



## **Commission on People with Disabilities**

June 14th, 2017

### **Welcome and Approval of May 2017 Meeting Summary Minutes**

Seth Morgan, Chair, convened the meeting. A motion was made to approve the May, 2017 Meeting Summary Minutes. The motion was seconded. A vote was taken and the May, 2017 Meeting Summary Minutes were unanimously approved as written. Approved minutes are available online at [www.montgomerycountymd.gov/cpwd](http://www.montgomerycountymd.gov/cpwd).

### **History of Department of Justice Project Civic Access Settlement - Standards and Building Codes, Steps the County Has Taken – Nancy Greene, ADA Compliance Manager, Montgomery County Department of General Services**

**PowerPoint:** <http://montgomerycountymd.gov/HHS-Program/Resources/Files/A%26D%20Docs/CPWD/CPWDupdateJune8mtg.pdf>

Montgomery County is comprised of 38 departments that provide services. Montgomery Parks (MP) is a separate entity from County Government and is part of the Maryland-National Capital Park and Planning Commission, which is a bi-county agency empowered by the State of Maryland to acquire, develop, maintain and administer a regional system of parks within Montgomery and Prince George's Counties.

Beginning in 1992, all new construction and renovations were to be constructed in compliance with the ADA Accessibility Guidelines (ADAAG). Existing buildings that were built before 1992 were to be remediated and be made as accessible as possible. In the 1990s, there was not much guidance offered on how to implement the ADA and the standards for buildings are very complex. For example, to determine if a restroom is ADA compliant, the County's ADA consultants must make between 80 to 100 measurements. Now there are technical assistance lines and the Access Board that jurisdictions can call for assistance.

The biggest challenge has been to remediate pre-1992 buildings, many of which are recreation facilities and Health & Human Services (HHS) buildings. The County has hired ADA consultants to work on projects from design through completion.

Bowie was the first jurisdiction in Maryland to have a Project Civic Access (PCA) review. The Department of Justice (DOJ) noted that jurisdictions needed more guidance and PCA became an ongoing project. To view settlement agreements, visit [www.ada.gov/civicac.htm](http://www.ada.gov/civicac.htm).

In 2006, DOJ sent a letter to Montgomery County inviting them to participate in PCA. This was not the result of any complaint against the County. The same year, DOJ reviewed Fairfax County. DOJ randomly surveyed County buildings and facilities that were newer and pre-1992. Each year the County must send progress reports to DOJ. These reports are due in August. For each remediation project, photos must be included that show the entire scope of the project as well as each individual piece, such as measurements.

DOJ has acted against two jurisdictions that did not comply with PCA. In 2008, Humboldt County was given a settlement agreement that the county failed to comply with. In 2016, DOJ gave Humboldt County a stricter settlement agreement. Memphis, Tennessee was cited in 2005 for the Liberty Bowl, which had a large number of violations as the facility was built pre-1992. The city had discussed remediating or replacing the facility, but as they had failed to do either DOJ issued them a settlement agreement.

DOJ conducted a sample audit of over 110 County buildings and facilities, some of which were maintained by MP or Montgomery County Public Schools (MCPS). MCPS was not included in the settlement agreement, but they have completed their remediation work. Some buildings were used as polling places and did not fall under the County's

jurisdiction so they were removed from the agreement. In total, there are 83 buildings / facilities the County was responsible to remediate. As of now, 40 buildings have been completed, work is underway at 33, and there are 10 that have not begun remediation. It is taking longer to complete some projects as often times work must be scheduled around the use of the building. DOJ has agreed to extend the settlement agreement end date to allow the work to be completed. Nancy noted that the County is required to survey every building and facility that was not included in the settlement agreement.

Prior to PCA, Nancy's position was located within HHS and she managed HIPAA (Health Insurance Portability and Accountability Act) in addition to the ADA. After PCA, her position was moved to the Department of General Services (DGS) and she was given additional staff support. The ADA Compliance Team is now comprised of six individuals, including an architect and an engineer. They are also using outside ADA consultants to review all new construction projects from the design phase through a post-construction survey.

The County began an Assistive Listening System initiative to install assistive listening devices in County meeting rooms. This past weekend, a system was installed in one of the County Executive's meeting rooms. Video Remote Interpreting has also started being used in some of the Crisis programs and they hope to expand that service throughout the County.

The County has voluntarily adopted the Access Board's draft Public Rights of Way standards for pedestrian facilities in the public right of way. The standards have been finalized, but not adopted by DOJ yet.

Nancy reported that Columbia Lighthouse for the Blind will be reviewing the County's websites and providing feedback. The County currently uses a compliance tool that helps to catch ADA issues, but having test user reviews will add an additional approach to user-ability.

The floor was opened to questions.

