



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** September 16, 2008  
**TO:** Mayor and Councilmembers  
**FROM:** City Administrator's Office  
**SUBJECT:** Changes To Disability Access Advisory Committee

### **RECOMMENDATION:**

That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Modifying the Existing Staff Advisory Access Committee, and Repealing Resolution No. 01-034.

### **EXECUTIVE SUMMARY:**

The City recently completed an update to its Americans with Disabilities Act (ADA) Transition Plan and Self-Evaluation, which revealed significant opportunities to improve access for people with disabilities to the City programs, services, activities, and facilities, and to provide education and positive intervention within the community.

Staff recommends changes to the current Staff Advisory Access Committee ("AACS") in order to actively address these new opportunities. The current roles of this committee include advising Building and Safety Division staff on City development projects and advising City Engineering staff on prioritizing barrier removal in the City's rights-of-way.

The expanded roles of the committee being proposed will include assisting staff by making recommendations on how to prioritize accessibility-related capital projects for completion as part of the six-year Capital Improvement Plan, assisting the ADA Coordinator with a variety of program access improvements and special projects, and providing education and positive intervention to assist other entities in the community to comply with access requirements.

The revised Committee will be called the "Access Advisory Committee" and will be expanded to seven members and will meet quarterly. The City's ADA Coordinator will be the primary staff liaison to the Committee. Members with a variety of expertise and experience will be sought. The public will be invited to attend meetings to bring access issues to the attention of the Committee and staff. To improve the visibility of the City's compliance efforts and to recognize the work of the Committee, the ADA Coordinator will also make an annual presentation to Council about the Committee's activities and achievements.

## **DISCUSSION:**

### **Opportunities**

Recently, the City hired Gilda Puentes-Peters Architects (GPPA) to update the City's ADA Transition Plan and portions of its Self-Evaluation. These reports were completed in June 2008, and the project has created some significant new areas of opportunity for the City.

- The first major area of opportunity is related to the Transition Plan update. With input received from the public through two public meetings, nine high priority General Fund facilities were identified by GPPA. Detailed architectural evaluations were conducted on these facilities. Each barrier to accessibility was categorized first by the severity of the barrier, and then by the impact that barrier had on access to the City's programs, services, and activities. GPPA visited 139 additional facilities, including City parks, and completed general accessibility evaluations in those locations.

The end result is a vast body of information about physical accessibility at City facilities. The City now has information that will allow it to not only ensure that it continues to meet the program accessibility requirements of the ADA, but also make steady progress in improving access through a focused effort to remove physical barriers over time, as part of the regular budgeting process.

- The second major area of opportunity is related to the Self Evaluation Update. GPPA reviewed many of the City's policies and practices, and made recommendations for improvements. Some of these improvements have already been made, but there are still a significant number of special access-related projects that staff plans to complete over the next few years.
- The third major area of opportunity was an indirect outcome of the process, and is related to the community at large. Staff held three public meetings during the ADA Transition Plan and Self-Evaluation update process, and also met frequently with the AACCS. Through this process City staff learned that many small businesses and other organizations subject to Title III of ADA are unaware of the requirements that apply to them, and that information for these organizations about how to comply is not easily located. Although the City does not have the jurisdiction or authority to enforce the ADA, staff recognizes an important role the City could play, through education and positive intervention, to improve access in our community.

Staff has recently become re-acquainted with the immense value that the experience and perspectives of people with disabilities and professionals familiar with disability issues can bring to our compliance efforts. Staff sees a significant role for the Committee in the next few years, and wishes to modify the structure and expand the focus of the Committee to better address these opportunities as the City moves toward becoming barrier-free.

### **Expanded Role**

In 2001 the City Council dissolved the temporary ad hoc committee (called "DACA"), which had been involved in the City's efforts to meet the requirements of the ADA in the early 1990s, and replaced it with a standing committee, known as the Staff Advisory Access Committee.

This Committee, currently referred to as "AACS", has been focused on providing advice and assistance to Building and Safety Division staff pertaining to access for people with disabilities. They have provided feedback on various City development projects, helping staff to evaluate access alternatives and equivalent facilitation options. They have also been active in helping Engineering Division staff to prioritize curb cuts, sidewalk in-fills, and other access improvements in the City's rights-of-way. The Committee notices its meetings and opens them to interested members of the public, in accordance with the Brown Act and the public who sometimes attend in order to notify staff of the accessibility issues they encounter.

If Council approves the change, the Committee will continue to advise staff on City development projects and on prioritizing barrier removal in the City's rights-of-way. However, it will also have several expanded advisory roles.

#### **Assist in Prioritizing Physical Barrier Removal**

The high priority facilities projects identified in the Transition Plan Update, where barriers were interfering with program accessibility, are all scheduled to be completed in Fiscal Year 2009.

