

Presentation before the Portland City Council on 23 June, 2010

Good morning Mayor and members of the City Council. My name is Joe Walsh and I am a founding member of Individuals for Justice. I come before you today to talk about the Americans with Disabilities Act, (ADA) and your lack of accommodation under the Act.

The very essence of the Act is to make sure citizens have equal access to City Council and other government meetings. I believe you are in violation of the Act. I have attempted to resolve this matter with you over the last month; I have failed and therefore sent a letter to the Department of Justice requesting they investigate your lack of response to my simple request.

1. Make available two wheelchair spaces in the front of the Council Chambers.
2. Designate a person acting for the Council to be a "Greeter." Insuring that when a person like myself, on oxygen and uses a cane knows---that there are seats up front where there is more room for oxygen backpacks, wheelchairs, or maybe working animals. They may not accept your offer but the option should be available.

I could make the arrangements in a few minutes if you like, we do not need lots of meetings to resolve this matter.

In the last few months the only time I have heard this body speak of ADA is to say we must clear a path for the walking/shopping, and or people with money to move around the downtown and Lloyd Center areas, this is a double insult considering the fact that you, as a government body, are in violation of the Act. Even this old veteran on oxygen can see through this apparent hypocrisy and it will be to your shame. Many of us believe that you use the Act when it is to your advantage and abuse the Act when you actually have to do something that benefits people with disabilities.

ADA and sit/lie/lie should never have been brought together, it is not unlike our Congress passing supplemental bills for wars and occupations and attaching Veterans benefits, educational funding, and/or "Rescue" money to make the bill acceptable. There is no way that we can present this issue with your 3 minute time frame so I have submitted a written presentation and copies are available with the Clerk.

The last part of my statement is directed to your new way to get people who live on the streets away from your business part of the city. It is not working and the video that is on Indy media clearly shows two police on horseback hassling a group of young people who are sitting in the very place that you told us was a safe zone. There is no data availability from the police department but this video shows what, we who opposed this ordinance feared. The police should not be given the responsibility to enforce this new ordinance. If this is what the police call outreach, we are in serious trouble. There must be a better way of solving what you see as a problem on our sidewalks.

Thank you for your time.

U.S. Department of Justice
950 Pennsylvania Avenue, NW
Civil Rights Division
Disability Rights - NYAVE
Washington, D.C. 20530g

June 18, 2010, 7:51 AM

This is a formal complaint against the City of Portland, Oregon. I charge the city with violations of the Act, not complying with reasonable accommodation during their weekly council meetings. I have attempted to work with the city on this issue as supported by the attached documents and e-mails, the city has lost all credibility with me as they say one thing and do nothing to comply with the Act.

Attachment 1:

This is the original written request to the City Attorney's Office with no reply; copies to the listed officials.

Attachment 2:

E-mail communications that have taken place over the last month in an attempt to resolve the issue in an informal way; the attempt in my opinion has failed.

I have no faith in the city's ability to resolve this issue and therefore am filing this formal complaint for redress.

As indicated by attachment one:

"On or about May 26, 2010 there were a number of instances that, in my opinion, violated the Americans with Disability Act. (ADA)

1. I entered the Council Chambers at or about 0900 and took my usual seat in the front row near the left side of the Council; if one was facing the members. At or about 0920 I was told that I had to move to accommodate a group of women who are known as the "Rose Court" or something like that title. They are teenagers who are competing for the Rose Crown. I was forced by intimidation to take a seat in the back of the council for a photo op. I might have just let this go and not make an issue of the incident; I was angry but normally would have let it go as not worth the fight. However something else happened that caused me to say---enough!
2. By invitation there were several blind people who were "Invited" to testify about a problem they were having in the streets of Portland concerning their dogs who were being attacked or threatened by other dogs off leash or with the extended leashes. I was appalled that they also were sitting in the back of the council.
3. There was a man in a wheelchair forced to be in the back of the chamber with no place for him to go. I could not believe my ears when one of the Council members made it clear that she had invited the blind citizens, not even noticing that they were made to make do with seats in the back of the room.

I believe that I was told to move by the request of the organization of the Rose Parade and by outrageous capitulation of the Council and staff. The two blind citizens who testified were also discriminated against in the sense that reasonable accommodations were not afforded to them, in any sense of the word.

There is a minimum that I will accept as mediation.

A) The front row of the Council be set aside for wheelchairs, at least two spaces.

B) The rest of the front row will be occupied by any citizen that has a disability. This would include but not limited to blindness, wheelchair bound, walking with a cane, and if the person is on oxygen; as I am.”

