

Commission on the
Status of Women

Commission on the Status of Women
Wednesday, March 20, 2024 – 7:00pm
North Berkeley Senior Center
1901 Hearst Ave, Berkeley, CA 94709

AGENDA

Mayor Arreguin:
Tiffany Boyd

Rashi Kersarwani:

Terry Taplin:
Saanvi Arora

Ben Bartlett:
Kameka Goodwin

Kate Harrison
Shirley Posey

Sophie Hahn
Vice-Chair Radha Seshagiri

Susan Wengraf:
Chair-Carole Marasovic

Rigel Robinson:
Keyanna Ortiz-Cedeno

Mark Humbert
Linda Oliver

All items are for discussion and possible action.

1. Roll Call.
2. Land Acknowledgment.
3. Public Comments for Items not on the Agenda.
4. Approval of the Agenda.
5. Approval of the February 21, 2024 minutes.
6. Chair Report. Discussion Only.
7. Presenter, Simone Robenolt, from Policy Link on Women's Economic Uncertainty and Slow Economic Recovery Post-Pandemic; Q and A. Discussion and Possible Action.
8. Possible Presentation from the California Office of Civil Rights (formerly DFEH) on Brief Overview of California OCR and Sexual Harassment Training Legally Required, Under State Law, for Employers' Q and A. Discussion and Possible Action
9. Proposed Recommendation on City Enforcement of Legally Required Sexual Harassment Training for Employers. Discussion and possible action.
10. Proposed Recommendation on Sex Trafficking. Discussion and Possible Action.

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business days before the meeting date. Please refrain from wearing scented products to this meeting.”

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SB 343 Disclaimer

Any writings or documents provided to a majority of the Commission regarding any item on this agenda will be made available for public inspection at the City Manager’s Office located at 2180 Milvia Street, 5th Floor.

Commission Contact Information

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Land Acknowledgement Statement

The City of Berkeley recognizes that the community we live in was built on the territory of xučyun (Huchiun (Hooch-yoon)), the ancestral and unceded land of the Chochenyo (Cho-chen-yo)-speaking Ohlone (Oh-low-nee) people, the ancestors and descendants of the sovereign Verona Band of Alameda County. This land was and continues to be of great importance to all of the Ohlone Tribes and descendants of the Verona Band. As we begin our meeting tonight, we acknowledge and honor the original inhabitants of Berkeley, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley's residents have and continue to benefit from the use and occupation of this unceded stolen land since the City of Berkeley's incorporation in 1878. As stewards of the laws regulating the City of Berkeley, it is not only vital that we recognize the history of this land, but also recognize that the Ohlone people are present members of Berkeley and other East Bay communities today. The City of Berkeley will continue to build relationships with the Lisjan Tribe and to create meaningful actions that uphold the intention of this land acknowledgement.



Commission on the Status of Women

Commission on the Status of Women Approved 2024 Meeting Schedule

- ~~1. Wednesday, January 17, 2024 at 7pm~~
- ~~2. Wednesday, February 21, 2024 at 7pm~~
- ~~3. Wednesday, March 20, 2024 at 7pm~~
4. Wednesday, April 17, 2024 at 7pm
5. Wednesday, May 15, 2024 at 7pm
6. Wednesday, June 19, 2024 at 7pm
7. Wednesday, July 17, 2024 at 7pm
8. Wednesday, September 18, 2024 at 7pm
9. Wednesday, October 16, 2024 at 7pm
10. Wednesday, November 20, 2024 at 7pm



Commission on the Status of Women

**Commission on the Status of Women
Regular Meeting – February 21, 2024
DRAFT MINUTES**

The meeting convened at 7:30pm with Chairperson Marasovic presiding.

ROLL CALL

Present: Marasovic, Posey, Ortiz-Cedeno, Goodwin, Seshagiri, Arora, Plese

Absent: Boyd, Oliver

Leave of Absence:

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Comments from the Public

- Public attendance: 2
- Public comments: 1

//////////

Action Items:

Item # 1:

Approval of Agenda. Discussion and Possible Action.

M/S/C: Seshagiri, Ortiz-Cedeno

Ayes: Marasovic, Posey, Ortiz-Cedeno, Boyd, Goodwin, Plese, Arora

Absent: Boyd, Oliver

Leave of Absence:

//////////

Item # 2:

Approval of the Minutes from January 17, 2024 COSOW Meeting. Discussion and Possible Action.

M/S/C: Posey, Ortiz-Cedeno

Ayes: Marasovic, Posey, Ortiz-Cedeno, Goodwin, Arora

Absent: Boyd, Oliver

Abstain: Seshagiri, Plese

Leave of Absence:

//////////

Item # 3:

Preliminary Discussion on Sex Trafficking Recommendations to be made. Discussion and Possible Action.

