



PUBLIC WORKS DEPARTMENT

CITY HALL

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CITY COUNCIL STAFF REPORT

Meeting: March 3, 2015

Subject

Update of the City of Cupertino Americans with Disabilities Act (ADA) Self-Evaluation and Transition Plan

Recommended Action

Approval of the City of Cupertino Americans with Disabilities Act (ADA) Self-Evaluation and Transition Plan Update

Background

The Americans with Disabilities Act (ADA) is a comprehensive civil rights law for persons with disabilities in both employment and the provision of goods and services. The ADA states that its purpose is to provide a "clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities".

The development of a Transition Plan is a requirement of the federal regulations implementing the Rehabilitation Act of 1973 (also known as the "civil rights act") which requires that all organizations receiving federal funds make their programs available without discrimination toward people with disabilities. Subsequent to the enactment of the Rehabilitation Act, Congress passed the Americans with Disabilities Act on July 26, 1990. Title II of the ADA provides that public entities must identify and evaluate all programs, activities and services and review all policies, practices and procedures that govern administration of the entity's programs, activities and services.

The Self-Evaluation is the City's assessment of its current facilities, policies, practices and procedures, and identifies and makes recommendations to correct those facilities, policies and practices that do not conform to Title II requirements. When it is not feasible to provide accessible City programs, activities and services by relocating these activities to accessible facilities or providing auxiliary aids and services, the ADA requires that the City complete a Transition Plan describing the physical modifications to facilities that will support accessible programs.

Discussion

In order to update the City's Transition Plan, staff entered into a contract in March, 2014 with MIG, Inc., a consulting firm with expertise in ADA legislation and which specializes in ADA Transition Plans. Pursuant to MIG's recommendation, City staff completed a self-evaluation regarding the delivery of services to the public. This included an evaluation of policies, programs and procedures to determine the current levels of service and the extent to which the City's policies and programs created barriers to accessibility. The questionnaire revealed that existing City programs and services are generally accessible. Many City staff members make modifications to practices and procedures in order to facilitate people with disabilities participating in City programs and when taking advantage of services offered by the City. In addition, MIG completed a physical audit of City parks, buildings, and selected rights-of-way to identify barriers and alterations necessary to meet state and federal accessibility standards.

A public meeting was held on September 29, 2014 to introduce the project and receive questions and comments. A follow-up public meeting was held on February 2, 2015 to receive comments on the draft Transition Plan update. Notice of the meetings was posted on the City's website, advertised in the Courier and the Scene, posted at City Hall and the Cupertino library, and distributed to local organizations that provide assistance to the disabled community.

Highlights of the Self-Evaluation and Transition Plan include:

- Description of ADA legislative mandate and transition plan requirements
- Self-evaluation findings and recommended actions – details the review of current City-wide policies, services, programs and activities based on input from City staff
- Policy review and recommendations
- City facility and right-of-way surveys
- Recommendations for removal of physical barriers, including schedule and planning level cost estimates
- ADA Policy and Complaint Procedure
- Accessibility Guidelines, Standards and Resources

This Plan will assist the City in identifying policy, program and physical barriers to accessibility and to develop barrier removal solutions that will facilitate the opportunity of access to all individuals.

Next Steps

Once the ADA Self-Evaluation and Transition Plan is adopted, the staff ADA coordinator will follow up with each department to review the recommendations contained within the Self-Evaluation report regarding citywide programs, activities and services. Recommendations are varied and include ensuring staff is properly trained with respect to disability access; adaptive aids are available; noticing, printed information, and audiovisual information are available in alternative formats; and public meetings are fully accessible, among others.

Additionally, the ADA coordinator will follow up with Public Works maintenance and operations staff to address physical barriers that are identified in Appendix C and D of the Plan relating to City buildings and parks, and public rights-of-way. The Plan has established a 10-year timeframe for removal of physical barriers within City facilities, and a 15-year timeframe for removal of barriers within the public right-of-way. Depending upon available maintenance budget and relationship to other work occurring at City facilities, staff may return to Council with budget requests to ensure all barriers are removed within the recommended timeframe.

The City of Cupertino has long been committed to providing accessible services to the community. The City has continuously included accessibility improvements and the removal of barriers in the annual maintenance and capital improvement budgets. Providing and maintaining accessible facilities and programs has been and will continue to be a City priority.

Fiscal Impact

The ADA Self-Evaluation and Transition Plan does not include or represent an approved budget; consequently, there are no fiscal impacts associated with the approval of the Plan. In order to accomplish the removal of barriers identified within the Plan, however, staff will need to develop a project and funding within the Operating and CIP Budgets to ensure progress is made on the recommendations in the Plan, within the identified timelines. By approving the Plan, Council is not appropriating funds or approving budgets.

Prepared by: David Stillman, Senior Civil Engineer

Reviewed by: Timm Borden, Director of Public Works

Approved for Submission by: David Brandt, City Manager

Attachments:

A – City of Cupertino Self-Evaluation and Transition Plan

B – City of Cupertino Self-Evaluation and Transition Plan Appendices