Kathy Mann Koepke, Commissioner, asked if the County received any funding from DOJ for the settlement agreement. There is no funding from DOJ. In the 1990s, funding from Community Development Block Grants was used for some ADA remediation work at buildings used by non-profit contractors. DGS must request funding every year and because it is a legal requirement they have not experienced budget cuts like other departments. The budget per year currently is \$4,500,000.

Scott Hunger, Commissioner, asked where the County currently stands in terms of compliance with DOJ requirements. Nancy noted that thanks to input from the Commission in the 1980s and 1990s, the County's programs compared favorably to those in the rest of the country and DOJ's surveys showed that the County already had quite a bit of ADA in place. All new buildings are being carefully monitored for compliance from the start.

It was asked if the current administration will continue PCA. There is no clear answer to that question. DOJ is still posting settlement agreements and all who have been issued one must complete it.

### **Steps Montgomery County Parks Has Taken Including Accessibility at Laytonia Park – Bob Green, Senior ADA Compliance Manager, Montgomery Parks**

MP is subject to the same settlement agreement as Montgomery County. The park system includes 418 parks across 36,641 acres. MP has made a lot of progress since the settlement agreement. Prior to 2010 ADA Standards for Accessible Design, there were no standards for recreation. Bob started in his position in 2012 as a single ADA person. They now have 5 people on staff and have been approved to add two more positions.

MP hired consultants who conducted technical training and evaluated all parks and facilities. The consultants issued approximately 550 reports, which were completed in 2015 – a year ahead of schedule. The reports were needed in order to decide how to proceed with their transition plan. MP submitted their final transition plan to DOJ in August. MP only had 19 sites surveyed by DOJ. 18 of those sites as well as two additional sites have been completed and the last one will undergo construction soon. ADA improvements have also been completed at over 50 smaller parks and at 30 county-wide parks, such as Wheaton Regional and Cabin John.

One of the biggest improvements to MP has been in-house quality control. The entire process – from design through construction – is overseen by Bob and another project manager. They have also conducted many public outreach events. Every employee within the parks system has been trained on technical aspects and disability awareness. It is now a requirement of all new employees to be trained on these as well. MP has developed an ADA Compliance Manual that has been given to all trade staff, such as plumbers and electricians. The use of the manual has resulted in many improvements.

The transition plan is broken up into phases. The plan ranked all of the parks by various criteria. The first phase was working on Cabin John Regional Park, Wheaton Regional Park, and South Germantown Recreational Park. Cabin John and Wheaton were particularly challenging as they were built in the 1960s. The first phase also included 50 smaller parks, many of which were located down County as that is where a lot of older parks are located. One part of the transition plan was to review geographic distribution of parks. One goal was to identify parks that individuals could access within a 10- to 15-minute drive or by using public transportation.

While MP will not be able to make every park accessible, they are targeting a 1-in-3 ratio, although in most cases they are completing work on a 1-in-2 ratio. Unique amenities, such as Brookside Gardens, are a higher priority. Overall, MP is predicting on spending \$100,000,000 over the coming years to renovate the park system.

In addition to the ADA Capital Improvements Program (CIP), they also assist other programs, such as the playground renovation program to provide guidance on making playgrounds accessible. Greenbriar Local Park is fully accessible with bench areas scattered throughout and a playground that is accessible at two levels.

The Meadowside Nature Center was renovated last fall and is now fully accessible inside and up to the nature center. Laytonia Recreation Park is currently under construction and is slated to be finished this fall. The park is fully accessible and Bob has been conducting site visits during construction to check for compliance. He will conduct another site visit soon.

Program Access Services has recently purchased a cart that can be used at fairs or events to transport individuals, if needed. Sign language interpretation services and alternative document formats including large print and Braille can also be requested.

Future trends include the aging population, which is the fastest growing component, and an increasing Veteran population. MP is working with Walter Reed to identify possible partnering opportunities, such as creating high-adventure programming.

MP would like to create an application that would allow a user to locate a park or facility and see what amenities or services are available there.

The floor was opened to questions.

Kathy Mann Koepke, Commissioner, suggested connecting with public transportation that is located near parks and facilities. Bob noted that the transition plan prioritizes parks that are close to transportation stops that provide direct access.

Larry Bram, Commissioner, asked what type of playground surface they are using in their parks. Bob reported that they are reviewing different surfaces now. One issue is the manufacturers do not provide a warranty that they would like.

Neal Carter, Commissioner, offered to do a site visit with Bob at the Laytonia Recreation Park and at other parks and facilities. Bob appreciated the offer and is interested in setting up a visit with Neal and other interested Commissioners.

### **Chair Report**

Seth Morgan, Chair, attended a County memorial service for homeless individuals who have died in 2016 and 2017. Following the service, officials announced a community-wide campaign, Inside/Not Outside, to focus on housing the chronically homeless by the end of 2017: [www.montgomerycountymd.gov/homelessness/](http://www.montgomerycountymd.gov/homelessness/).