Deferred to the next scheduled meeting.

M/S/C:

Ayes:

Absent:

Leave of Absence:

//////////

Item # 4:

Election of the Chair for the Commission on the Status of Women

Carole Marasovic will continue as the Chair for the Commission on the Status of Women.

M/S/C: Posey, Arora

Ayes: Marasovic, Posey, Ortiz-Cedeno, Arora, Goodwin, Seshagiri, Plese

Absent: Boyd, Oliver

Leave of Absence:

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Item # 4:

Election of the Vice-Chair for the Commission on the Status of Women

Radha Seshagiri will continue as the Vice-Chair for the Commission on the Status of Women.

M/S/C: Ortiz-Cedeno, Goodwin

Ayes: Marasovic, Posey, Ortiz-Cedeno, Arora, Goodwin, Seshagiri, Plese

Absent: Boyd, Oliver

Leave of Absence:

The meeting was adjourned at 9:45pm

Respectfully Submitted,

**Okeya Vance-Dozier, Secretary
Commission on the Status of Women**

ADA ACCESSIBILITY AND YOUR WEBSITE

BERKELEY BUSINESS WORKSHOP

STUART K. TUBIS, ESQ

CHRISTOPHER K. WHANG, ESQ

MARCH 5, 2024

JMBM

Jeffer Mangels
Butler & Mitchell LLP



INTRODUCTION

JMBM ADA Team

- Stuart K. Tubis, Esq.
- Christopher K. Whang, Esq.

Accessibility Litigation Cases

- Serial Plaintiffs
- Handled thousands of cases over the years
- Industry leaders in ADA Accessibility Litigation

