

Mayor's Disability Council



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Jul Lynn Parsons
F. Ross Woodall
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June 25, 2010

Honorable James J McBride
Presiding Judge, County of San Francisco
Superior Court of San Francisco
400 McAllister Street
San Francisco, CA 94102

Re: Americans with Disabilities Act: Is San Francisco in Compliance?

Dear Judge McBride:

Thank you for reviewing our response to the 2009-2010 Civil Grand Jury. It is clear the jury gave much thought to matters heard before the Mayor's Disability Council (MDC) in respect to implementation of the American's with Disabilities Act of 1990 (ADA). While the MDC is in general agreement with the response from the Mayor's Office on Disability (MOD) on these recommendations, and appreciates the detail specified in their response, there are additional responses the MDC as disability community liaisons would like to provide.

The MDC addresses each of the Civil Grand Jury's 2009-2010 recommendations as follows:

Civil Grand Jury Recommendation #2
San Francisco should expand the Grievance Procedure to the level necessary for the "prompt and equitable" resolution of ADA complaints.

MDC Response to Recommendation #2
While the MDC believes that ADA complaints receive "prompt and equitable" resolution, we also recognize that this comes at the expense of other MOD activities, given the staffing shortage. The MDC also acknowledges that many calls to MOD should be directed to other departments (such as the Department of Aging and Adult services), but because

	<p>MOD is the only city entity with "Disability" in its name, a large volume of inquiries goes there. The MDC would like to see a more coordinated environment from other departments to improve this additional workload on MOD. The MDC agrees with this Civil Grand Jury recommendation, specifically to the reinstatement of a full time grievance staff addressing equal access issues citywide.</p>
<p>Civil Grand Jury Recommendation #3 By January 2011, the MOD in association with City departments' ADA Coordinators should initiate a study to determine the feasibility of the expansion of the grievance procedure to incorporate private sector ADA compliance issues as an alternative to litigation</p>	<p>MDC Response to Recommendation #3 While the MDC understands there are differing responsibilities within the various titles of the ADA, and that the sole focus of MOD is regarding Title II issues, as disability liaisons we recognize the interrelatedness of all titles within the ADA and the necessity to review compliance of both public and private issues as resembling an accessible community. The MDC supports this Civil Grand Jury recommendation with the expectation that the funding for this study not to be taken from general fund departments that would further impact programs and services that the disability community is dependent upon.</p>
<p>Civil Grand Jury Recommendation #4 San Francisco should obtain and distribute the needed funding through all available and creative means including targeted bond issues to accelerate the achievement of compliance goals in ten years. Consistent funding levels must be maintained in order to retain, develop, and expand the pool of valuable experienced personnel.</p>	<p>MDC Response to Recommendation #4 The MDC agrees that there needs to be retention in certain related departments of expert personnel. While the MDC would support a ten year plan for universal curb and sidewalk accessibility as fulfilling both public and private interests, we caution that the monies identified to do so would not be taken from other programs the disability community relies upon, such as Department of Public Health or Human Services, nor would the MDC support prioritizing architectural access issues over other civil rights inherent within the ADA.</p>
<p>Civil Grand Jury Recommendation #6 By June 2011, the City should develop training programs in areas of assistance and sensitivity to the needs of disabled persons, especially at MTA and SFPD. These programs should be implemented</p>	<p>MDC Response to Recommendation #6 The MDC understands these departments already have trainings for both management and point of service employees, yet is concerned with how effective, comprehensive and frequent</p>

by December 31, 2011.

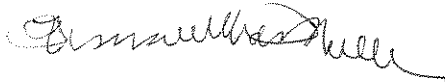
these trainings are, and what accountability follow up measures are included. While suggested online trainings may be cost effective, personal interaction with employees and persons with disabilities is felt to be most beneficial in the long term.

On the eve of the twentieth anniversary of the ADA, it is quite appropriate to look forward, as well as reflect back, upon how well the City and County of San Francisco is doing in their performance of the necessary tasks relative to this groundbreaking mandate, and what may be some of the next suggested steps forward. Thank you very much for your consideration of the MDC and MOD, and the opportunity in which to provide our comments and suggestions.

Most sincerely,



Jul Lynn Parsons
Co Chair
Mayor's Disability Council



F. Ross Woodall
Co Chair
Mayor's Disability Council

cc: Board of Supervisors
Grand Jury Office
Mayor's Office on Disability