



INNOVATION TECHNOLOGY DEPARTMENT

CITY HALL
10300 TORRE AVENUE • CUPERTINO, CA 95014-3255
TELEPHONE: (408) 777-3223 • FAX: (408) 777-3366
CUPERTINO.ORG

CITY COUNCIL STAFF REPORT

Meeting: July 1, 2025

Subject

Approve a budget adjustment for a new special project, in I&T Applications Division for Digital Accessibility services to evaluate Cupertino's website, including a full Accessibility Audit with a comprehensive report, support for WCAG 2.1 AA compliance remediation, PDF accessibility remediation, and staff training.

Recommended Action:

Adopt Resolution No. 25-XXX approving Budget Modification No. 2526-397, increasing appropriations by \$50,687 in 100-32-308 750-282

Background

Per the City Council Special Project Policy, any reallocation of funds that are staff initiated one-time must come to City Council on consent for approval. There are sufficient savings, \$50,687 in the I&T Applications budget in FY 2024-25. The department is requesting to reallocate those savings in the new fiscal year 2025-26. New costs in FY25-26 will be offset by savings in FY 24-25. Public agencies are legally required to ensure that their digital content and services are accessible to all individuals, including those with visual, auditory, cognitive, and mobility impairments. These requirements stem from federal mandates such as the Americans with Disabilities Act (ADA), Section 508 of the Rehabilitation Act, and various state-level laws. The recognized global benchmark for digital accessibility is the Web Content Accessibility Guidelines (WCAG) 2.1 Level AA.

On April 24, 2024, the U.S. Department of Justice (DOJ) issued a final rule clarifying and strengthening digital accessibility obligations under the ADA for state and local governments. This rule establishes April 24, 2026, as the compliance deadline for jurisdictions with populations of 50,000 or more, which includes Cupertino.

Cupertino launched a newly redesigned website at the beginning of 2025, following a year-long development process. At launch, Siteimprove—a long-standing web governance tool used by the City—reported an accessibility score of 85%, giving the initial impression that Cupertino was well-positioned to meet the new federal standards.

However, it soon became clear that the tool’s automated scoring addressed only a portion of the full WCAG 2.1 AA criteria, leaving many critical compliance areas untested.

While Siteimprove offers valuable functionality, it does not support full accessibility compliance. The platform’s automated checks do not capture many complex accessibility barriers, particularly those that require human judgments such as keyboard navigation, logical reading order, or screen reader experience. Additionally, PDF documents across Cupertino’s website also require remediation to meet accessibility standards.

Discussion

Given the DOJ’s broad and enforceable compliance requirements, an automated-only approach is no longer sufficient. To ensure the City meets the April 2026 deadline and provides equitable digital access to all users, Cupertino must move forward with a comprehensive accessibility audit and remediation effort as soon as possible. This will include manual site evaluations, PDF remediation, staff training, and structured implementation support aligned with legal standards and industry best practices.

To meet the federal deadline, staff need to begin this work now. Staff recommends allocating \$50,687 in existing savings from the I&T Applications contract services budget in the current fiscal year to engage a qualified accessibility consultant for:

- A comprehensive manual accessibility audit
- Remediation of the City’s top 100 most-viewed PDFs
- Staff training on creating accessible digital content
- Targeted support hours for issue resolution

Alternative Considered

1. **Deferred compliance efforts** – will lead to lack of equitable access to digital content and increased legal liability.
2. **Partial compliance** – reduces some risk but still leaves essential services inaccessible.

3. **In-house only remediation** – lacks the scale, tools, and expertise required to meet WCAG 2.1 AA within a reasonable timeframe. `

Next Steps

As of June 2025, I&T estimates ending FY 2024-25 with sufficient savings of \$50,687 in contract services GL account no. 100-32-308 700-702. I&T experienced savings in the Applications Division budget because the Avocette contract was executed below the amount originally allocated. This reduction reflected a scaled-back scope in response to the broader budget constraints facing the City. While we had the option to pursue a contract amendment with Council approval during the current fiscal year, we chose to defer any modifications until FY26 to ensure full base budget appropriations are in place and aligned with the updated contract scope.

Given the substantial scope of work ahead and the quickly approaching federal compliance deadline, staff recommends that Council authorize I&T to proceed with this special project without delay.

If approved, staff will initiate a contract and begin implementation. Progress will be reported on a regular basis to ensure transparency and accountability.

If not approved, the City risks falling out of compliance with newly clarified federal ADA requirements, resulting in increased legal exposure, reputational harm, and continued digital inaccessibility for users with disabilities. Delaying this work may also make it infeasible to meet the April 2026 deadline, requiring more extensive and costly remediation efforts in the future. As a public agency, it is critical that Cupertino demonstrate a commitment to equitable access and inclusion. An ADA-compliant website is not only a legal obligation—it is a fundamental part of ensuring that all residents, regardless of ability, can fully access City services, participate in civic life, and receive essential information without barriers.

Fiscal Impacts

Approving this item will result in additional costs to the general fund of \$50,687, all of which will be offset by budget savings in FY 2024-25.

Sustainability Impact

Proving digital services to residents and customers reduces paper and traditional workflows, conserving natural resources, and reducing greenhouse gases

generated during the production and disposal of paper. The implementation of paperless services reduces trips to City Hall and other City facilities by residents, contractors, and other external customers. These actions are prioritized in Cupertino's Climate Action Plan (M-SW-1).

City Work Program Item/Description

None

City Council Goal

Public Engagement and Transparency

California Environmental Quality Act

No California Environmental Quality Act impact.

Prepared by: Nidhi Mathur, CGCIO, Applications Manager

Reviewed by: Teri Gerhardt, CGCIO, Chief Technology Officer

Floy Andrews, Interim City Attorney

Approved by: Tina Kapoor, Interim City Manager

Attachments:

A – Resolution 2025-xxx