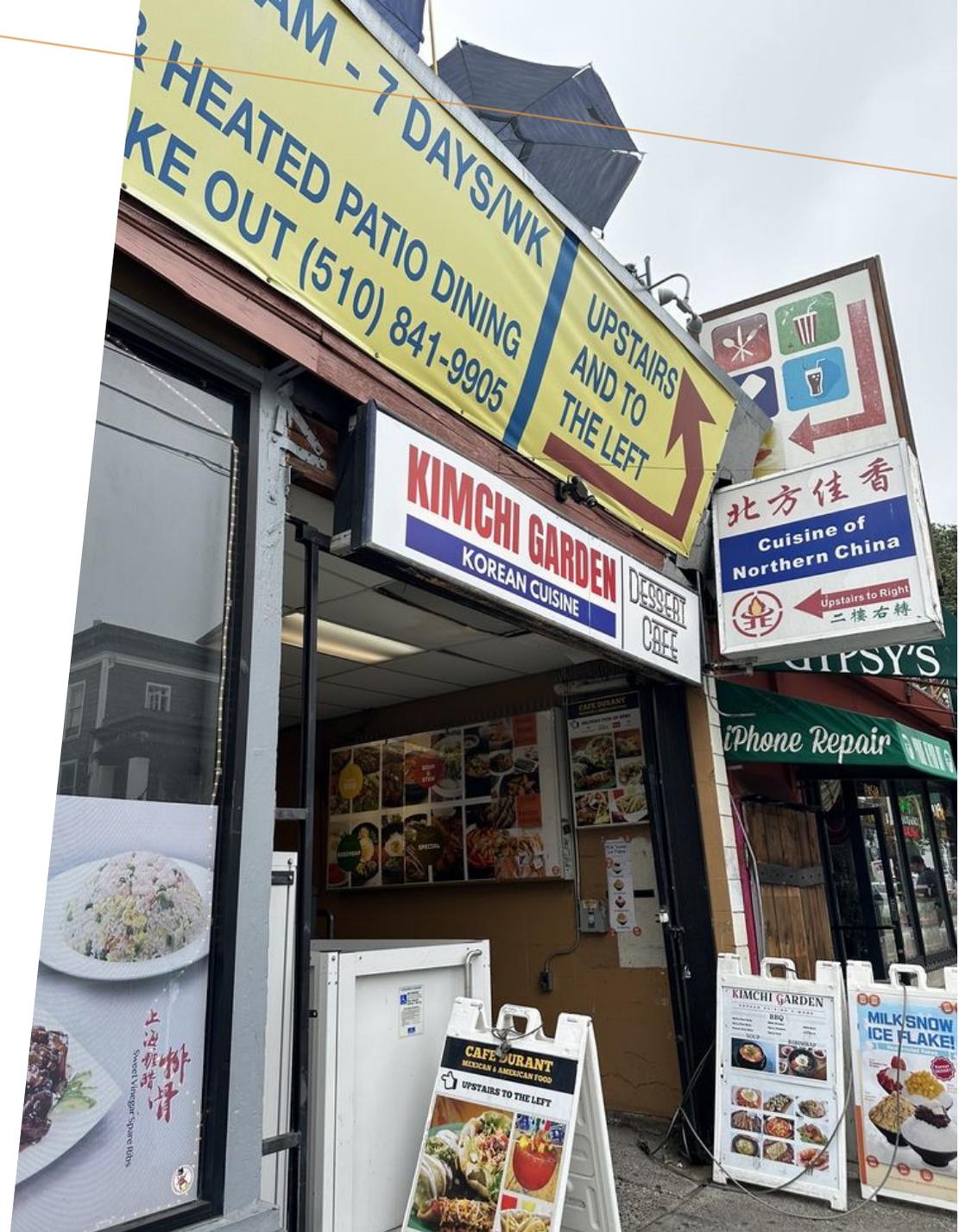
IMPORTANCE OF ACCESSIBILITY



- Why is accessibility important?
- There are currently over **58 million** people with disabilities in the United States.
- The ADA helps persons with disabilities take a **more active and independent role** in society.

ADA BASICS

- The ADA became law in 1990.
- Separated into 4 Titles:
 - For our purposes, **Title III is the most relevant.**
 - Pertains to **Public Accommodations.**
- **Public Accommodations** are defined as any business, including nonprofits, that serve the public.
 - For example: restaurants, hotels/motels, shops, movie theaters, private schools (including housing), doctors' office and private hospitals, day care centers, gyms, privately operated transit, commercial facilities (i.e. office buildings, warehouses, factories).
- This is why your business can get sued!



ACCESSIBILITY LITIGATION

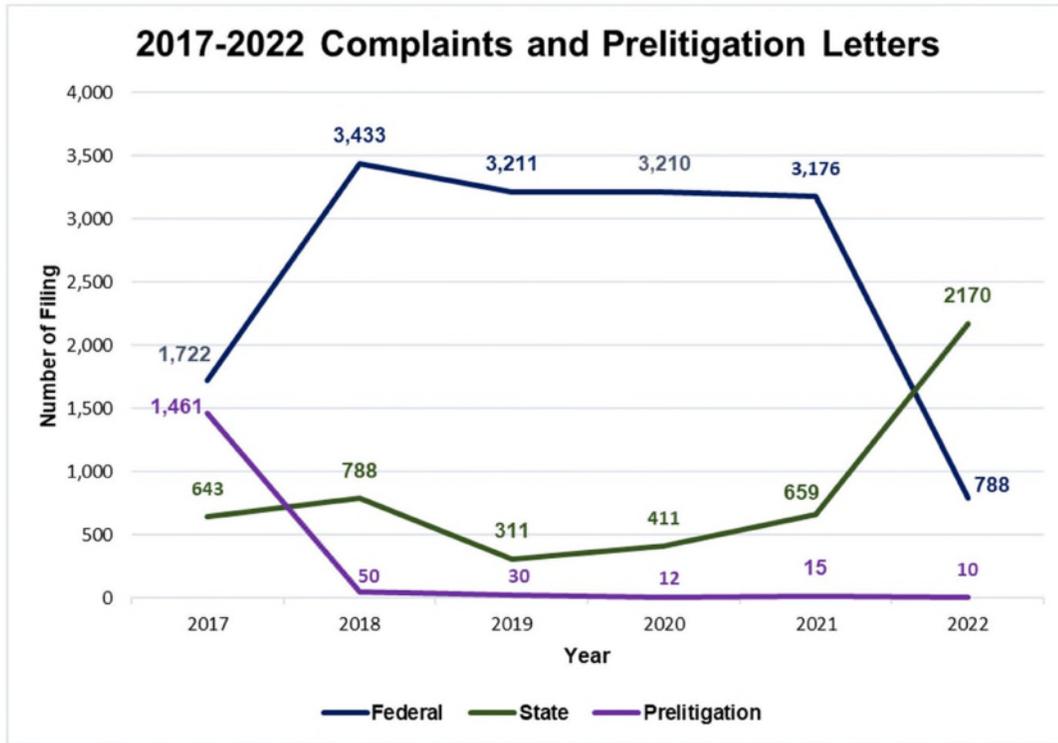
- There are roughly 10,000 ADA lawsuits filed in US Federal Courts per year.
- ADA Litigation Hotspots:
 - California
 - New York
 - Florida
 - Pennsylvania
 - New Jersey
 - Texas



SERIAL ADA PLAINTIFFS

- Serial plaintiffs plagued the Bay Area for years.
- The O.G. Big Three Plaintiffs:
 - Brian Whitaker, Orlando Garcia, Scott Johnson.
- Traditionally filed in Federal Court because the ADA is federal law.
- But concurrently claim California Unruh Act.
 - ADA claims only award injunctive relief (i.e. Defendants need to fix issues), but not money!
 - CA Unruh Act awards \$4,000 per occurrence of accessibility issues in damages.
- Good news: Federal Judges hate these cases!
 - Complaint against Potter Handy, Big Three's lawyers.
- Now Plaintiff's filing in California.