However, the Transition Plan identified a large number of additional barriers in facilities throughout the City where basic program accessibility has been achieved, but where the removal of barriers would greatly enhance the current level of accessibility. These are projects that would reduce the need for program-related accommodations, such as staff assistance or the relocation of services, and provide more independent and convenient access for people with disabilities. They have been identified considering such factors as the significance of the barrier, the frequency and intensity of public use at the facility, the importance of the program to people with disabilities, and the centrality of the facility's geographic location.

Every two years, as part of the six year Capital Improvement Plan and the two year Financial Plan, Staff plans to identify and recommend to the Council the completion of projects from this database in order to continue to move toward a barrier-free environment. This will be a long-term effort. The Committee's recommendations will play a key role in helping staff prioritize these projects each budget year.

### Other City Access Improvements

The current role of the Committee is largely confined to physical access issues. As part of this change, the Committee will provide more generalized support to the City's ADA Coordinator and to City department heads in ensuring program accessibility, and in completing other accessibility related projects.

As a result of the Self Evaluation update, staff identified various projects for completion. Over the last several months, for example, members of the Committee provided input to the ADA Coordinator in developing an Assistive Communications Request Policy, a long list of resources for assistive aids and services, and a training document for staff called *Tips for Providing Better Customer Service to People with Disabilities*.

Staff anticipates completing additional special projects over the next few years as an outcome of the Self Evaluation update, including but not limited to:

- Improving website accessibility;
- Developing accessibility guides to major City facilities;
- Developing policies related to accessible meetings and events at City facilities;
- Developing accessibility guidelines for contracting and purchasing;
- Developing guidance for staff in the maintenance of accessible features;
- Improving accessibility-related signage Citywide;
- Improving staff awareness of accessibility issues through ongoing communication;
- Developing a comprehensive ongoing staff training program; and
- Updating the building standards of the Pedestrian Master Plan.

Staff will rely on the Committee for assistance and advice in these areas.

### Community Role

Portions of the ADA apply to many other small businesses and organizations in our community, including Title III, which applies to organizations that provide public accommodation such as:

- Places of lodging,
- Establishments serving food and drink,
- Places of exhibition or entertainment,
- Places of public gathering,
- Sales or rental establishments,
- Service establishments,
- Stations used for public transportation,
- Places of public display or collection,
- Places of recreation,
- Places of education,
- Social service center establishments, and
- Places of exercise or recreation.

Enforcement of Title III of the ADA is generally carried out through private lawsuits, which can be expensive to everyone involved. The City does not have the jurisdiction or authority to enforce the Americans with Disabilities Act. However, staff recognizes the benefit of providing educational resources and information to these organizations in order to improve access within our community and avoid such lawsuits.

The City already has some such efforts underway:

- Building inspection staff currently put owners on notice of potential problems as a courtesy during the inspection process, when they have the opportunity.
- Recently, based on an idea generated by the Committee, a page was added to the City's public "Accessibility" website which provides a number of resources for organizations endeavoring to understand and comply with Title III access requirements:

<http://www.santabarbaraca.gov/Government/Accessibility/Resources/>

Staff sees many additional opportunities to work with the Committee to improve awareness and compliance with disability issues and accessibility standards through education and through positive informal intervention.

### **Significant Structural Changes**

#### Name

Staff recommends the more universal name "Access Advisory Committee".

#### Staff Affiliation

Given the expanded role of the Committee, staff responsibility has also been expanded to include key compliance staff representing the full range of disability compliance activities within the City. The City's ADA Coordinator will be the primary staff liaison to the Committee and will develop the regular agenda, together with the Assistant Public Works Director/City Engineer, and the Chief Building Official.

The ADA Coordinator will serve as the primary staff liaison to the Committee, and the City Administrator's Office will provide administrative support to the Committee.

#### Member Qualifications

The Committee will continue to include seven members, instead of the current five, in order to provide a broader range of disability perspectives. At least 51% of the members will continue to be people with disabilities. Appointments will now be made by the ADA Coordinator, in consultation with the Assistant Public Works Director/City Engineer and the Chief Building Official.

Staff will make a focused effort to engage members with a demonstrated interest, experience, and commitment to issues pertaining to disability and access, and with significant related expertise, professional or otherwise. Desirable qualifications will include awareness of legal requirements or building codes, experience building accessible facilities, experience providing assistive aids or services, or experience working with people with a broad range of disabilities. As much as practicable, members will include two members from the engineering, architectural, or building communities, two members from the disability communities, and three members at large.

There are currently two vacancies on the Committee, which would increase to four vacancies with this change. Staff has extended the application period for these vacancies through the end of October 2008 in order to give additional people who may be interested in the opportunity to serve.

#### Publicize Meetings and Take Comment

The practice of opening Committee meetings to the public and accepting public comment will be formalized, and will occur as often as practicable, but not fewer than two times per year.

