



DISABILITY AND COMMUNICATION ACCESS BOARD

1010 Richards Street, Room 118 • Honolulu, Hawaii 96813
Ph. (808) 586-8121 (V) • Fax (808) 586-8129 • TTY (808) 586-8162

AGENDA

Disability and Communication Access Board General Meeting

Location: Virtual Location Via Zoom

Date: November 19, 2020

Time: 11:00 a.m. to 1:00 p.m.

To join by PC or mobile device, click on the link below or copy and paste it into your browser window: <https://zoom.us/j/96005399541> and enter Meeting ID: 960 0539 9541

To join by phone, dial 1 669 900 6833 and enter Meeting ID 960 0539 9541

To join by Relay Conference Captioning, click on the link below:

<https://www.captionedtext.com/client/event.aspx?EventID=4634131&CustomerID=928>

- I. Call to Order
- II. Roll Call
- III. Introductions
 - Deputy Attorney General
- IV. Approval of Meeting Minutes of September 17, 2020
- V. Executive Director's Report
 - Budget
- VI. Committee Reports
 - A. Executive Committee (No Report)
 - B. Legislative Committee
 - Approval of Meeting Minutes of November 12, 2020
 - C. Standing Committee on Communication Access (No Report)
 - D. Standing Committee on Facility Access
 - Document Reviews and Database – Update
 - Other Facility Activities from the Plan of Action

- E. Standing Committee on Parking
 - Parking Program Issuance and Statistics – Update
 - Public Education Quality Assurance and Outreach Efforts – Update
 - Implementation of Act 87 (2019) and Hawaii Administrative Rules Title 11, Chapter 219, “Parking for Persons with Disabilities” - Update
 - Other Parking Activities from the Plan of Action
 - F. Special Parent Information Network
 - SPIN Conference – Virtual, October 17, 2020 - Update
 - Update of Activities from the Plan of Action
- VII. Old Business
- A. ADA Coordination Update
 - B. Rule on Time Limits on Public Testimonies/Comments
 - C. COVID-19 Webpage
- VIII. Open Forum
- IX. Announcement of Next Meeting: January 21, 2021
- X. Adjournment

Board packets are available for inspection in the DCAB office, and by mail or by email upon request.

If you need an auxiliary aid/service or other accommodation due to a disability, contact Cindy Omura at (808) 586-8121 or dcab@doh.hawaii.gov as soon as possible, preferably by November 16, 2020. If a response is received after November 16, 2020, we will try to obtain the auxiliary aid/service or accommodation, but we cannot guarantee that the request will be fulfilled. Video Remote Interpreting and Relay Conference Captioning will be provided.

Upon request, this notice is available in alternative formats such as large print, Braille, or electronic copy.



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MINUTES

Disability and Communication Access Board General Meeting

Location: Virtual Location Via Zoom

Date: November 19, 2020

Time: 11:00 a.m. to 1:00 p.m.

PRESENT: Pauline Aughe, Chairperson; Anthony Akamine, Ron Awa, Scott Fleming, Violet Horvath, Nikki Kepo'o, Marie Kimmey, Phyllis Meighen, Michael Nojima, Gerald Ohta, Board Members; Kirby Shaw, Kristine Pagano, Bryan Mick, Sue Radcliffe, Colin Whited, Duane Buote, Susan Rocco, Kamaile Hopfe, Cindy Omura, Staff

ABSENT: Rosanna Daniel-Kanetake, Dean Georgiev, Gerald Isobe, Summer Kozai, Justin Tokioka, Amy Tsuji-Jones, Board Members

GUESTS: Andrea Armitage, Peter Fritz, Donald Sakamoto

SIGN LANGUAGE

INTERPRETERS: Mala Arkin and Carie Sarver

- I. Chairperson Pauline Aughe called the meeting to order at 11:04 a.m.
- II. Roll was called and Board members, staff, and guests introduced themselves.
- III. Kirby Shaw introduced Andrea Armitage, Deputy Attorney General who represents DCAB. She provided background information of State agencies she was assigned and responsibilities as a Deputy Attorney General. She represents the State, first and foremost, and the agency and Board members. If there are issues that the Board needs to go into Executive session because of a legal question, she's there to provide assistance to the Board. Board members welcomed and thanked her for participation at the meeting.
- IV. The minutes September 17, 2020 meeting were approved as circulated (M/S/P Kimmey/Ohta).
- V. Executive Director's Report

Kristine Pagano reported on the DCAB accounts for this fiscal year. She reported two of the accounts, special and interdepartmental are stable. She reported the DCAB general fund had restrictions totaling \$15,500 in the second quarter. There is no new information to provide Board members for the third quarter.