SERIAL ADA PLAINTIFF'S CONT'D



- There has been a steady rise in California accessibility cases.
 - Lawsuit against Potter Handy and other lawyers
 - Standing issues
- More importance on CASp inspections
 - CASp inspections and certification provides valuable protections.
 - Limits Damages to \$1,000 per occurrence.
 - Provides mandatory 90 day stay.
 - Early Evaluation Conference (EEC)

Type of Filing	Year of 2017	Year of 2018	Year of 2019	Year of 2020	Year of 2021	Year of 2022
Federal	1,722	3,433	3,211	3,210	3,176	788
State	643	788	311	411	659	2,170
Prelitigation	1,461	50	30	12	15	10



WHO IS COVERED BY THE ADA

- ADA imposes “joint and several” liability on owners, lessors, lessees, and operators of business accommodations.
- Landlords are typically responsible for exterior & structural conditions.
- Tenants are typically responsible for the interior conditions and operational policies.

WHO IS COVERED CONT'D

- Does the ADA apply to buildings built before the ADA?
 - **YES!** Ongoing responsibility to remove barriers to access where it is **readily achievable** to do so.
- Readily Achievable means “easily accomplishable and able to do so without much difficulty or expense.”
 - Case by case judgment: factors include size of the business, finances, proposed solution, cost of repairs, etc.
 - Exceptions for structurally impractical or technically infeasible situations.

ADA URBAN LEGENDS

- My building was constructed before the ADA, so I'm grandfathered in, right?
 - **NO!**
- I hired a licensed architect and general contractor to design and build my building, so I can rely on them to get it right, can I not?
 - **NO!**
- The building department approved by plans and said my building was code compliant when it issued the Certificate of Occupancy, so it is compliant, right?
 - **NO!**

URBAN LEGENDS CONT'D

- I'm just a business operator, so I'm not responsible for ADA violations.
 - **NO!**
- I own the building, but it is separately managed, so I'm not responsible for ADA violations.
 - **NO!**
- I can refuse service to anyone including persons with disabilities.
 - **NO!**



PHYSICAL BARRIERS



PHYSICAL BARRIERS

- Traditional ADA/accessibility cases pertain to physical barriers.
 - It is what the ADA was traditionally designed to protect.
- Physical barriers: physical elements of a facility that impede access by people with disabilities.
 - Most obvious are stairs and curbs, but also include doorknobs, aisles, entrance landings, sales counters, bar counter tops, restaurant tables, and even minute issues like paper towel dispenser locations and mirror heights.
 - Each of these issues can be \$4,000 in damages in California.
- Many of these issues are easy to fix.
 - Ex. Lowering sales counters, purchasing accessible tables, etc.



PHYSICAL BARRIERS CONT'D

PHYSICAL BARRIERS OVERVIEW

Steps:

- Entranceways to restaurants and shops must have an accessible path (i.e. ramp);
- Ramps must also have a 1:12 ratio, meaning for every 1 inch of height, there must be 12 inches of ramp length;
- Entranceways must also have level landings, meaning there are no bumps from door thresholds;

Sales Counter:

- Most common physical barrier seen;
- Sales counters must be 34 inches maximum;

Accessible Tables:

- At least 5% of tables must be accessible (meaning 1/20);
- If there are less than 20 tables, then at least 1 must be accessible;
- Accessible tables should be 28 inches to 34 inches in height;

Aisleways:

- Aisleways must be 36 inches in width;
- Placing removable objects within aisleways is considered a violation.

PHYSICAL BARRIER OVERVIEW

Be

Be Proactive! Better to spend \$1,000 on a CASp inspection and get started on fixing the property, then to get hit with a lawsuit.

Hire

Hire a CASp periodically!

DO NOT
WAIT

If you're already hit with a lawsuit, DO NOT WAIT!

A close-up photograph of a person's hand reaching towards a large, three-dimensional '@' symbol made of cardboard. The symbol is positioned on a wooden desk. The background is softly blurred, showing a computer monitor and other office items. The overall lighting is warm and natural.

