COUNTY OF KAUA'I
MAYOR'S ADVISORY COMMITTEE FOR EQUAL ACCESS
NOTICE OF MEETING AND AGENDA
Tuesday, January 16, 2017
12:30 p.m. or shortly thereafter
Mo'ikeha Building, Meeting Room 2A/2B
4444 Rice Street, Lihue, HI 96766

MACFEA'S MISSION IS TO ASSIST THE COUNTY OF KAUA'I IN ITS COMPLIANCE WITH THE FEDERAL, STATE AND COUNTY LAWS MANDATING EQUAL ACCESS

CALL TO ORDER

INTRODUCTION OF MACFEA MEMBERS AND STAFF

APPROVAL OF MINUTES

- Meeting minutes of April 18, 2017

GUEST SPEAKER

- Kaeo Bradford - Workforce Investment Act Administrator, Office of Economic Development

BUSINESS

- Discussion on MACFEA membership
- Elections for Chair and Vice Chair for 2018.

REPORTS

- ADA Coordinator's report
- Updates / Announcements

NEXT MEETING

Tuesday, April 17, 2018 – 12:30 p.m., Mo'ikeha Building, Meeting Room 2A/2B

ADJOURNMENT

cc: Deputy County Attorney Sinclair Sala-Ferguson

PUBLIC COMMENTS AND TESTIMONY

Persons wishing to offer comments are encouraged to submit written testimony at least 24-hours prior to the meeting indicating:

1. Your names and contact information, position/title and organization you are representing (if applicable);
2. The agenda item that you are providing comments on; and
3. Whether you will be testifying in person or submitting written comments only.
4. If you are unable to submit your testimony at least 24-hours prior to the meeting, please provide 10 copies of your written testimony at the meeting.

While every effort will be made to copy, organize, and collate all testimony received, materials received on the day of the meeting or improperly identified may be distributed to the members after the meeting is concluded.

The length of time allocated to persons wishing to present verbal testimony may be limited at the discretion of the chairperson or presiding member.

Send written testimony to:
MACFEA
Attn: Lani Agoot
Office of Boards and Commissions
4444 Rice Street, Suite 150
Lihue, HI 96766
e-mail: lagoot@kauai.gov.
Phone: 241-4917 Fax: 241-5127

Please confirm no later than 2:00 pm, Friday, January 12, that you will or will not be attending this meeting. Late cancellations of meetings due to lack of a quorum incur unnecessary costs and inconvenience for committee members.

If you need an alternate format or auxiliary aid to participate, please contact Linda Nuland-Ames at 241-4924 (V/TRS) at least (5) working days prior to the meeting.

Meeting Minutes – draft

Mayor's Advisory Committee For Equal Access (MACFEA)
Tuesday, April 18, 2017
Mo'ikeha Building, Meeting Room 2A-2B
4444 Rice Street, Lihu'e, HI 96766

Members Present: Rita Manriquez – State Traumatic Brain Injury Advisory Board (STBIAB); Roberta Eiben, Consumer; Dr. Lucy Miller – DCAB (Disability and Communication Access Board) Board Member; Betty Bell, Kaua'i Federation for the Blind; Suzie Woolway, O'hana Home Health; Julia Hall, Aloha Independent Living Hawai'i; Kathy Sheffield, National Alliance on Mental Illness

Staff members also present: Linda Nuland Ames, ADA Coordinator; Lani Agoot, Administrative Specialist; Sinclair Salas-Ferguson, Deputy County Attorney

CALL TO ORDER

Chair Roberta Eiben called the meeting to order at 12:38 p.m. with 7 members present.

INTRODUCTION OF MACFEA MEMBERS AND STAFF

APPROVAL OF THE MINUTES

- Regular Open Session Minutes of January 17, 2017

Action: Ms. Miller moved to approve the minutes as circulated. Ms. Woolway seconded the motion. Motion carried 7:0.

BUSINESS

- Double Captioning - Briefing by Deputy County Attorney Sinclair Salas-Ferguson

Deputy County Attorney Sinclair Salas-Ferguson suggested Mary Daubert give her presentation first.