How severe the economy is impacted by the pandemic will affect programs that rely on general funds. Programs submitted a proposed twenty percent reduction scenario. The reduction scenario may change with more or less reductions or restrictions.

Kirby Shaw reported that DCAB drafted a bill that would fund the parking program. The funding would come from a \$1.00 that would be added to the motor vehicle registration fee. The funds would be deposited into a DCAB special fund account for the parking program to cover payments to the counties for issuing the placards, cost of materials for the program, and staff salaries. The program would no longer be reliant on general funds, and instead create a more reliable, stable source of funding.

Guest Peter Fritz said DCAB introduced bills in past years to add an amount onto the motor vehicle registration. He asked how the proposed draft differed from previous bills and when would a draft be available for review. Kirby Shaw said there's no real difference from what was proposed in the past. The only difference is DCAB is not competing with other entities in seeking an increase or addition to the registration fee.

Board member Nikki Kepo'o asked, what would happen if the bill doesn't pass. Kirby Shaw said DCAB would still have its allotment of general funds, but DCAB's budget would be subject to restrictions.

Guest Peter Fritz asked if the bill passes how would it be integrated with the flow of funds because the money won't be there until people register their cars. Kirby Shaw said there is going to be a lag, and it will take effect January 1, 2022 with the changeover starting on July 1, 2022 to allow money to accumulate.

Board member Violet Horvath asked, if the bill does pass, can it be reversed at any time by either DCAB or the State. Kirby Shaw stated if the Legislature deems the law needs to be changed, the Legislature can change it.

VI. Committee Reports

A. Executive Committee

The Committee did not meet, and no report was given.

B. Legislative Committee

Kirby Shaw reported for Committee Chairperson Rosanna Daniel-Kanetake. The Committee met on November 12, 2020 to discuss a staff summary concerning draft legislation prepared by the Office of Information Practices (OIP) that would make permanent the option for boards and commissions subject to the State's Sunshine Law to hold virtual meetings.

The Committee voted to submit comments in support of the legislation because it allows for greater participation by persons with disabilities across the state that is both accessible and inexpensive. Plus, it will allow meeting

participants, including board members, to be safe from contracting the coronavirus.

Board member Violet Horvath stated that during the Committee meeting a few questions were discussed, and we wanted to support this with the understanding that if it does pass, there is still work that needs to be done to make sure that everything is truly accessible for everyone.

Guest Peter Fritz said that his comments were not included in the draft minutes. Kirby Shaw said what was discussed at the meeting, staff is taking it under advisement and will have to address some of the concerns that were raised.

Board member Violet Horvath inquired if the draft minutes can be amended to include Peter Fritz's comments. Board member Nikki Kepo'o said the Board would not be able to vote on the draft minutes as long as there is an amendment. She asked if the Board is required to vote on the approval of the minutes or if the Legislative Committee can approve the minutes, after its been amended. Kirby Shaw affirmed that it is possible to approve the act and have the Legislative Committee amend and approve the minutes as a Committee. Kirby Shaw noted that comments in support of the bill's introduction was submitted.

The Board voted to approve the Committee's legislative action and send back the draft minutes to the Legislative Committee for amendment and approval (M/S/P Kimmey/Horvath).

C. Standing Committee on Communication Access

The Committee did not meet, and no report was given.

D. Standing Committee on Facility Access

Committee Chairperson Marie Kimmey reported that the Facility Access Unit (FAU) reviewed one hundred thirty seven projects from October 1 to November 9, 2020 of which thirty six were new submittals. The FAU collected \$65,850 in fees during that same period of time.

