume in-person meetings following the lifting of the emergency order on February 28, 2023.
 - The City plans to use Zoom to allow members of the public to observe meetings. They are not allowing people to provide comments via Zoom at this time, but hope to provide that capability in the future
 - The Brown Act requires all members of public bodies to ensure that locations where any commission attends a meeting are open to the public
 - AB 2449 amends the Brown Act to allow teleconferencing without location publication in two circumstances:
 - 1) Just cause which is defined as a child or caregiving need, contagious illness, a need related to a disability, or business travel. A commissioner can only use the just cause requirement for a maximum of 2 meetings per year.

Exhibit A

- 2) Emergency circumstances which is defined as a physical or family medical emergency that prevents a member from attending in person.
- AB 2449 specifies that a quorum of the legislative body must still participate from a single physical location, identified in the agenda and open to the public. Further, no member may participate solely by teleconference for more than 3 consecutive months.
- Sheila Gunn-Cushmann comments about how beneficial remote meetings have been for disabled individuals- allowing some to get involved in civil advocacy who had never been able to be at the table before. She states that the purpose of the Brown Act was never to hamper communities from being engaged and the law should be brought into the present.
- Anh Nguyen mentions a new Senate bill, Bill 411, that has been introduced, which offers similar hybrid flexibility, similar to what was in effect during the state of emergency. ADA Programs has been working with the State Disability Council to learn more and see how MCPD could advocate for potential hybrid meetings.

Equity in Oakland's Emergency Operations Plan (Exhibit D to Agenda)

- Zack Adinoff begins the presentation. He notes that the emergency operations plan must undergo an equity analysis which includes, in addition to race, the access and functional needs population.
- The Emergency Operations plan is meant to describe how people, property, and the environment will be protected during an emergency. The document lists the roles and responsibilities of City employees and how all can work together to prepare for, respond to, and recover from an emergency.
- A big part of the plan's equity analysis is looking at the various hurdles that different community's face and how different privileges influence how one might be able to prepare for a disaster.
- The race and equity analysis initially started as a purely research analysis: finding out what academic literature discusses the influence of race and Access needs for disasters. They then cross-referenced

Exhibit A

that with Oakland's demographics to reach conclusions about shortcomings the City may face. One challenge is that there has not been a major event in Oakland for some time.

- The major areas impacted were found to be:
 - Personal finance. This includes that low-income household are less likely to have insurance, less likely to be able to purchase disaster kits, more likely to have lower credit scores.
 - Education: most of the resources are located on the City's website and this community often lacks in digital literacy and/or faces digital accessibility challenges.
 - Evacuation: most evacuation drills are not designed inclusively and so do not benefit or include those with disabilities. It will be important to include those with disabilities in future drills to better understand their needs. Also, Oakland has narrow roads which makes it difficult for those with emergency vehicles to get through and may make it difficult for those who rely on medical devices to leave their home if they lose access to their medical supplies.
- During outreach, community members noted they were unaware of what events to prepare for and how to do that preparation.
- Alert systems: Zack encourages everyone to sign-up for AC Alert notifications (acalert.com) and Zonehaven (evacuations by zone: aware.zonehaven.com). They also encourage people to know their zone- so when zone evacuations are announced- individuals are ready to evacuate immediately
- Sheila Gunn-Cushmann comments that the Center for Independent Living has received two grants to aid in their disaster preparedness relief efforts. They would like to engage with Berkeley, Oakland, and Alameda to ensure that the infrastructure is ready for those with disabilities. As of now, the infrastructure is not ready to aid those with mobility challenges during disasters. She notes that there is a lot of work to be done in this area and it needs to be an ongoing conversation.
 - She also notes that many of the online resources and alert systems are not accessible to individuals who use screen readers.

Exhibit A

- Zack provides his contact information: ZAdinoff@oaklandca.gov and Crystal's: ccho@oaklandca.gov and comments that he would love to work with the Commission on ensuring alerts are accessible. If there are other community groups that might have good feedback, he is also interested in taking this presentation to them.

Staff Updates and Announcements

- The next MCPD meeting in March will take place in person at City Hall in Hearing Room 1. The meeting location will be posted in the agenda.
- ADA Programs Division has been working closely with the Mayor's office to advance the two pending Commissioner appointments. Those should be scheduled for the March City Council meeting agenda.
- A former Commissioner, Reid Davenport, created a film, *I Did Not See You There*. The film is being streamed for free on the PBS website.
- The City recently completed its Housing Plan Update as Part of the General Plan Update. The Housing Element was approved by both the City Council and at the State Level. Of particular importance to the MCPD is Action 2.1.5 on page 64, which calls for the City to initiate community engagement to understand the need for universal design strategy, including for people with disabilities. The next step for the General Plan team with regard to the Housing Element, is to develop a draft set of Zoning code amendments to implement the Housing Element. Those draft changes will be available for public review sometime in March.
- At the state level, the California Department of Transportation is launching the State Digital Equity Plan. They are conducting three community meetings with various stakeholders and are looking for various folks to provide input by attending these meetings.
- There are still several vacancies on the MCPD. If anyone knows anyone in the community who would like to be a Commissioner please encourage them to apply.

Exhibit A

The meeting was adjourned at 7:19 pm.