- ADA Accommodation Notices - County of Kauai Public Information Officer Mary Daubert

Ms. Daubert: For the record I am Mary Daubert, Public Information Officer for the County, Sarah Blane is the other. I have been asked to come here to discuss the ADA notification in our county news releases. I would like to say that we do include them in all of our news releases and any notifications that go out to the public including our county Facebook page, when we send out postcards regarding public meetings, and any type of information we send out to the public. When the departments have any kind of special projects or programs they also include them. I know Planning has had a number of General Plan meetings and so they have included them in their notices and

on their websites as well. Rest assured that we do include them in all of our notices. When they are sent to the media the news releases are sent in their entirety so the media is aware what we would like to have them print or share with their listeners. Does anyone have any questions?

Ms. Miller: My question is that often they don't get printed in the paper which is where I get my information. It is too late to request an interpreter. To get an interpreter you need at least a week's notice.

Ms. Daubert: What I can do is I can talk to the editor or email him and request that he does include it in his publication of our news releases. They are a private entity so I can only request that he does include that and I would be happy to do that.

Ms. Miller: Thank you.

Ms. Woolway: I have noticed a lot more statements on the bottom of everything that has been coming out, not just with county and state but it seems like everybody is finally getting the word out. I think the issue Lucy, at least getting one week notice, and making that really clear that it is not like you can immediately call or even two days' notice.

Ms. Daubert: I think that has a lot to do with the work Linda has done with the different groups on the island so thank you Linda.

Ms. Nuland Ames: I would just like to say for clarification every department is instructed to provide accommodations if at all possible no matter how short the notice because we don't know when these things are going to be printed. We know they go on Facebook and on Kauai.gov in a timely fashion but we lose control on what happens to the press releases later. So no one can turn down a request because they don't call three, five or seven days ahead of time. You may notice the departments that provide accommodations most frequently like Public Works; they will just say three days' notice because they are so used to doing it and they have gotten really good at things. More recently they didn't even have a time restriction requested they just said call this number if you require accommodations so we are continuing to improve that service to the community.

Ms. Eiben asked the Deputy County Attorney to give his presentation.

Mr. Sinclair Sala-Ferguson: There have been questions about what closed captioning is and open captioning and this all started because some people in the community when they turn on their TV and watch the Planning Commission or the County Council hearings they see open captioning being overlapped by closed captioning and are unable to read what is going on. I looked into the issue and what I want to do here briefly is describe to you about open captioning versus closed captioning. I have two proposed solutions and I will talk about that when I am done. I also illustrated it so people can understand.

There are two types of captioning which is translating what is being said into words on the screen. The first type of captioning is called open captioning and this is what is done at our County Council meetings. An experienced captioner is listening in real time typing what is being said in the meeting. What that person is typing is embedded into the actual video so it cannot be removed once it is put into the video. The benefit of opening captioning is that people watching live, for example they do it on the east coast at play houses where they are having a play and will do open captioning so people can watch. Closed captioning is a separate text stream. When somebody is making a video and filming the video, and I don't know exactly how this works but I am looking into it, whether the camera creates a separate text stream or it is done later in the processing it is a signal that is in the video and it has the text. When someone creates a video the technology captures what is being said and it creates a separate stream. When they make that video they send it to the media provider, the broadcaster such as Time Warner or ABC, and then once they play that video there is a stream that is sent from the broadcaster to your home, one stream for the video and there is a separate stream that contains the text. It is a code. The stream for the video goes into your TV and it shows up as a picture. The separate stream which has the code goes into your TV's decoder; your TV has a decoder that takes that code, translates it into the closed captioning which appears on the bottom of your screen.

All televisions built since 1993 that have a 13 inch screen or larger are required by law to have a decoder in the TV. So if you have closed captioning you can turn it off so the closed captioning won't appear on your TV. I thought it would be a good idea to show you how this works. (Illustration provided for the committee) The County Council is here, it is being filmed at the same time the person is typing what is being said and that is being broadcast to the internet and you are seeing the words that are being spoken in live time. That video has the words already in it with the open captioning but then at some point, and I still haven't figured this out, whether it is the camera that records the audio and turns it into a code and that is also in the video. As of right now the videos that the county is creating through our third party, that video has open captioning in the firm its self and it also has a closed caption code. So when we send this video to the broadcaster, in this case Hoike, they broadcast that video and their stream with the open captioning goes to your TV. The closed captioning stream which is a separate stream has a code that is picked up by your decoder and because there is open captioning in the video you have mumbo jumbo that you cannot understand.