Seth reported that the Commission will not meet in July or August. The next scheduled meeting for the Commission is Wednesday, September 13<sup>th</sup>. The Steering Committee Meeting will be held next Wednesday, June 21<sup>st</sup> at 401 Hungerford Drive from 5:30 p.m. to 7:00 p.m. The Committee will discuss issues and speakers for the fall. The Steering Committee will also not meet in July or August.

### **Ex-Officio and Member Updates**

Charlie Butler, Department of Recreation, reported that June 26<sup>th</sup> is the start date for Recreation's summer camps. There are 14 therapeutic recreation camps this year, which is the highest number of camps they have ever had. Recreation is beginning to develop their fall programming schedule. New pottery classes will be offered at North Potomac Community Center and a new aerobic drumming class will be offered at Bauer. Recreation is also working to develop an aerobic boxing class geared towards individuals with Parkinsons. The program has been offered in a few other states and individuals who have participated have seen a slow down of progress of the disease.

Faisal Khan, Department of Transportation, reported that beginning September 2<sup>nd</sup> Ride On and Metrobus will expand their free ride hours on Saturdays for people with disabilities and adults 65+ to 8:30 a.m. to 4:00 p.m. Current ride free hours are Monday through Saturday, 9:30 a.m. to 3:00 p.m.

Rita Gale, Montgomery County Public Libraries (MCPL), reported that as a result of the County receiving a grant from the state to run the Deaf Culture Digital Library, over the next six months MCPL will be adding and developing language kits that will contain materials to support American Sign Language (ASL) classes and conversation clubs as well as ASL materials. MCPL will also add early literacy games and toys to discovery rooms that include a-b-c blocks, ASL puzzles, and first sign language cards. Print materials that will be added to the collection will include ASL teaching, learning and interpreting, books on Deaf history and culture, and books relating to hearing loss. Each information and circulation desk at each branch will have a UbiDuo, which is a communication device that enables deaf, hard of hearing and hearing people to communicate face to face without any barriers, and at least one pocket talker personal amplifier for individuals who are hard of hearing. The Library Accessibility Advisory Committee met recently to discuss programming targeted for individuals with different disabilities, including services and programs for people who Autistic. The Committee also did a site visit to Marilyn Praisner and reviewed the library for accessibility, which is scheduled for a refresh project in July. Recommendations will be shared and incorporated into the refresh design.

Kathy Mann Koepke, Liaison to Commission on Health (COH), reported that COH had a presentation from the Agency for Healthcare Research and Quality (AHRQ) on health literacy and increasing access to health care. She will share health literacy information and tool kits with Betsy. Kathy added that Avner Shapiro presented before the COH to address the need for early identification of children who have developmental disabilities.

Okianer Christian Dark, Office of Human Rights (OHR), reported that OHR is hosting a Juneteenth Celebration on Friday, June 16<sup>th</sup> at Black Rock Center for the Arts in Germantown. The event celebrates the commemoration of the announcement of the abolition of slavery in the State of Texas on June 19, 1865. The announcement came two years after the official issuance of the Emancipation Proclamation by President Abraham Lincoln. The free event will feature a showing of the movie "Hidden Figures" as well as a barbecue dinner. It was asked if OHR collects information regarding hate crimes in the County. The Department does and Okianer said she will share that information with the Commission.

Larry Bram, Developmental Disabilities Advisory Committee (DDAC), reported that as of Monday there were 60 transitioning youth who were not in services yet and were leaving high school with no services in place starting July 1<sup>st</sup>. The Committee is very concerned about these high numbers. DDAC will meet again in September. Larry also reported that Commissioner Avner Shapiro held a meeting at Easter Seals last week to discuss early identification of children with autism and other developmental disabilities. The earlier a child can get into services the better. The group that met will take a more comprehensive look to identify problems and discuss solutions.

Betsy Luecking, Staff, reminded Commissioners that meeting reimbursement forms are due by June 22<sup>nd</sup>. Please submit to Carly Clem. Betsy added that the Commission will need to start discussions regarding budget priorities that will be submitted in the fall.

**Announcements:**

Asha Clark, Commissioner, reported that the Arc of Montgomery County will be hosting a presentation in September about the ABLÉ Act.

Kathy Mann Koepke reported that people who have neurological disorders and who contract the Zika virus can have an increase in new neurological issues.

**Next Full Commission Meeting:** Wednesday, September 13<sup>th</sup>, 2017 – Executive Office Building, 101 Monroe Street, Lobby Level Auditorium, Rockville, MD 20850 – 6:00 p.m. to 7:30 p.m.

**Steering Committee Meeting:** Wednesday, September 20<sup>th</sup>, 2017 – Health & Human Service, 401 Hungerford Drive, Conference Rooms 1A/1B, Rockville, MD 20850

Submitted by: Carly Clem, Administrative Specialist I  
Betsy Tolbert Luecking, Community Outreach Manager