WEBSITE ACCESSIBILITY

WEBSITE LAWSUITS

- Website lawsuits have become more and more common.
- Plaintiff's can file suit from their couch against businesses all over the United States.
- In California, a business that operates ONLY a website cannot be subject to website accessibility lawsuits.
 - In CA, businesses need both physical business and website. (Martinez v. Cot'n Wash, Inc.)
- However, even businesses that do not operate much business via website can be hit with website lawsuits.



WEBSITE ACCESSIBILITY

- There are currently no official guidelines from the DOJ on website accessibility.
- However, the ADA still applies.
 - DOJ stated that even without official guidelines or rules, the ADA applies to website accessibility.
- Most recently, the DOJ issued a Notice of Proposed Rulemaking that would make Web Content Accessibility Guidelines (WCAG) the standard for compliance.
- California has also issued a similar legislation – AB1757 – adopting the WCAG





WCAG 2.0

- WCAG has always been the unofficial standards to test website accessibility.
- WCAG covers a wide range of recommendations for making Web content more accessible.
- WCAG 2.0 can be found here:
<https://www.w3.org/TR/WCAG20/>

The following apply to the entire page:

WAVE powered by WebAIM
web accessibility evaluation tool

Address: <https://www.kimchigardenbayarea.com/>

Styles: OFF ON

Details

Summary Details Reference Order Structure Contrast

- 10 Errors**
 - 2 X Linked image missing alternative text
 - 4 X Missing form label
 - 4 X Empty link
- 24 Contrast Errors**
 - 24 X Very low contrast
- 8 Alerts**
 - 4 X Orphaned form label
 - 3 X Skipped heading level
 - 1 X Redundant link

At Your Service

h2 What we can do for you

h4 Catering

Looking to elevate your private event with Korean cuisine? Inquire about our togo catering option

LEARN MORE

h4 Group Event

Reserve your event with us that can accommodate up to 50 people

LEARN MORE

h4 Diverse Menu

Come in and dine with us and enjoy diverse Korean food to satiate your cravings

LEARN MORE



WEBSITE ACCESSIBILITY EXAMPLE



WCAG 2.0

- Common issues with websites:
 - Screen reader non-compatibility;
 - Color-contrast issues;
 - Missing alternative text for images;
 - Inappropriate navigation links;
 - Lack of keyboard accessibility

WEBSITE TERMS AND CONDITIONS



California-based websites include specific terms and conditions that state California law governs the usage of the website.



However, not all terms and conditions create a binding agreement between owner and user.



As we all know, terms and conditions are often hidden below a website

These types of Browsewrap agreements are most likely not binding.

BROWSEWRAP AGREEMENT



No user action required to affirm consent.



These agreements require much more to ensure binding agreement.



Terms and conditions require constructive notice (Long v. Provide Commerce, Inc.)

CLICK-WRAP AGREEMENTS

- User interaction required.
- Typically, and most often, deemed valid and binding.
- User has direct interaction to accept a terms and conditions.
- Cannot use website or purchase items on website without physically acknowledging and clicking agreement acceptance.

WEBSITE ACCESSIBILITY OVERVIEW

Easiest way to prevent lawsuits, much like physical barriers, is to be proactive.

Hire a website accessibility designer who can analyze website and fix issues.

Use websites like <https://wave.webaim.org/> to test your website.

Be proactive!



QUESTIONS?

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Women and Women-headed Households in the Bay Area Continue to Experience the Lingering Effects of the Pandemic

January 29, 2024

Our analysis of census data reveals a slow and uneven recovery for women and women-headed households.

By Simone Robbennolt

It has been four years since the start of the pandemic, yet many Bay Area households continue to struggle to recover from the toll of the pandemic. The recovery has been particularly slow or nonexistent for women and women-headed households. The dwindling disbursement of pandemic-era cash and food supports, alongside declining attention to the pandemic's ongoing impact, has translated to a shrinking social safety net to support an equitable recovery.

The Bay Area Equity Atlas has been tracking the nine-county region's progress toward an inclusive and equitable recovery through the Bay Area Recovery Tracker — a regularly updated dashboard that features longitudinal data on economic security and prosperity, housing justice, and healthy communities of opportunity. This analysis provides a closer look at how women and women-headed households are faring in the region.

Note: Respondents to the Census Household Pulse Survey are asked to share how they currently identify their sex: either "male" or "female." As a result, the dataset we used for this analysis uses these categories. However, in this analysis, we use "women" to refer to all those who've self-identified as women.

Our key findings include the following:

Since the end of 2022, women in the Bay Area have increasingly been unable to cover their households' basic expenses, such as rent or mortgage, car payments, and medical expenses. Nearly one in three women reported that it was somewhat or very difficult to pay for their usual expenses, compared to just over one in four adults regionwide.

