



COMMISSION ON DISABILITIES MINUTES Thursday, December 16, 2021 5:30 PM

ART PICK CITY COUNCIL CHAMBERS, CITY HALL,
3900 MAIN STREET, RIVERSIDE, 92501
VIRTUAL MEETING, [RIVERSIDECAGOV/MEETING](https://www.riversideca.gov/meeting)
GENERAL SERVICES DEPARTMENT, 951-826-5427

MISSION STATEMENT

"The mission of the Commission on Disabilities is to promote greater awareness of, respect for, and the total participation of individuals with disabilities into all aspects of life."

State law restricts the Commission on Disabilities from taking action on an item unless it has been included on an agenda and posted at least 72 hours in advance of a meeting or unless the matter falls within one of the narrow exceptions. Consequently, any item not listed on this agenda will normally have to be delayed until the item can be made part of a posted agenda.

CALL TO ORDER: 5:35 pm

PLEDGE OF ALLEGIANCE

ABSENT: Gregory Alexander, Kimberly Hiniker, Kittie Aleman

Also, in attendance was Analyst Jessica Spiking, General Services Deputy Director Shari Call, City Attorney Phaedra Norton, and Guest Speaker Mario from the Community Access Center.

1. **Public Comment Period** - This is the portion of the meeting specifically set aside to invite your comments regarding any matter within the Commission's jurisdiction. Individual audience participation is limited to 3 minutes.

There were no public comments.

PRESENTATIONS

2. Receive a presentation from the Community Access Center about the various services, programs, and workshops they provide to people with disabilities.

The presenter, Mario, works for the Community Access Center (CAC) and has worked as the System Change Advocate for about 7 years. He is currently the Supervisor for the Palm Desert Office. There are four offices throughout Riverside County and the main office is located in Riverside on Magnolia

Avenue. The CAC is an independent living center that has been providing services to people with disabilities in Riverside County since 1995. As an independent living center, the purpose is to make sure that people with disabilities can live in their homes as independently as possible, for as long as possible. The mission statement of the CAC is to empower people with disabilities to control their own lives, create an accessible community, and advocate to achieve complete social, economic, and political integration. CAC stresses equal access to society for all individuals with disabilities. Mario states that there are about 28 independent living centers throughout the state of California and The California Foundation for Independent Living Centers, located in Sacramento, is the main hub for all the living centers.

The services provided are as follows:

- System Advocacy: Accomplishing Systems Change for greater access and equality. Outreach and educational activities designed to raise awareness to the needs of people with disabilities. Mario explains that system change could take years to accomplish.
- Individual Advocacy: Advocacy provided on behalf of individuals with disabilities in order to overcome barriers to independent living. This includes assistance in obtaining benefits such as In Home Supportive Services (IHSS), Medical/Medicare, etc. Also, advocacy for children with disabilities through Individualized Education Program (IEP) or 504 plans among schools.
- Peer Support: Individuals providing peer support to people with similar disabilities to adjust to and/or improve life with a disability. Mario stated that many Independent Living Centers hire people with disabilities in order to use their life experiences to help and guide other individuals.
- Information & Referral: Providing community resource information and referral to appropriate services. The CAC has a “No wrong door policy” meaning they will try everything in their power to find a resource that will help each individual.
- Housing Referral: Maintains a list of housing units that are accessible and affordable, as well as assistance in applying for housing programs that will accommodate individuals with disabilities. This list includes places that will accept the Section 8 voucher, that accept people with disabilities, and that will accommodate anybody that the Community Access Center can service. Maintaining this list has been difficult due to the state of the current housing market.
- Personal Care Assistance: Counseling in the process of obtaining the necessary types of assistance to live independently such as a caregiver, reader, or driver. Maintains a referral list of workers.
- Assistive Technology: Provide assistive technology information regarding availability and funding for current technology that can enhance independent living. A lot of times insurance will not cover the cost of certain things that are needed such as power chairs or wheelchairs. The CAC can't buy these however, they do have a re-use program in which things are donated.
- Independent Living Skills: Assistance in learning or re-learning ways of performing the daily activities needed to live independently such as budgeting, using public transit, banking, shopping, etc.