The FAU is developing a plan for the virtual 2021 Disability Access Conference. The U.S. Access Board will provide speakers for the virtual presentations and the FAU will come up with a schedule to accommodate the time difference for the speakers. It will be over several days instead of one long day as in the past.

The AIA Honolulu has made requests to have DCAB do presentations on the ADA for them. To address their request, DCAB is working with AIA Honolulu to coordinate the virtual Fiscal Year 2020-2021 Basic Training Series. The dates for the basic trainings are November 12, November 17, December 3, and December 10, 2020.

The Committee met on November 10, 2020. Interpretive Opinion DCAB 2020-02 Elevator Location was tabled until the next Committee meeting in order to wait for the response from the Department of Justice (DOJ) and to add some examples to the recommended ruling.

She announced the next Committee meeting is scheduled for January 7, 2021.

E. Standing Committee on Parking

Committee member Gerald Ohta reported for Chairperson Summer Kozai. He reported the Committee met on November 2, 2020. He reported that Governor Ige has suspended the expiration dates on parking placards, and this will remain in place until November 30, 2020 unless extended. For the first quarter of this fiscal year, there were 4,819 placards and 291 special license plates issued. Of the placards, 1,171 were temporary and 3,648 were long term; and of the long-term placards, 1,802 were renewals issued by DCAB. The renewal rate was sixty two percent.

The Committee finalized two public education quality assurance and outreach efforts:

- 1) A survey of permittees regarding their experiences in finding and using accessible parking spaces has been adopted by the Committee and circulated to the full Board for review. The hope is that this will help the Committee pursue appropriate solutions to challenges people encounter, especially when it comes to future legislation.
- 2) A method where the public can report a vehicle using an invalid parking permit or parking in the access aisle was adopted by the Committee. DCAB can follow up with the permittee and provide educational materials. Basically, it will be an education effort as DCAB is not enforcement agency.

The proposed Hawaii Administrative Rules, Title 11, Chapter 219, "Parking for Persons with Disabilities has been submitted to the Governor for approval to schedule public hearings.

Board member Gerald Ohta reported that a crosscheck with vital records was performed and about 5,550 records of deceased permittees were flagged. Staff updated the database to assist parking enforcement to identify invalid placards being used and this month started mailing letters to estates of deceased permittees. Of the 2,700 letters mailed to date, 211 were undeliverable, 70 families responded they discarded or could not find the placard, and 435 placards were returned.

Board member Gerald Ohta reported that staff has started the procurement process for the disabled paid parking exemption placard and is finalizing the new multi-use application form.

F. Special Parent Information Network

Board member Phyllis Meighen reported on the successful virtual SPIN Conference held on October 17, 2020. She asked Susan Rocco to provide additional information on the conference. Susan Rocco reported three hundred fifty two people registered for the conference. The conference included nine workshop sessions, and forty two Zoom rooms for exhibitors. One disappointment was that a majority of workshop sessions failed to record as set up by SPIN's technical assistants. SPIN staff are rescheduling speakers to videotape their session again so that it can be archived on the SPIN Conference website for a larger audience. Susan Rocco reported that SPIN's partners within the Department of Education were particularly pleased with the conference outcomes. Susan Rocco thanked Board members Nikki Kepo'o, and especially her daughter and Phyllis Meighen for their participation in the conference.

VII. Old Business

A. ADA Coordination Update

Colin Whited reported technical assistance was provided to one hundred seventeen callers from various State and County departments/agencies on different ADA issues. DCAB provided ADA training to the Department of Public Safety on October 14 and 15, 2020. A County ADA Coordinators meeting was held on November 6, 2020 and various issues were reviewed including the County Mayors emergency orders, face coverings, social distancing and accessible routes. Hosted two webinars related to the ADA; one webinar sponsored by the National ADA Network focused on Accommodations for Hiring and Work and the other webinar was sponsored by the U.S. Access Board on Chapter 8 on Special Rooms, Spaces and Elements, Part 2. DCAB maintained current information on the ADA Coordinators website.

Board member Violet Horvath inquired about the technical assistance; what are some of the things people are asking and are there one or two things in common that people ask about. Colin Whited replied that some of the questions are on face coverings and making remote meeting accessible and received a lot of questions on service animals.

