


Agenda Report Reviewed by:
City Manager: 

CITY OF SEBASTOPOL
CITY COUNCIL
AGENDA ITEM

Meeting Date: February 21, 2023
To: Honorable Mayor and City Councilmembers
From: Building Official (ADA Coordinator)
City Administration
Subject: Resolution Adopting City of Sebastopol’s American’s with Disabilities Act (ADA) Policy as Required by Assembly Bill No. 2449
Recommendation: It is recommended that the Council of the City of Sebastopol approve the Attached Resolution for Reasonable Accommodations Policy for City of Sebastopol Brown Act Meetings
Funding: Currently Budgeted: _____ Yes _____ No XX N/A
Net General Fund Cost: None

Account Code/Costs authorized in City Approved Budget (if applicable) AK (verified by Administrative Services Department)

INTRODUCTION:

This item is to request that the City Council Approve the attached Resolution Adopting City of Sebastopol’s American’s with Disabilities Act (ADA) Policy as Required by Assembly Bill No. 2449

BACKGROUND

Effective January 1, 2023, Government Code Section 54953(g) requires that all public agencies have and implement a procedure for receiving and swiftly resolving reasonable accommodation requests for individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132) and resolving any doubt in favor of accessibility.

AB 2449 adds subdivision (g) to Government Code section 54953, which states:

"The legislative body shall have and implement a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and resolving any doubt in favor of accessibility. In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the procedure for receiving and resolving requests for accommodations.

Requests may be made by any individual that participates or conducts the meeting, such as members of the public, staff, and members of the legislative body. This policy shall apply to all meetings of the City’s legislative bodies and meetings open to the public, including, without limitation, the City Council, Planning Commission, Design Review Board, Public Arts Committee, Climate Action Committee, and any City Meetings not listed open to the public.

DISCUSSION:

The adopted procedure should (1) designate a point person within the California local legislative body’s agency for receiving requests for reasonable accommodations, and (2) describe the procedure for a member of the public to request an accommodation, which should include the method of submission of a request, when the

request must be received, how long it will be before the designated point person within the public agency responds to the request, and how long the public agency will have to comply with the request after it is made.

It is the intention of the City to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee or a participant at a meeting, needs special assistance beyond what is normally provided, the City will attempt to accommodate an attendee or participant at a meeting in every reasonable manner. It is requested that the City is notified of this request at least 72 hours before a meeting so that the City can make arrangements by contacting the Building Official/ADA Coordinator with the request copied to City Clerk, City Manager, or City Attorney.

The resolution proposes to update the City of Sebastopol Accessibility procedures to meet current state law and provide a process whereby the citizens of the City can request any special accommodation needed.

CITY COUNCIL AND/OR GENERAL PLAN GOALS:

Goal 5: Provide Open and Responsive Municipal Government Leadership

5.3.3. Encourage and increase public awareness of City Policies, decisions, programs and all public processes and meetings, by investigating effective methods of communication and obtaining feedback from the community.

Goal 6: Maintain a highly qualified Staff that works to provide services to serve and protect the residents, visitors and business of this community.

Action CHW 5c: Practice an open-door policy in City programs, and actively engage and encourage participation from all individuals regardless of ethnicity, race, religion, class, disability, sexual orientation, and gender.

ENVIRONMENTAL REVIEW

This action is exempt from the California Environmental Quality Act (CEQA) because it is not a project which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, pursuant to CEQA Guideline section 15378.

PUBLIC COMMENT:

As of the writing of this staff report, the City has not received any public comment. However, if staff receives public comment from interested parties following the publication and distribution of this staff report such comments will be provided to the City Council as supplemental materials before or at the meeting. In addition, public comments may be offered during the public comment portion of the consent calendar.

PUBLIC NOTICE:

This item was noticed in accordance with the Ralph M. Brown Act and was available for public viewing and review at least 72 hours prior to the scheduled meeting date.

FISCAL IMPACT:

No known funding impact at this time for approving the City of Sebastopol's American's with Disabilities Act (ADA) Policy as Required by Assembly Bill No. 2449.

RECOMMENDATION:

That the City Council Approve the attached Resolution Adopting City of Sebastopol's American's with Disabilities Act (ADA) Policy as Required by Assembly Bill No. 2449

ATTACHMENTS:

Resolution

RESOLUTION NUMBER: XXXX-2023

City of Sebastopol Resolution Approving a City of Sebastopol

**REASONABLE ACCOMMODATIONS POLICY
FOR CITY OF SEBASTOPOL BROWN ACT MEETINGS**

Effective January 1, 2023, Government Code Section 54953(g) requires that all public agencies have and implement a procedure for receiving and swiftly resolving reasonable accommodation requests for individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132) and resolving any doubt in favor of accessibility. Requests may be made by any individual that participates or conducts the meeting, such as members of the public, staff, and members of the legislative body. This policy shall apply to all meetings of the City's legislative bodies and meetings open to the public, including, without limitation, the City Council, Planning Commission, Design Review Board, Public Arts Committee Climate Action Committee, and any City Meetings not listed open to the public.