#### Reports to Council

Staff recommends that the ADA Coordinator make an annual report to the City Council regarding the activities of the Committee, to coincide with the end of the Committee Chair's one-year term. This will give the Council the opportunity to recognize the work of the Committee, and will enhance the visibility of the City's compliance efforts within the community.

#### **BUDGET/FINANCIAL INFORMATION:**

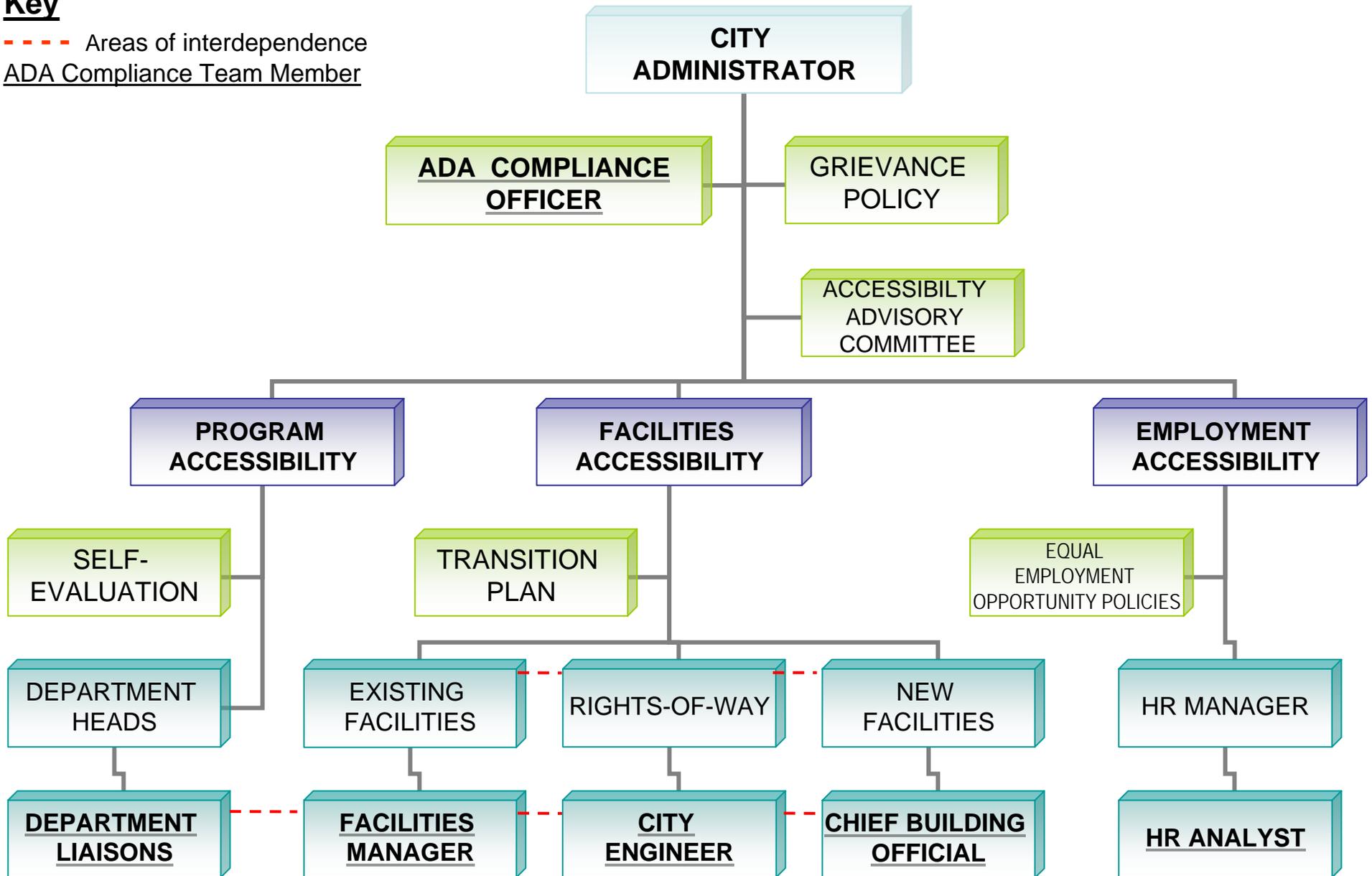
No additional funding is being requested at this time.

**ATTACHMENT:** Revised ADA Compliance Chart  
**PREPARED BY:** Kristine Schmidt, Employee Relations Manager  
**SUBMITTED BY:** Joan Kent, Assistant City Administrator  
**APPROVED BY:** City Administrator's Office

## ADA Compliance Structure- Revised September 2008

### Key

----- Areas of interdependence  
ADA Compliance Team Member



Support from City Attorney's Office, as needed