Bay Area households headed by women are currently almost twice as likely to report sometimes or often not getting enough to eat than those headed by men.

Over one in five women-headed households in the region have childcare responsibilities that affect their households' ability to work. This is compared to 13 percent of male-headed households and 17 percent of all households regionwide.



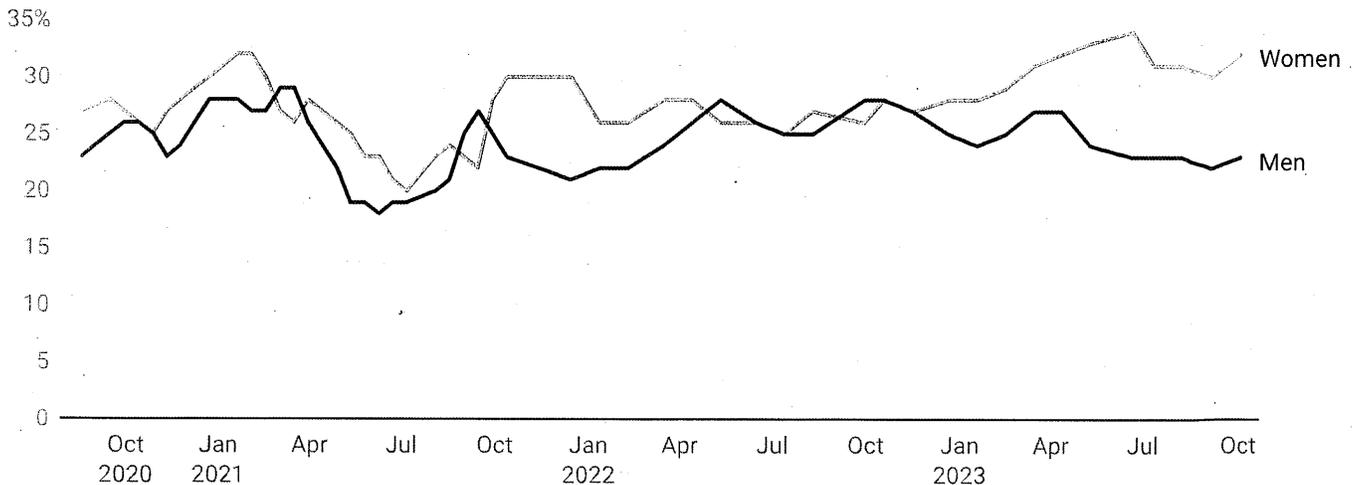
Last Name

Across the country, women have experienced growing economic uncertainty. According to recent research from the National Women’s Law Center, the official poverty rate of women remained around 12 percent between 2021 and 2022. However, this research also shows that the supplemental poverty measure, which takes into account federal and state benefits, for women sharply increased from 8.7 percent to 13 percent over the same period. This stark increase can be attributed to the end of pandemic-era cash and benefits coupled with the rising cost of living.

These same trends have held in the Bay Area. As of October 2023, 27 percent of all adults in the region reported that it was somewhat or very difficult to pay for usual expenses, such as rent or mortgage, car payments, and medical expenses. However, the gap between men and women has expanded to 9 percentage points over the past year. Thirty-two percent of women reported difficulty, an increase of 5 percentage points from October 2022 to October 2023. Over this same period, the share of men reporting difficulty declined by 5 percentage points to 23 percent.

Since the fall of 2022, the ability to cover usual expenses has become increasingly more difficult for women than men.

Percent of adults reporting that it was somewhat or very difficult to pay for usual expenses, Bay Area