It is the intention of the City to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee or a participant at a meeting, needs special assistance beyond what is normally provided, the City will attempt to accommodate an attendee or participant at a meeting in every reasonable manner. It is requested that the City is notified of this request at least 72 hours before a meeting so that the City can make arrangements.

Readily Available Accommodations

Any of the following accommodations can be provided for a publicly noticed City meeting or meetings open to the public:

- Agendas and staff reports: Upon request, any agendas or staff reports can be made available in appropriate alternative formats to persons with a disability, including hyperlinks where appropriate so that the user can access the linked information.
- For individuals with hearing loss: Qualified interpreters (e.g., sign language interpreters) can be utilized, provided that the City is notified of this request at least 72 hours before a meeting so that the City can make arrangements.
- For individuals with visual impairments: Audio recordings of City Council, Planning Commission, Design Review Board, Public Arts Committee, Climate Action Committee, and any City Meetings not listed open to the public are available on the City's website. Additionally, City Council and Planning Commission, Design Review Board, Public Arts Committee, and Climate Action Committee meetings are streamed on the Internet (Either by Zoom, you tube, or Live Stream depending on meeting).
- For individuals with mobility impairments: ADA accessible facilities to access City Council, Planning Commission, Design Review Board, Public Arts Committee, Climate Action Committee, and any City Meetings not listed open to the public; closed circuit broadcast/Zoom/telephone access via Zoom.

Additional Accommodations (Upon Request)

Individuals who are deaf or hard of hearing, who are blind or have low vision, have mobility impairments, or have any other disability, may also request accommodation other than those readily available using the process outlined below. Accommodation should be requested as early as possible as additional time may be required in order to provide the requested accommodation. Note that an accommodation will be considered to be

unreasonable and will not be provided if it imposes undue financial or administrative burdens on the City or requires a fundamental alteration in the nature of a program. If a particular accommodation is unreasonable, the City will offer an alternative accommodation that is reasonable.

Process to request an additional accommodation:

1. If you have any additional accommodation that is not identified above, please request any accommodation as soon as you can, preferably before the meeting you wish to attend, or at the meeting itself if necessary. The sooner the request is made, the more likely it is that the City can provide accommodation or an alternative. You can make this request yourself, or someone can make it on your behalf with your permission.

2. Your request can be made orally or in writing, and you should submit it to the ADA Coordinator by email: building@cityofsebastopol.org or to the City Clerk's Office so as to avoid delay in reviewing and processing the request. Requests can be made by contacting the ADA Coordinator's Office at (707) 823-8597, via email at building@cityofsebastopol.org or by mailing such a request to the ADA Coordinator's Office located at 7425 Bodega Avenue, Sebastopol, CA. Note that if you contact the ADA Coordinators Office, via mail, you need to make the request early enough that a response can be timely provided.

3. Your request for an accommodation must provide the following information:

(a) *What accommodation?* We need to know the type of accommodation you are seeking, and/or how the accommodation will allow you to access and participate in the meeting. You are not required to disclose the particular disability, instead a general statement of explanation will suffice. You may, but are not required to, submit a letter from a physician to the effect that the requested accommodation is required for you to access and participate in the meeting.

(b) *Contact information.* You must give staff current contact information so they can respond in a timely manner. This can be a mailing address, an email address, or telephone number, for example. Note that if only a mailing address is provided, you need to make the request early enough that a mailed response can be timely provided.

(c) *Which meeting or meetings?* Please specify if the accommodation is requested for a specific meeting, or for all or a series of meetings before a particular body.

Procedures for City Staff:

A. Any staff member who receives, or believes they may have received, an accommodation request, will promptly relay the request and the requestor's contact information to the ADA Coordinator, and City Clerk, City Manager, or City Attorney.

B. The City Attorney may be requested to assist in the review of requests and assist staff in providing a response to the requestor as soon as practicable.

C. All reasonable accommodation request responses shall be provided in writing, when such written response can be transmitted in a timely manner prior to the start of the specific meeting. Otherwise, the response will be provided orally. Responses will identify whether the accommodation is granted or granted in the alternative, and any instructions necessary to access the accommodation. If denied the response will identify the grounds for denial. City staff will document in writing requests and responses provided orally.

D. The law requires that all doubt be resolved in favor of accommodations. Staff will make reasonable efforts to communicate with requestors to obtain clarifications or to discuss whether alternative accommodation will be viable.

PASSED AND ADOPTED, by the CITY COUNCIL of THE CITY OF SEBASTOPOL, COUNTY OF SONOMA, of STATE OF CALIFORNIA on this 21st day of February, 2023.

I, the undersigned, hereby certify that the foregoing Resolution was duly adopted by the City of Sebastopol City Council by the following vote:

VOTE:

Ayes:

Noes:

Absent:

Abstain:

APPROVED:

Mayor Neysa Hinton

ATTEST:

Mary Gourley, Assistant City Manager/City Clerk, MMC

APPROVED AS TO FORM:

Larry McLaughlin, City Attorney