Programs that the Community Access Center provides are explained below:

- Senior Low Vision: CAC provides all services tailored specifically to individuals age 55+ with low vision or blindness.
- Residential Access Modification Program (RAMP): Exterior and interior housing modification for improved accessibility. The goal for this program is to try and get people out of nursing homes and assisted living and back into their own homes. To help individuals overcome the obstacles preventing them from getting into their home, such as stairs, the CAC will install a ramp in the front of the home. They also will provide materials for the interior of the home such as handrails so the homeowner or another individual can install them. Eligibility/income requirements will apply.
- Transition Services: CAC assists clients that are living in skilled nursing facilities to transition back to the community.
- Youth Transitions to Independence: Aid youth with disabilities as they transition from school to adult life. This program is for people 18-24 years old and provides job trainings, resume writing workshops, etc.
- Computer Lab: Computer lab with adaptive software, assistive technology, and an advocate to assist individuals with disabilities. There is a lab located in the Riverside office with approximately seven computer stations set up and it open to all individuals.

Public education is also another resource provided by the CAC. Below are a few examples of education that is offered.

- Health and Wellness Workshop
- Assistive Technology Workshop
- Disability Awareness Workshop
- Accessible Voting Workshop
- Diabetes Conversation Mapping

Mario also stated that the Community Access Center helps individuals with disabilities prepare for emergencies or natural disasters.

Chair Perkins shared that she really enjoyed the presentation and felt that Mario provided a lot of useful and valuable information about the Community Access Center.

3. Annual Brown Act Training

Phaedra Norton, the City Attorney, gave the annual presentation on the Brown Act. The Brown Act is known as the "Open Meeting Law" and was enacted in 1953. It requires the deliberations and actions of California's public agency governing boards, commissions and councils be taken openly in public.

Key Provisions of the Brown Act:

- A meeting shall be open and public except when the Brown Act authorizes otherwise.
- The public has a right to attend and participate in the meeting.

- A meaningful agenda must be posted in advance of the meeting.
- Discussion and action is limited to the matters listed on the agenda for the meeting. If the matter not listed on the agenda, it cannot be discussed, and action cannot be taken.
- Discussions outside of noticed meetings by a majority of Commission on Disabilities members about an item of business within the subject matter jurisdiction of the Commission on Disabilities are prohibited.

Who is governed by the Brown Act?

- Any “legislative body”
- Governing body of any local agency (i.e., the City Council)
- Local agency commissions appointed either permanently or temporary, who have decision-making or advisory powers.
- The Commission on Disabilities is an advisory body to the City Council and covered by the Brown Act.

What is a meeting for the purposes of the Brown Act?

- Any congregation of a majority of the Members of the Commission on Disabilities at the same time and locations, including teleconference locations, to hear, discuss, deliberate, or take action on any item that is within subject matter jurisdiction of the Commission on Disabilities.

What is the subject matter of jurisdiction of the Commission on Disabilities?

(Riverside Municipal Code 2.66.040)

- Advise the City Council of issues on all matters affecting persons with disabilities in the community.
- Review community policies, programs, actions.
- Advise other City and private bodies.
- Identify the needs of persons with disabilities and create a public awareness.
- Promote greater awareness of the changing life patterns, opportunities, and responsibilities of persons with disabilities.
- Promote the total integration of persons with disabilities into all aspects of community life.

City Attorney Norton states that there are multiple ways in which to create a meeting including “hub and spoke” or “daisy chain” meetings:

- A chain or series of communications, each of which involves less than a quorum of the Commission on Disabilities but when taken together involve a majority of the body’s members.
- Or a concerted plan to engage in collective deliberation on public business through a series of letters, telephone calls, emails, that pass from one member of the governing body to the next and excluding the public.
- When you have a series of communications with a quorum that is not in a public meeting and there is no posted agenda, this is prohibited under the Brown Act.

What constitutes a series of communications?