Bay Area Equity Atlas analysis of Census Household Pulse Survey

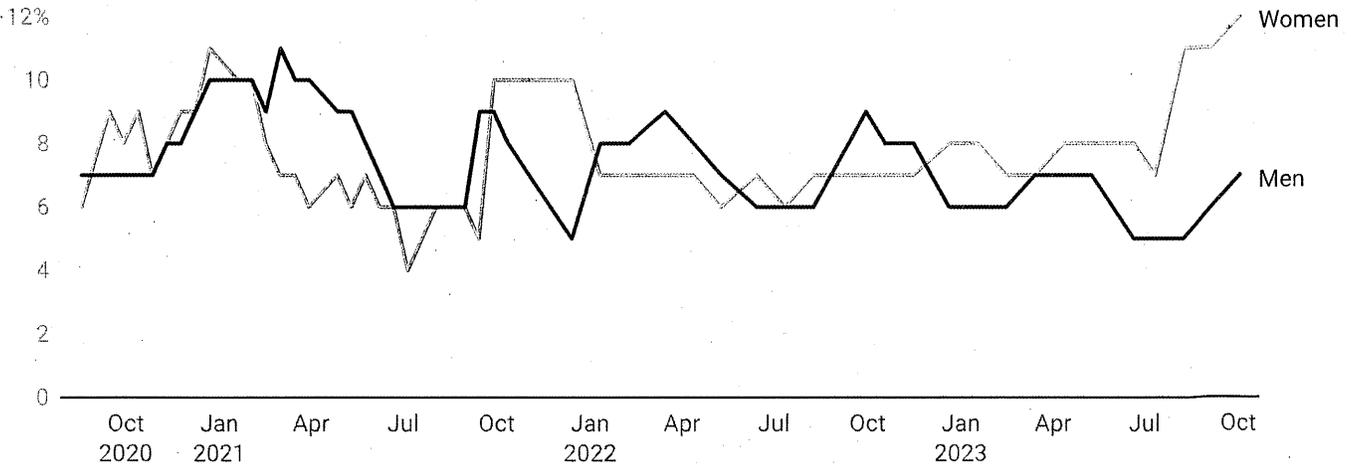
Get the data • Created with Datawrapper

Food insufficiency rates continue to increase, with high rates among women-headed households.

GET ATLAS UPDATES

at almost twice the rate of households headed by men.

Percent of households that reported sometimes or often not getting enough to eat



Bay Area Equity Atlas Analysis of the Census Household Pulse Survey

Get the data • Created with Datawrapper

The steady increase in food insufficiency for women-headed households is likely due to a combination of factors, including the expiration of expanded food assistance programs that supported communities during the height of the pandemic, the rising cost of food, as well as the long-standing gap in earnings between men and women. For example, CalFresh emergency allotments (the state’s version of the federal Supplemental Nutrition Assistance Program) expired in April 2023. This temporary expansion raised the benefit minimum to \$95 a month and played an essential role in alleviating poverty and food hardship for individuals and families across the state. At the same time, family budgets have been hard hit by the rising price of food, which has increased by 24 percent nationwide since January 2022. In addition to rising food costs, women consistently earn less than men — a workforce inequity that long preceded the pandemic. The median earnings for all men working in the nine-county region in 2020 was \$82,100, compared to \$66,800 for women who worked.

Food insufficiency rates are especially prevalent for low-income women-headed households, where nearly three in 10 (29 percent) are experiencing food insufficiency, compared to one in 10 (10 percent) Bay Area households overall.²

One in five women-headed households continue to have their ability to work hindered by childcare responsibilities.



an increased likelihood of working in non-remote jobs. This is evident in the Bay Area where the average cost of care in the region hovers just under \$3,000 a month for a household with two adults, one preschool-aged child, and one school-aged child.

In six of the nine counties in the region households spend over \$3,000 a month on childcare costs

Cost of childcare for households with 2 adults, one preschool-aged child, and one school-aged child, by county

San Francisco		\$3,475
Marin		\$3,336
San Mateo		\$3,335
Alameda		\$3,225
Santa Clara		\$3,203
Contra Costa		\$3,143
Napa	\$2,437	
Sonoma	\$2,386	
Solano	\$2,205	

Bay Area Equity Atlas analysis of The Center for Women's Welfare Self-Sufficiency Standard

Recommendations

Many women and women-headed households in the Bay Area continue to experience the lingering effects of the pandemic. Yet the challenges of food insufficiency, inadequate wages, and the high cost of childcare reflect larger inequities that existed long before the pandemic. Both immediate and longer-term investments and reforms are needed to pave the way for a more equitable future in the region:

Leverage the region's remaining \$673 million in state and local fiscal recovery funds to support the needs of women-headed households. Throughout the Bay Area, local governments have invested their share of relief funds in innovative strategies aimed at reducing food insufficiency and expanding affordable childcare options. These resources, such as the \$6.45 million San Mateo has invested in local food banks and food distribution systems and the \$1 million that Daly City has allocated to build an early learning center for 35 infants and toddlers, provide local governments with resources to implement programs and services that can provide immediate relief.

impactful relief. For example, the CTC is estimated to have reduced the child poverty rate from 9.7 percent to 5.2 percent, and 3 million fewer children nationwide would have been in poverty if the CTC expansions had been renewed in 2022.

¹The supplemental poverty measure (SPM) calculates the poverty level based on cash resources and noncash benefits by taking the sum of them and subtracting necessary expenses, such as child care and medical expenses. For more information on the SPM, visit

[https://www.census.gov/newsroom/blogs/random-](https://www.census.gov/newsroom/blogs/random-samplings/2018/09/what_is_the_suppleme.html#:~:text=The%20supplemental%20poverty%20measure%20uses,as%20taxes%20and%20medical!)