Guest Peter Fritz inquired about COVID-19 leaves and accessibility issues. Colin Whited said DCAB may not be getting as many calls for Title I issues as it is handled by the Department of Human Resources Development. Kirby Shaw said Departments have ADA Coordinators and they are the first point of contact and are familiar with their human resources (HR) responsibilities which include making accommodations for persons with disabilities. Board member Gerald Ohta said as a former ADA Coordinator and a former HR person, Kirby Shaw's characterization is primarily what the state does.

B. Rule on Time Limits on Public Testimonies/Comments

Kirby Shaw reported at the last Board meeting the time limits on public participation to provide testimony or comments on agenda items was tabled. Testimony or comments presented by members of the public during Board meetings shall be limited to three minutes per agenda item. He contacted the OIP on whether it is permissible to make an exception for persons with communication disabilities to the time limit rule, and if an exception is permissible whether the rule must indicate a time limitation. Staff is proposing the following rule:

“Testimony or comments presented by members of the public during Board meetings shall be limited to three minutes per agenda item. In compliance with the Americans with Disabilities Act, a reasonable amount of additional time shall be afforded to persons with a communication disability to present testimony or comments, if needed. Any person who needs additional time to present testimony or comments is encouraged to contact the DCAB office in advance of the meeting. This rule shall be placed at the beginning of all Board meeting agendas.”

Guest Peter Fritz said that the starting point was not that there was a rule, but the rule was presented as a point de conflit to the Board. He said the issue was not the time limit, the imposition of the rule without Board action as is required by statute.

Board member Nikki Kepo'o commented that it was not necessarily to limit comments from the public but to be mindful of staying within the meeting timeframe of two hours. Board member Violet Horvath said she had concerns about time constraints and wanted to hear from both the Board and the public to make sure everyone gets a chance to be heard.

The Board approved the rule on time limits on public testimonies/comments (M/S/P Kimmey/Ohta).

C. COVID-19 Webpage

Colin Whited shared the COVID-19 information on DCAB's web page with Board members. He clarified that the information on the website is based on current State of Hawaii policy and Center on Disease Control and Prevention (CDC) guidelines. The information on the website is provided for the convenience of the people who want to be aware of different accessibility issues. Provided are different links to various federal and state information, and frequently asked questions are also included. The links include all emergency orders issued by the County Mayors and the Governor's proclamations.

Board member Violet Horvath asked if information on the vaccines will be included on the page. She said there seems to be a couple of different goals for this page. It seems to be sort of a one-stop shop for general information and the second is to direct information to people with disabilities.

Kirby Shaw said its best to provide a link to the Department of Health website as they are coordinating the distribution of the vaccine in the state and would have the most up to date information.

Kirby Shaw said the information on the web page can be printed out and carried by persons with disabilities.

VIII. Open Forum

Guest Peter Fritz suggested that DCAB consider incorporating or look at material and encourage the Office of Elections (OE) to provide training that certain individuals with cognitive disabilities have the right to vote. It may come up during this legislative session regarding the number of voter service centers. He asked about the update to the Programs and Services Manual which is part of the Plan of Action and the issue of COVID-19 and facility access, changes made to accessing buildings.

Board member Gerald Ohta suggested it be referred to the appropriate Committee or Committees as some of the points mentioned above are very appropriate.

Kirby Shaw said that OE and the County Elections Offices can always use input in improving the system for people with disabilities. It would be appropriate to add to the Plan of Action for next year for DCAB to work with the election offices.

Guest Peter Fritz said he has been in contact with OE and the Oahu County Clerk to share some of the issues with them. It would be helpful to raise the issue of persons being denied the right to vote because someone makes the decision that they do not have the cognitive ability. The legislation takes a while to pass. The OE will be making a report to the Legislature and it might provide an opportunity for DCAB to provide input.

Kirby Shaw said if there is legislation then we could add it to our 2021 legislative position statements.

Guest Donald Sakamoto said he had issues with the electronic ballot that was sent for the General election. Guest Peter Fritz said that the Oahu County Clerk indicated that they will be retiring the voting machines after eighteen years. If the machines are being replaced, what are they replacing them with, and how accessible are the machines?