This issue for me seems to be one that should be resolved in a day or two if the city is inclined to accommodate citizens with disabilities. I could make the requested changes in about 10 minutes, so waiting for a month for a meeting is a little unreasonable especially when a date certain is announced and ignored. (see last e-mail)

Joe Walsh
7348 SE Division St
Portland Oregon, 97206

Phone: 503-946-8428
E-mail: lonevet2008@comcast.net



www.IndividualsForJustice.org

Linda Meng **26 May, 2010**
City Attorney
1221 SW 4th Avenue, Rm 430
Portland OR 97204

On or about May 26, 2010 there were a number of instances that, in my opinion, violated the Americans with Disability Act. (ADA)

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by outrageous capitulation of the Council and staff. The two blind citizens who testified were also discriminated against in the sense that reasonable accommodations were not afforded to them, in any sense of the word.

This is an informal attempt to resolve this problem without litigation. There is a minimum that I will accept as mediation.

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- B) The rest of the front row will be occupied by any citizen that has a disability. This would include but not limited to blindness, wheelchair bound, walking with a cane, and if the person is on oxygen; as I am.

I will give the City Attorney's Office five working days to respond before filing a formal complaint with the appropriate department under the act; this case would probably go to the Department of Justice. (a legal question that I am not qualified to decide)

I believe this is a reasonable request/demand and will not back off because I am pissed and embarrassed by this entire event.

Joe Walsh-Lone Vet
Individuals for Justice

CC: Amanda Fritz
Sam Adams
Jason Kafoury
IFJ LIST

Attacment 2

Sara,

I was under the impression that there would be a meeting on the 14 of June??

"The Executive Committee of the Portland Commission on Disability, staffed by Nickole Cheron, is taking up this issue at their June 14 meeting. We are also inviting Danielle Brooks, the City's Title 6 compliance staffer, and Karla Moore-Love, the Council Clerk, to help us in formulating recommendations for changes to ensure accommodation for all citizens in Council meetings. I expect improvements once identified will be implemented promptly after appropriate review by you and other interested persons." (From Commissioner Fritz.)

There seems to be a credibility problem here, I will address the council on the 23rd as scheduled and file a formal complaint with the Dept of Justice against the City for a number of violations of the Act.

Sincerely

Joe Walsh

----- Original Message -----

From: "Sara Hussein" <Sara.Hussein@portlandoregon.gov>

To: "lonevet2008@comcast.net" <lonevet2008@comcast.net>

Sent: Thursday, June 17, 2010 11:02:53 AM GMT -08:00 US/Canada Pacific

Subject: RE: [Approved Sender] move or

Hi Joe,

I wanted to let you know that I will be meeting with other City staff next week to discuss how we can take care of this issue. I will let you know as soon as we come up with a solution.

Thank you for sharing your concerns,

Sara

From: lonevet2008@comcast.net [<mailto:lonevet2008@comcast.net>]

Sent: Thursday, June 03, 2010 9:32 AM

To: Commissioner Fritz

Cc: Meng, Linda; Cheron, Nickole; Adams, Sam; Hussein, Sara

Subject: Re: [Approved Sender] move or

Dear Commissioner Amanda Fritz,

The reason I am waiting for a reply from the City Attorney is that is how I was directed to proceed.

During the May 26th meeting when all these issues came about, I approached the representative of the City Attorney and requested information concerning the form to fill out regarding a complaint against the City under ADA. After a few minutes of conversation it was obvious to me that he did not know or was not sharing the requested info, and out of frustration I simply asked if his office would accept and investigate a complaint concerning the Act. He said yes, I said he would receive an e-mail that day and I would hand deliver a hard copy the following day; which I did. You have been the only person who has been gracious enough to respond to what I consider a serious but easy issue to resolve. The actions you listed in your last e-mail continue to attempt to resolve these problem; however please try to understand that I have more than one disability. I

use oxygen and walk with a cane, but also suffer from not believing anything politicians tell me, it is what they do that wins me over, not what they tell me is going to happen.

The Act allows me the option of trying to use your internal procedures or file a formal complaint:

Step 5. If the appellant is dissatisfied or does not wish to file an appeal through the City's ADA Appeal Procedure, the appellant may file a complaint directly with the United States Department of Justice or other appropriate state or federal agency. Use of the City's appeal procedure is not a prerequisite to the pursuit of other remedies.

I copied you on this issue out of courtesy and yet here we are; you are the only official responding. You mentioned Karla would assist in formulating a response and possible changes in how the Council deals with citizens with disabilities, she is one of my favorite people employed by the city of Portland.

I will hold off filing a formal complaint and watch for a speedy resolution of these issues. Thank you for your patience with this old vet, and congratulations on your son's graduation from Princeton.