There are two solutions to this problem for people at home. The first solution is that you can turn off your decoder in your television and I don't know how easy this, I have never tried it myself but I have heard from certain people that it can be difficult to figure it out. So that is one way. A lot of this information I got from the internet and talking to various people. Various people involved in this whole process have told me different things but I spoke to somebody in our county and they spoke with the person who does the open captioning and they are going to try to see if they can take out the closed captioning code. So if we are able to take out this closed captioning code then no one would have a problem viewing the videos that the county provides with the captioning and I think that is the best solution and that is what I am trying to get worked out. Does anyone have any questions?

Ms. Sheffield: Does that just happen with the county meetings or does it happen with all programs, the double captioning?

Mr. Salas-Ferguson: Open captioning is mainly for live events like plays, County Council meetings, and Planning because you want to watch it live for whatever reason. I don't understand that because I am a lawyer and not a film maker but my understanding is, for example, on your TV you will see CC in there and that means they have filmed it using closed captioning so there is that code in there. Films, like Seinfeld, they don't do open captioning because it is not a live thing. Maybe they do for the audience, I don't know, but when they send that video to whoever is going to broadcast it, it doesn't have the open captioning in there. But because the county streams it live, the Planning Commission and the County Council, they took the extra step of hiring a captioner to do it live.

Ms. Miller: I have some history and a couple of question and suggestions because as she pointed out only our county does this and none of the other stations that keep me from watching any of the county government. To turn it on and off, the captions, you go through a whole menu on the remote so it takes forever to do that which to me is not an option. The history behind the reason we have the open captioning is back before there was closed captioning there was a lawsuit that said it wasn't accessible to people who relied on captioning back in the 90's. Technology has changed since the 90's as we all know and I think this is so redundant to have open captioning when no one else does. When I rent a DVD it is either closed captioning or subtitles which is a whole different process on high definition. So my suggestion is the county could save a bundle of money by removing the open captioning and having it available with closed captioning like all other programs including Huleilei in Honolulu. I can't seem to get anybody to move up to the 21st century. I am trying to sound neutral about this but I'm not.

Ms. Nuland Ames: It would still be live streaming because people read the live streaming when they are physically in attendance at council meetings and these other meetings or if they are watching live streaming over the internet. It would still be required for us to provide that. And as for being the only county, no, other counties do live streams of meetings. If the live streaming is then being used by a broadcaster that has closed captioning the same thing will occur unless the people providing live streaming, instead of live streaming over the picture they have some sort of, like in person, they might have a screen with the captioning like we used to have here and then the video feed. But then you wouldn't see that for the people who are watching live streaming over Facebook or a website so it's not picking the date of the technology because they are both needed. We would wind up spending more money to have the council meetings captioned because we would be running around looking for someone anything there was a request and then we would get complaints that it is not captioned on the website in the live streaming.

Mr. Salas-Ferguson: I just had a thought, when I was watching council a couple of weeks ago it did have the option to have closed captioning so that is maybe something I can look into. I was watching it online and the open captioning were in the feed but then

the internet browsers are so high tech nowadays they have a cc button and I pressed on it and it provided the closed captioning.

Ms. Nuland Ames: You can look at that on You Tube as well but it is very inaccurate and that is another point to consider is we have a captioner who knows everyone's name and understands everyone's accents and gets the spelling right. You can watch on the news if they are talking to the Mayor of Maui or whatever and turn on your closed captioning and see how inaccurate it is so there is also the question of how accurate you want the captioning to be.

Mr. Salas-Ferguson: Yes and I think that would be a particular concern for government, Planning and Council, which is probably why it is still like that.

Ms. Nuland Ames: You won't get, on the live streaming, you won't get the CC function or if it has it there it is not going to work. It is for when the video goes up.