- A “series of communications” includes conference calls, emails, text messages shared among the majority of Commission on Disabilities Members, or conversations among members in which the position of other members are shared to the majority.
- Technological devices can create a hub and spoke meeting or a daisy chain meeting. They may also create a “virtual series” meeting so be careful when using social media, emails, “IM”, texts, chat rooms, blogs, etc.

When can an issue or discussion become an issue for Brown Act purposes?

- When the issue is within the subject matter jurisdiction, when a majority of the members participate, a “meeting is held” and the Brown Act is not followed.

City Attorney Norton explained how e-mails can create a “virtual serial meeting”, a hub and spoke, or a daisy chain type of meeting. She reminded everyone that emails never go away. Do not hit “reply all” in response to emails from staff to all members of the Commission on Disabilities. Also, refrain from emailing or forwarding an email to a majority of the Commission on Disabilities members.

In regard to social media, the Brown Act states that Commission on Disabilities members may not respond directly to any communication from another member on an internet based social media platform regarding a matter within your subject matter jurisdiction. The following language did not make it into the new legislation therefore it is not permitted: Commenting on another members post, retweeting, forwarding a post, posting an emoji, or clicking the “like” button.

Exceptions to the Brown Act meeting requirements that are acceptable for a majority of the body to attend:

- Individual contacts or conversations between a member of a legislative body and any other person (i.e., city staff member)
- Public or educational conferences on matters of general interest. It is acceptable if a majority of the members are there.
- Publicized and public meetings to discuss a topic of local community concern organized by someone other than the city.
- Open and noticed meeting of another body of the public agency.
- Open and noticed meeting of a standing committee within own agency, provided not a member of standing committee.
- Purely social or ceremonial events as long as no discussion of business within subject matter jurisdiction of local agency.

Agendas and Notice are procedural requirements of the Brown Act.

- Every meeting of the Commission on Disabilities must be preceded by a posted agenda.
- The agenda must be posted at least 12 days before the regular meeting. (Per Riverside Sunshine Ordinance)
- The agenda must advise the public of the meeting and the matters to be transacted or discussed.
- The agenda must state the meeting time and place.
- Each item of business to be transacted must be briefly described on the agenda itself.

Actions on items that do not appear on the agenda:

- Members or staff may briefly respond to statements or questions posed by the public at a public meeting but be careful not to engage in dialog back and forth. A brief response is acceptable but a discussion on a non-agendized item is not prohibited under the Brown Act.
- A member may ask a question for clarification, make a brief announcement, or make a brief report on their own activities.
- Otherwise, no action can be taken on issues or items that are not agendized.

City Attorney Norton explained public participation as it pertains to the Brown Act.

- The public has the right to attend, observe and participate in meetings.

- Members of the public cannot be required to register their names or provide information in order to attend.
- All actions taken by the Commission on Disabilities must be in open session, unless closed session is authorized and the vote of each member must be disclosed to the public at the time the action is taken.

Criminal Enforcement Actions:

- The Brown Act is taken seriously because it is a misdemeanor for a member to attend a committee meeting where action is taken that violates the Brown Act and the member intended to deprive the public of information that the member knew or had reason to know that public was entitled. This requires a level of intent in order for the violation to become a misdemeanor.

Civil Enforcement Actions:

- Enforcement actions can be brought by the District Attorney or any interested person to get a court order to stop violation of the Brown Act. A court action may also invalidate actions that were taken in violation of the Brown Act. Before bringing suit, the plaintiff must demand the Commission on Disabilities cure or correct the offending action.

Commissioner Lewis requested some clarification on which types of groups are required to follow the Brown Act, specifically Civil Rights groups or Nonprofits. City Attorney Norton stated that certain Nonprofits could be covered by the Brown Act if they receive public funding, and they serve a public purpose. However generally speaking, those groups are not usually covered by the Brown Act. The legislative bodies as defined by the Brown Act are the bodies that are typically covered but, there is a provision in the law that it could apply to some nonprofits.