Joe Walsh-Lone Vet
Individuals for Justice

----- Original Message -----

From: "Commissioner Fritz" <amanda@portlandoregon.gov>
To: "lonevet2008@comcast.net" <lonevet2008@comcast.net>
Cc: "Linda Meng" <Linda.Meng@portlandoregon.gov>, "Nickole Cheron" <Nickole.Cheron@portlandoregon.gov>, "Sam Adams" <Sam.Adams@portlandoregon.gov>, "Sara Hussein" <Sara.Hussein@portlandoregon.gov>
Sent: Wednesday, June 2, 2010 11:08:55 PM GMT -08:00 US/Canada Pacific
Subject: RE: [Approved Sender] move or

Dear Joe,

Thank you for your follow-up. The Executive Committee of the Portland Commission on Disability, staffed by Nickole Cheron, is taking up this issue at their June 14 meeting. We are also inviting Danielle Brooks, the City's Title 6 compliance staffer, and Karla Moore-Love, the Council Clerk, to help us in formulating recommendations for changes

to ensure accommodation for all citizens in Council meetings. I expect improvements once identified will be implemented promptly after appropriate review by you and other interested persons.

I don't understand what you seek in a response from the City Attorney, or what filing a formal complaint would produce in addition to the actions listed above. Please explain. Thank you again for bringing your valid concerns to my attention.

Sincerely,

Amanda

Amanda Fritz
Commissioner, City of Portland

Please note new e-mail address: amanda@portlandoregon.gov

To help ensure equal access to City programs, services and activities, the City of Portland will reasonably modify policies/procedures and provide auxiliary aids/services to persons with disabilities. Call 503-823-2036, TTY 503-823-6868 with such requests or visit http://www.portlandonline.com/ADA_Forms

From: lonevet2008@comcast.net [mailto:lonevet2008@comcast.net]
Sent: Wednesday, June 02, 2010 5:13 PM
To: Commissioner Fritz
Cc: Meng, Linda; Cheron, Nickole; Adams, Sam; Hussein, Sara
Subject: Re: [Approved Sender] move or

Dear Commissioner Amanda Fritz, June 2, 2010

Thank you for your response to my attempt to resolve a problem concerning reasonable accommodation during City Council meetings; for citizens with disabilities.

I have almost no argument with you when you state that people attending the meetings are not sensitive to the needs of us who have a difficult time getting around; however commissioner, it is not their responsibility to ensure that the American with Disabilities Act is implemented---it is yours. The members of the Council control what goes on during your meetings, not the citizens who are attending. You do an interesting maneuver when presenting your response, you take almost total responsibility for what happened on the 26th of May. I have no interest in pointing the finger of blame at one person, I am interested in setting up a system that will last past you and I. There needs to be an instruction to staff of the council that when a person with a disability enters the Council red flags go up and people move to assist them and make them feel they are welcome to the hearing. This is not rocket science kind of stuff.

As far as you taking my first e-mail as a threat of litigation; it was not! My last letter simply stated what the act requires or implies, that I attempt in good faith/spirit, to resolve the issue informally.

I noticed that the table used for citizens to address the Council was moved forward and more room was available for wheelchairs, good start.

I am still waiting for a response from the City Attorney, the deadline is Friday and I will take a non-response as a go ahead to file a formal complaint.

Joe Walsh-Lone Vet
Individuals for Justice

----- Original Message -----

From: "Commissioner Fritz" <amanda@portlandoregon.gov>

To: lonevet2008@comcast.net

Cc: "Linda Meng" <Linda.Meng@portlandoregon.gov>, "Nickole Cheron"

<Nickole.Cheron@portlandoregon.gov>, "Sam Adams"

<Sam.Adams@portlandoregon.gov>, "Sara Hussein"

<Sara.Hussein@portlandoregon.gov>

Sent: Wednesday, June 2, 2010 2:36:34 PM GMT -08:00 US/Canada Pacific

Subject: RE: [Approved Sender] move or

Dear Joe,

Thank you for your message. I am distressed to hear you were asked to move for the Rose Court. Seating in Council is usually first come, first served.

I assisted one of the citizens with a guide dog to a seat in the second row, on the aisle, before the Rose Court arrived. It was the seat I would have chosen for myself, on the aisle but defensible behind the front row of seats, after we entered Council chambers after I assisted her into the building from the steps of City Hall. In hindsight, a seat in the front row would have been more convenient for her, and I regret my error. Both the invited citizen testifiers were seated together in the second row on the aisle when I arrived for the Council session, which Patricia (the first one to arrive) indicated was comfortable for her. I was not aware that the third citizen using a guide dog was also in attendance, and did not see her until she came to the microphones. Just as it can be hard for all citizens to be able to see Council, it is impossible for me to be able to see the entire chamber from the platform. As you saw, the Council Clerk and I assisted the testifiers in getting to and from their seats to speak.

I was not aware of the person using a wheelchair being at the back of the room - again, I could not see him. I concur with your suggestion that front row space be reserved for wheelchairs in Council. Since the chairs are easily movable, on other occasions particularly when many people using mobility devices are in Council chambers, such as events when Commissioners and supporters of the Portland Commission on Disability have attended, the chairs have been quickly been rearranged.