Mr. Salas-Ferguson: No, it works, I was watching it live last week and I pressed CC and there were words and I was surprised. But like you said open captioning is far superior because it identifies the speaker, it provides for sounds, it does a lot more than the closed captioning. The closed captioning is inferior. Does anyone have any other questions?

Ms. Woolway: So where do we go from here?

Mr. Salas-Ferguson: I am looking into whether or not we can create the video without the closed captioning so that everyone would have the highest quality captioning which is the open captioning and I will get back to you on that.

REPORTS

- ADA Coordinator's Report
  - Captioning in Theaters
  - Late Notice of ADA Accommodations
  - ADA Citizens Advisory Committees

Ms. Nuland Ames: I don't think we have ever had a discussion about what MACFEA is. MAFEA is a citizens advisory committee or council that is required in Title II of the Americans With Disabilities Act. I think we have run through that part before, Title I is employment, Title II would be for government entities, and Title III is for private businesses, hospitals and so forth. When the ADA was passed it is an extraordinarily complex bill and it gets more complex with new regulations coming out all the time and new court hearings. Nobody thought everything would suddenly be accessible overnight and of course it is going to take a lot of money, planning, and construction. The citizens group was to advise the entity, the state, the county, the township, of what was needed and what needed to be done first, how to prioritize where problems are now being seen to come up and that sort of thing. We were a bit late in the county, the law went into effect in 91 and then nothing happened for several years. There was the

civil suit under the ADA to get captioning for live meetings that were occurring as part of the government's function here. Then the Department of Justice came down on the county under Project Civil Access and we got a transition plan into place and things' starting moving better and the committee was finally formed.

I first met it (MACFEA) in the year 2000 and by 2001 I was on it and it was pretty broad ranging it. It sort of sprung up on its own, sponsored by the county, it wasn't under Boards and Commissions, it was very organic I guess you could say and not that well-structured. It was very involved in all kinds of things, I remember we would invite the public and sometimes these meetings would go on for two to three hours. A constant problem was having the lack of sidewalk access to Wal-Mart. That was state and private, there is a private lot that was overgrowing the area, and the sidewalk just came after Hilo Hatte's came to a stop for a while. There was quite a bit of discussion about that but technically that was outside of the scope of the committee. As years went by and the whole county became more mature and better organized with more procedures written and in place, this committee shifted into Boards and Commissions which is technically what it is and we fell under controls such as the Sunshine Law and the Ethics when you serve on a committee and so forth. That is why those courses are offered to people who want them about once a year. We have refocused on the purpose which is keeping the county notified of any problems, if there is a project underway then offering the committee's opinion on what should be prioritized for it for example.

These committees sprung up pretty close to the same time in all the counties and I meet with the other county coordinators four times a year at a minimum. The hay day has sort of gone on now, the massive changes. There is always more to do and always new regulations but the massive changes initially what we needed, curb cuts everywhere, how do you pick them, where do you go, what do you caption first. Things have changed since then and there are some committees in Hawaii and nationwide who are struggling to focus so nothing unusual about growing pains. What I have been doing lately when people start to contact me about problems with the county like the management of county housing for example, the changes that we are going to have with the Lihue revitalization program going on, and repair and maintenance problems, I've been encouraging them to talk to their neighbors, talk to the other people in the community and take photos of what concerns them to bring them into a commitment for a better community with all of us. I would like to urge you to do that too. There is going to constantly be things that need to be addressed and you become the representative of the greater population of people with disabilities on the island because you get around and see things, you experience things, you might have a question about whether it is being done right or about the lack of maintenance and you think the areas need priority. Take a picture, send an email, let me know and you can contribute quite a bit to what we exist for which is for equal access for Kauai county. I have really appreciated, especially while I couldn't get anywhere and couldn't drive, how excited so many residents were to think instead of just calling someone and asking for help I am going to be part of fixing this. I kind of blew up my phone with some of the photos but I have been dealing with civil rights since the mid 70's and I am really happy, I will just make a personal statement, at the way more and more people have taken to heart what access

means and they are not looking now at just people in wheelchairs, there is someone who is blind or someone who is black or someone who is with a minority religion. They are starting to see this bigger scope of access for all and that is a huge change and a committee like this plays a big role in that.

