



ACCESS APPEALS COMMISSION
MINUTES *approved 2/22/2017*
Regular Meeting Wednesday, November 9, 2016

1. CALL TO ORDER AND ROLL CALL

The meeting was called to order by Acting President Alyce Brown at 1:29 P.M.

COMMISSION MEMBERS PRESENT:

Ms. Alyce G. Brown, Acting President

Mr. Arnie Lerner, Commissioner

Mr. Walter Park, Commissioner

CITY REPRESENTATIVES:

Mr. Rick Halloran, Secretary

Ms. Elaine Warren, Deputy City Attorney

2. ELECTION OF COMMISSION OFFICERS: PRESIDENT AND VICE PRESIDENT (ACTION)

The election of President and Vice President is govern by the bylaws and is rotated among the Commission members with Alyce Brown as President and Walter Park as Vice-President.

3. PUBLIC COMMENT: (DISCUSSION)

No public comment.

4. REVIEW AND APPROVAL OF MINUTES: (ACTION)

The minutes for the May 25, 2016 meeting were approved with two minor corrections.

5. REVIEW OF COMMUNICATION ITEMS: (DISCUSSION)

- a) Secretary Halloran reminded the Commissioners about the email from Erica Major regarding the ordinance altering various city officials and employees' obligations to fill out Form 700. For any questions or comments, Commissioners may contact Erica Major or Secretary Halloran.

b) Secretary Halloran received an email from Ms. Eman Diab of 201 Turk Street regarding a complaint on the café for not abiding by the requirements of a previous AAC decision 01-05. The AAC decision was for an appeal of a notice of abatement issued on the property due to the corner entry being constructed with steps in violation of the accessibility laws. There was a second door on the left side of the building, which provided full access. The decision stipulated that the corner dutch door and the lower section to remain closed during business hours and used for exit only. In Ms. Diab's email, she questioned why the door had to remain shut.

Secretary Halloran stated that he would like to obtain guidance on how the matter should be handled as the Department did not have the man power to continually go to the property and ask the owner to shut the door, only to have it return for the same complaint a short time later. Secretary Halloran asked whether the Commissioners remember this case. President Brown stated she remembered the case vaguely, but did not know why the door had to remain closed.

After some discussion, City Attorney Warren reminded the Commission that this item was for discussion only and since there was no appeal, no action can take place. Ms. Warren said that the Department may take whatever action it felt appropriate and the complainant may appeal that action to the Commission. President Brown requested to see the notice of decision and Secretary Halloran will email her a copy.

6. CONSENT CALENDER:

(ACTION)

Consent Calendar for 353 Sacramento Street was withdrawn.

7. BRIEF UPDATE ON ORDINANCE NO. 51-16, MANDATORY DISABILITY ACCESS IMPROVEMENTS:

(DISCUSSION)

Secretary Halloran presented draft checklist, draft technical specifications, and power point for BOMA to the Commissioners to review. Secretary Halloran, Commissioner Park, and City Attorney Warren discussed how to work with DPW and Planning to streamline their procedures for the Program.

Secretary Halloran explained he had placed three positions, one permit technician and two building inspectors, to be filled in the Technical Services Division's budget. He worked with Porsche Bunton from Department of Human Resources and DBI Assistant Director Ron Tom to try to hire through the Access to City Employment Program (ACE), which facilitates in expediting the hiring of a person with a disability. Secretary Halloran described how he requested hiring through this process to Mr. Tom and DBI HR Manager. Mr. Tom was cooperative in petitioning HR for this hire. HR sent notice that the Department was waiting for the Director's approval in order to proceed. Secretary Halloran said the administration made no further effort to hire or assist in the development of the program, in spite of the multiple requests made by Secretary Halloran and Commissioner Park.

The Commission requested for Secretary Halloran to invite the Director to appear before the Commission and explain what the Department was doing in terms of hiring and support.

8. AMENDMENTS TO THE RULES OF THE COMMISSION (BYLAWS): (DISCUSSION)

Current bylaws have procedures for appeal and ratification, but do not have procedures on other types of action that a person may request under the Ordinance 51-16, like extension of time, technical infeasibility, and unreasonable hardship.

City Attorney Warren requested for department staff or task force to propose guidelines, so she may draft the bylaws for the Commission to review.

9. COMMISSIONERS AND STAFF QUESTIONS AND COMMENTS: (DISCUSSION)

President Brown asked about the appointment for another commissioner. Secretary Halloran said at this time there are no applicants for the vacant seat.

10. ADJOURNMENT: (ACTION)

The meeting was adjourned at 2:45 P.M.

Thank you,



Rick Halloran
Senior Building Inspector
Department of Building Inspection
Secretary to the Access Appeals Commission