The Council Clerk and I conversed after the meeting at how other citizens in the audience seemed unaware of the needs of citizens with disabilities. Nobody other than the Council Clerk and I, who both had other assigned tasks in the meeting, tried to help the sight-impaired citizens move around chambers. Clearly, nobody else in the audience moved to help the person using a wheelchair find a space where he could see, either. We have pervasive problems with lack of sensitivity to the needs of people with disabilities in our community, which was why I invited Patricia and Mei to come to talk on camera after they met with me in my office. I have copied Nickole Cheron, the Office of Neighborhood Involvement's staff assigned to the Portland Commission on Disability, with this response. I am requesting the Commission's advice on how to ensure the Council meetings are comfortably accessible to all, and on other mechanism to improve Portlanders' awareness that some of our citizens need accommodation and individual assistance from others.

Thank you very much for bringing this matter to my attention. In the future, please be aware that a phone call or email to my office or to Nickole at 503-823-2036 is sufficient to get my attention and initiate desired action on issues connected with disabilities. Sara Hussein in my office will be glad to provide prompt service on any concerns. Her phone number is 503-823-3994. I do not need the threat of litigation to prompt me to take care of important issues like this. Thank you for your advocacy and caring.

Sincerely,

Amanda

Amanda Fritz

Commissioner, City of Portland

Please note new e-mail address: amanda@portlandoregon.gov

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From: lonevet2008@comcast.net [<mailto:lonevet2008@comcast.net>]

Sent: Wednesday, May 26, 2010 2:32 PM

To: joe walsh

Cc: Commissioner Fritz

Subject: [Approved Sender] move or

Linda Meng

26 May, 2010

City Attorney

1221 SW 4th Avenue, Rm 430

Portland OR 97204

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Joe Walsh-Lone Vet

Individuals for Justice

CC: Amanda Fritz

Sam Adams

Jason Kafoury

IFJ LIST

For Justice,Peace and *Laughter,
Joe Walsh-Lone Vet
Individuals for Justice
Veterans Against Torture

* Why laughter?? Because without it I would have gone insane years ago.

Sen. ** harry reid must be replaced as Majority Leader, call me when you agree or just go away!

An ounce of practice is worth more than tons of preaching.
Mohandas Gandhi

Thoreau may have also brooded over the reaction of Emerson, who criticized the imprisonment as pointless. According to some accounts, Emerson visited Thoreau in jail and asked, "Henry, what are you doing in there?" Thoreau replied, "Waldo, the question is what are you doing out there?"

810

**PORTLAND CITY COUNCIL
COMMUNICATION REQUEST
Wednesday Council Meeting 9:30 AM**

Council Meeting Date: June 23, 2010

Today's Date June 2, 2010

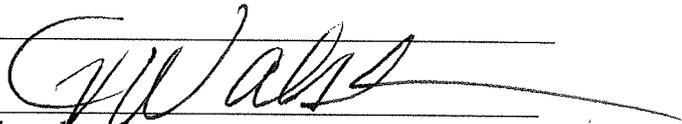
AUDITOR 06/02/10 AM 8:53

Name JOE WALSH

Address 7349 SE Division St

Telephone 503-946-8428 Email LOVELET2008@COMCAST-NEO

Reason for the request: ADA


(signed)

- Give your request to the Council Clerk's office by Thursday at 5:00 pm to sign up for the following Wednesday Meeting. Holiday deadline schedule is Wednesday at 5:00 pm. (See contact information below.)
- You will be placed on the Wednesday Agenda as a "Communication." Communications are the first item on the Agenda and are taken promptly at 9:30 a.m. A total of five Communications may be scheduled. Individuals must schedule their own Communication.
- You will have 3 minutes to speak and may also submit written testimony before or at the meeting.

Thank you for being an active participant in your City government.

Contact Information:

Karla Moore-Love, City Council Clerk
1221 SW 4th Ave, Room 140
Portland, OR 97204-1900
(503) 823-4086 Fax (503) 823-4571
email: kmoore-love@ci.portland.or.us

Sue Parsons, Council Clerk Assistant
1221 SW 4th Ave., Room 140
Portland, OR 97204-1900
(503) 823-4085 Fax (503) 823-4571
email: sparsons@ci.portland.or.us

Request of Joe Walsh to address Council regarding Americans with Disabilities Act (Communications)

JUN 23 2010

PLACED ON FILE

CLERK OF SUPERIOR COURT

Filed JUN 18 2010

LaVonne Griffin-Valade
Auditor of the City of Portland

By 

COMMISSIONERS VOTED AS FOLLOWS:		
	YEAS	NAYS
1. Fritz		
2. Fish		
3. Saltzman		
4. Leonard		
Adams		