Now because we are a Title II committee, the committee can't go and tell private enterprise what to do but that doesn't stop anyone from taking action. We have the Disability Rights Center with Kathy English who visits with the committee often, Hawaii Civil Rights Commission, Disability and Communication Access Board, and then various interest groups that can work on making changes in those areas. I know we are often asked what can we do about this place and that place and probably sixty percent of the phone calls I get have nothing to do with the actual county but at least I can refer people where to get help. But as the county ADA Coordinator I can't go and tell Wilcox to fix its parking spaces or Costco to come up with a better routine for using the scooters but as an individual I have sent a few emails, particularly to Wal-Mart lately. But I cannot do that representing the county because the county has no police powers under that Act. I know that disappoints people sometimes that I don't go storming in and yell at Safeway or whatever but I cannot represent the county government to do that.

Late notice, I rather rudely spoke out before when Mary was here to advise that we are not going to say too late and hang up the phone when somebody calls. The majority of people who call are looking for accessible parking or they just see a phone number and they want to know if there are refreshments. Once a name is on there people call for any number of reasons but even for some of the things that take a little more time to put together we are supposed to always do our best effort. I don't go around and do it for people, I want every single department to know what to do with a request for accommodations and so I meet with people. If they call up and say I need an ASL interpreter or more recently I need a Vietnamese interpreter, I am getting a lot of that now, or someone asked about wheelchair access and I now understand this question about handrails. I don't go in and do the job for them because what if I am not around, for example, recently. Everyone needs to be aware of basic ADA etiquette so I go and I sit down with that person and work with them getting a language interpreter or go around that show them and explain the question about where can I park and look at where the closest parking spaces are and they can get back to the person who called about accessible access specifically into the building. Unfortunately some of the best people are starting to retire so every summer I do at least three trainings with groups and then individually whenever someone new gets a phone call. We are not there yet, things will happen but all in all we are doing much better. I ask that people use the notice of contact us seven days in advance because if you say five business days...a lot of people didn't know Friday was a business holiday for a the county for example, and how do you count the weekends. But as people get more comfortable they are shortening it and most now have five and some have three and like I said Public Works recently for several meetings just dropped any kind of days required. More and more people are learning how in 24 hours they can get remote captioning on a screen of the meeting for example. The first time we did it I thought people were going to have a nervous breakdowns over the 48 hour period and then the next time it was "we will get it done" because they got used to it. I am really proud of the entire county for doing that.

Captioning in theaters, since the 17th of January there are new nationwide regulations that theaters, even if they just have one screening room, have to have some form of visual and auditory assistance. For the captioning some of the theaters, I know Oahu uses special glasses so when you are looking at the screen the captioning is running underneath. There are other theaters that have a tablet that sticks on the back of the seat in front of you but none of it is as good as having open captioning but the new regulations do require that there be the captioning provided as all theaters and that means now Kukui Grove had better be providing some sort of devices. And if not then it is time to report them. I checked the figures, I can't remember how many rooms they have but it is between two and seven and I believe it is six devices they have to have now available to people. I am already hearing back that the number of devices isn't good enough, there are some small theaters on Oahu where they have one screening room where they are only required to have three devices and that means you can't go on a double date, basically. And this actually happened to a deaf couple who were out with their good friends for a night at the movies. This is a federal regulation but I think it is going to have to start doing a little bit better pretty quickly. In Hawaii we are the only state in the nation that requires certain theaters have to have two or more locations, not screening rooms but physical locations to provide showings with open captions which is the best way to enjoy the movie. It is right there on the screen, you are not looking up and down. That law was actually going to sunset and I was hoping it would be expanded to more theaters. I saw it come up on the legislative agenda and I called Jimmy Tokioka about it and ideally yes, he would like to expand it, it was difficult enough to have this ground breaking bill pass as it was. But what is on the agenda for this legislature is to remove the sunset clause. I think it is in 2019 or 2018 when that law would no longer be in effect so that is what is being worked on currently and then from there hopefully move on to require more theaters.