Guest Donald Sakamoto informed that Board that he attended a Honolulu City Council meeting and testified on Bill 87 to increase the Handi-Van fares from \$2.00 to \$2.25. He also spoke with a Big Island representative to express his concerns about the island's ADA paratransit accessibility services.

IX. Chairperson Pauline Aughe announced that the next DCAB General meeting is scheduled for January 21, 2021 beginning at 11:00 a.m.

X. The meeting adjourned at 12:55 p.m.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Cindy Y. Omura", with a long, sweeping flourish extending to the right.

CINDY Y. OMIURA



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DISABILITY AND COMMUNICATION ACCESS BOARD General Meeting November 19, 2020

ADA Coordination Report

Since the last meeting on September 17, 2020, ADA activities of all DCAB staff included:

1. Provided technical assistance (TA) to one hundred seventeen (117) callers on issues related to the ADA. Key departments/agencies included: Office of the Governor, Hawaii State Senate (2x), Judiciary (2x), Attorney General, Commerce and Consumer Affairs (DCCA), Health (DOH) (2x), Human Services (DHS), Public Safety (PSD), Transportation (DOT), University of Hawaii (UH); the County of Hawaii (2x), the City and County of Honolulu (3x), the County of Kauai, and the County of Maui.
2. Provided ADA Title II training to the Department of Public Safety on October 14-15, 2020.
3. Held a meeting with the County ADA Coordinators on November 6, 2020. Among the items discussed were the Emergency Orders issued by the County Mayors, face coverings/masks, social distancing, and accessible routes.
4. Hosted two (2) webinars related to ADA issues:
 - One (1) webinar sponsored by the National ADA Network on:
 - "Accommodations for Hiring and Work"
 - One (1) webinar sponsored by the U.S. Access Board on:
 - "Chapter 8: Special Rooms, Spaces, and Elements (Part 2)"
5. Maintained current information on the ADA Coordinators secured website and DCAB's website by ensuring current lists of State and County ADA Coordinators were available.

Any questions regarding ADA Coordination activities should be directed to Colin Whited at (808) 586-8121 or colin.whited@doh.hawaii.gov.

SPIN Report November 2020

SPIN's First Virtual Conference a Success

The SPIN Advisory Committee has declared our first online conference a resounding success based on the size of attendance and participant feedback. Particularly pleased with the outcomes (see table below) are SPIN's partners within the Department of Education. The one disappointment was that a majority of workshop sessions failed to record as set up by SPIN's technical assistants from the MCH LEND Program and Hilopa'a Family-to-Family Information Center. As a consequence, SPIN staff are rescheduling speakers to videotape their session again so that it can be archived on the SPIN Conference website (<http://spinconference.org>) for a larger audience over time. SPIN would like to say a special thank you to Board members Nikki Kepoo and Phyllis Meighen. Nikki's daughter Pualokomaikai'i (Rebekah) offered her wise insights along with two brothers--Ryan and Henry Man--in our *Sibling Talk Story* expertly facilitated by Phyllis, herself a sibling. The captioned recording is available at <https://vimeo.com/468404276>.

Total Registrations	352
Registration w/Guests	449
Workshops Attendees	223
Workshop Attendees w/ Guests	273
Vendor Zoom Rooms	42
Workshops	9
Networking Rooms	3

Footsteps to Transition Fair Postponed

The Footsteps to Transition Fair for middle and high school youth with disabilities and their families scheduled for Saturday, October 24th, had to be postponed at the last minute due to a sudden illness of the primary presenter and conference facilitator. It is anticipated to be virtually presented in January or February 2021. The advantage of a virtual fair is that the event can be offered statewide for the first time in its history.

SPIN Partnership with TACA

SPIN was approached by the local chapter of The Autism Community in Action to help co-host twice monthly virtual support sessions--TACA Coffee Talk--for parents of students with autism and/or other developmental disabilities. Kiele Pennington, TACA Coordinator, and Amanda Kaahanui, SPIN's Program Specialist, co-host the one hour session which combines COVID updates, parent coaching and opportunities to talk story. The next [TACA Coffee Talk](#) is scheduled for November 23rd at 9:30 a.m.