Commissioner Lewis had a question in regard to making comments on social media. City Attorney Norton explained that if it falls under the subject matter jurisdiction as defined by the Riverside Municipal Code, then it is prohibited under the Brown Act to comment, "Like", or send an emoji. If it does not fall under the subject matter jurisdiction such as talking about a play you are attending over the weekend, then those actions are acceptable.

DISCUSSION AND ACTION CALENDAR

This portion of the Commission on Disabilities Agenda is for all matters where staff and public participation is anticipated. Individual audience participation is limited to 3 minutes.

4. Approve minutes for the meeting of December 16, 2021

Motion to approve – Vice Chair Nelson
Second – Commissioner Davis
All in favor

5. Determine whether the absence of Commissioner Don Coon on October 21, 2021, should be recorded as an excused or unexcused absence.

Vice Chair Nelson made motion to designate the absence as excused,
Second – Commissioner Krick
All in favor

6. Determine whether the absence of Commissioner Gregory Alexander on October 21, 2021, should be recorded as an excused or unexcused absence.

Commissioner Lewis made motion to designate the absence as excused,
Second – Commissioner Quezada
All in favor

7. Determine whether the absence of Commissioner Kimberly Hiniker on October 21, 2021, should be recorded as an excused or unexcused absence.

Vice Chair Nelson made motion to designate the absence as excused,
Second – Commissioner Krick
All in favor

8. Determine whether the absence of Commissioner Sharron Lewis on October 21, 2021, should be recorded as an excused or unexcused absence.

Commissioner Quezada made motion to designate the absence as excused,
Second – Vice Chair Nelson
All in favor

9. Review 2022 Commission on Disabilities meeting schedule.

Staff member Jessica Spiking explained that this is the Commission on Disabilities meeting schedule for 2022. The meetings are scheduled on the third Thursday of every month.

COMMISSIONER COMMUNICATIONS

10. Update on Brochures

Chair Perkins states that a sub-committee has been formed to work on this project. Vice Chair Nelson and Commissioner Coon will be working together on the brochure and will have a draft to present at the next meeting. Chair Perkins asked staff member Jessica Spiking if there was a list of all past presenters because that was previously suggested as information to include in the brochure. Staff member Jessica Spiking stated that the list of presenters is very lengthy and recommended that the sub-committee discuss which contacts they feel need to be included in the updated brochure.

11. Updates on conferences, seminars, and regional meetings attended by Commissioners.

Commissioner Krick stated that he attended the Adaptive Sports Day that was hosted by the City of Riverside Parks and Recreation Department. He said that it was interesting to watch people with disabilities play and enjoy the different sports such as soccer, basketball, and tennis. He also stated that he hopes to see more events like this in the future.

Chair Perkins stated that she also attended the Adaptive Spots Day and felt that it was a great event, and they gave away great prizes. She explained that this event took place at Reid Park in Riverside and was set up for people with disabilities. They offered basketball and provided the wheelchairs for individuals who needed one. There were many students from the University of California, Riverside that were volunteering at this event. She stated that a member of SoCal Adaptive Sports reached out to staff member Jessica Spiking in regard to presenting at the next Commission on Disabilities meeting.

Commissioner Coon mentioned that he works with The Arc Riverside, and they are planning to organize a similar sports event; however, there will also be entertainment as well. He will keep the Commission updated as soon as he hears any new information. Commissioner Coon stated that he is very optimistic for the future of the disabled community now that in-person events and activities are resuming.

Commissioner Lewis attended an Education Committee meeting with National Association for the Advancement of Colored People (NAACP) Riverside Chapter. One concern that the parents mentioned was the schools process for diagnosing disabilities. They are either diagnosing the students too soon or not soon enough. A Special Education Attorney was in attendance, and she will continue to participate in the future meetings if parents continue to feel that the needs of their child are not being met. They will also be providing information in regard to resources that are available.

12. Items for future consideration as requested by Commission Members.

There are no items at this time.

ADJOURNMENT: 6:45pm

All in favor

The next regularly scheduled meeting will be Thursday, January 20, 2022, at 5:30 pm.