After this lovely display about captioning let me tell you how it works in the movies when they make digital movies. There is captioning in there and it has to do with editing the film layer, it is already there and it would state what sounds are going off in the background and words that are being spoken. It doesn't cost the movie theaters a dime to show the film, if it is digital, with the open captions. Waimea Theater has its open caption Sundays because they are good community members, the other theater not so much. They are not offering it. And again I don't have these magical ADA police powers from the county. I thought just for the fun of it I would call up anonymously and ask how many devices they have but not representing the county. I know this is a really sensitive topic and it is not very inclusive for that theater not to offer but as private citizens we can all do our part and ask them where the devices are. They can do the open captioning in lieu of providing the devices. There is also for people with low or no vision inscriptions of what is going on, on the screen, so that has to be provided. I think it is a minimum of one of those devices and for a theater the size of Kukui Grove it is two.

Ms. Nuland Ames shared that she will be back in her office part time starting tomorrow.

- Updates/Announcements

Ms. Manriquez handed out information from the State Traumatic Brain Injury Board saying that it used to be the PBRTC, Pacific Basin Rehabilitation Training Center but because the person moved away it was taken over by somebody else and her name is Violet. She started up the Pacific Disability Center for the State of Hawaii. Ms. Manriquez said the Department of Health contracted the Pacific Disability Center to start a registry to find out how many survivors are on island and what we need to do to provide more facilities or more helping organizations and where to put the focus on.

Ms. Bell shared that the Library for the Blind and Disabled in Hawaii is excellent. They have moved to totally digital cartridges and they provide the equipment to use them. She said even her ophthalmologist didn't know that all he has to do is write a note saying you need the service and you can get books from the State library, by mail, and the equipment to use them. They are available to students as well for their curriculum.

Chair Eiben shared that she is trying to move off the island to California but it is very complicated and it will take a while for it to happen.

Ms. Hall shared this would be her last meeting, that she has taken and position with Malama Pono as a grant writer beginning in May. She thanked everyone and said she has enjoyed being part of the committee. Ms. Hall said her bosses on Oahu are currently looking for someone to fill her position which is the Kauai Independent Living Specialist, so if anyone has any potential candidates to go on the website which is alohailhawaii.org and look for the Hilo office. Sam Nagasawa is the program director for all county independent living specialists. She said there is also a listing on Craig's List for the position under nonprofits. In the meantime any independent living calls or emails should go over to Sam in Hilo, she is the one that will be interviewing and hiring the next candidate. Ms. Hall said it has been a real pleasure and she wished everyone well and is happy she will continue to be part of service in the community in a different function.

Ms. Woolway announced that on May 9th is the Older Adult Fair at Kukui Grove. There will various vendors and resources, saying that the Library for the Blind that Ms. Bell mentioned would be a great resource to share. O'hana Home Health will be participating in the event. Ms. Hall added that the event is from 9:00 a.m. to noon. She said the Alzheimer's Walk is in August and O'hana Home Health will be sponsoring some things at that event as well. Ms. Nuland Ames said the Agency on Elderly Affairs does a couple of major fundraisers, over $12,000 was collected last year which includes silent auctions, garage sales, community swap meeting and a huge rummage sale. She encouraged everyone to donate their unwanted items to these fundraisers and they provide pick up for items that are donated. Ms. Woolway said she is working with Dr. Laurel Colman as a co-chair to do sponsorship so if anybody wants to sponsor the Alzheimer's Association Walk let her know. Ms. Woolway said the hurricane season is coming up and one of the things she would like to look at is, at the next meeting, look at the equal access for different centers and taking the time to go out and maybe visit and take a look at that. Ms. Hall said if you contact the Red Cross they have outreach to be able to give a presentation about what is in an emergency kit and what you need.

Whether you can get to a shelter or not it is more about the emergency supplies in preparation you should have in your home.

Action: Ms. Woolway moved to adjourn the meeting at 1:34 p.m. Ms. Bell seconded the motion. Motion carried 7:0.

The next meeting will be on Tuesday, July 18, 2017 at 12:30 p.m., Mo'ikeha Building, Meeting Room 2A/2B.

Respectfully submitted by: _____
Lani Agoot, Administrative Specialist

( ) Approved as circulated ( ) Approved as amended