[samplings/2018/09/what_is_the_suppleme.html#:~:text=The%20supplemental%20poverty%20measure%20uses,as%20taxes%20and%20medical!](https://www.census.gov/newsroom/blogs/random-samplings/2018/09/what_is_the_suppleme.html#:~:text=The%20supplemental%20poverty%20measure%20uses,as%20taxes%20and%20medical!)

²Food insufficiency rates for low-income households headed by men are not available due to a small sample size.

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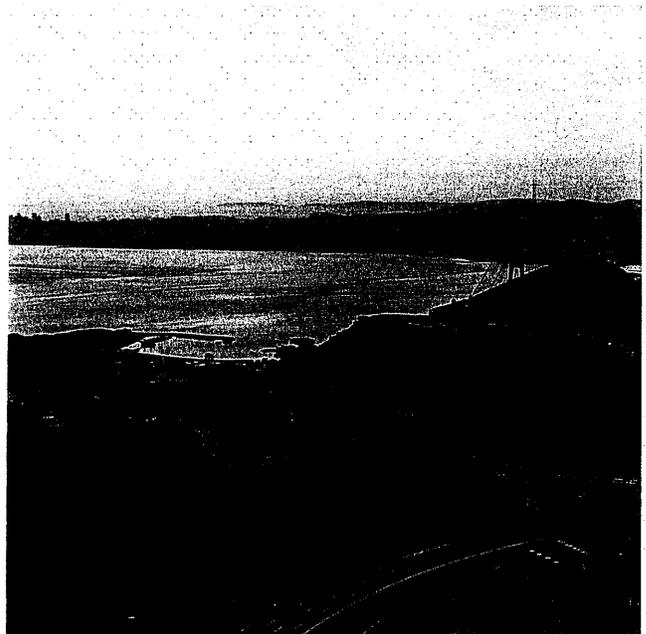
RELATED RESOURCES

PROJECT

Ensuring an Equitable Recovery in the Bay Area

DASHBOARD

GET ATLAS UPDATES



https://www.dailycal.org/news/city/local-businesses/berkeley-city-council-passes-recommendation-supporting-small-businesses/article_747bca38-d768-11ee-90f9-372b54f94e1e.html

Berkeley City Council passes recommendation supporting small businesses

Swasti Singhai | Staff

Feb 29, 2024



The Berkeley City Council's recommendation removes the need for Administrative Use Permits and Zoning Certificates.

Nina Zhu | Staff

Berkeley City Council unanimously approved a recommendation to support small businesses by simplifying the permit application process during its general meeting Tuesday.

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Kieron Slaughter, a representative from the Office of Economic Development, gave a presentation on recommended zoning amendments to support small businesses in Berkeley. The initiative was made possible by the Small Business Support Package first introduced by Councilmember Sophie Hahn and Mayor Jesse Arreguín in 2017, according to Hahn.

Several council members spoke in support of the 14 amendments, acknowledging that they would reduce barriers to entry for small businesses, which make up a majority of Berkeley's commercial landscape, according to Arreguín.

The proposal aims to accomplish this by removing or amending permit requirements to allow for the establishment of a breadth of businesses, from exercise studios to bars and restaurants.

The two permit types primarily discussed were Administrative Use Permits, or AUPs, and Zoning Certificates, or ZCs. ZCs can be required when "starting a new business or applying for a business license," according to the city of Berkeley's website, but more "complex projects" typically require AUPs instead. Obtaining AUPs is no longer a requirement for businesses changing use of their property in commercial districts.

The adjustments also proposed modifying the hours of operation to allow certain business districts to operate 24 hours, seven days a week. Even with this expansion, existing regulations regarding the sale of alcohol will remain in place.

One public commenter expressed their concern that this amendment would impact the noise in business-populated areas. Hahn clarified that staff still has the discretion to impose shorter hours as needed and added a referral to mitigate potential noise issues.

In a presentation on the state of public health in Berkeley, Interim Health Officer Anju Goel stated that the life expectancy of Berkeley residents is longer than that of the county and national average.

However, she noted that disparities impacting marginalized communities “exist and have intensified as a result of the pandemic.” Goel also outlined poverty in Berkeley, stating that Black children and seniors have the highest poverty rates at 20.7% and 14.5%, respectively.

These data are informing the construction of a Community Health Improvement Plan for the city of Berkeley.

The public comment period was dominated by calls for and against a resolution supporting a ceasefire in Gaza, following months of protests in the council chambers.

“Despite everything, we’re still getting business done for the City of Berkeley,” Arreguín said.

Swasti Singhai is a city government reporter. Contact her at ssinghai@dailycal.org.

Swasti Singhai

City Government Beat Reporter

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