



# **CITY OF SANTA BARBARA**

## **COUNCIL AGENDA REPORT**

**AGENDA DATE:** September 14, 2021

**TO:** Mayor and Councilmembers

**FROM:** Engineering Division, Public Works Department

**SUBJECT:** Adoption Of Resolution Modifying The Access Advisory Committee's Existing Resolution, And Repealing Resolution No. 08-095 Relating To The 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 Access Advisory Committee's Existing Resolution, and Repealing Resolution No. 08-095 Relating to the Access Advisory Committee.

### **DISCUSSION:**

The City desires to promote the full integration and participation of persons with disabilities into all areas of economic, political, and community life. The City is committed to utilizing available resources, and coordinating efforts toward removing barriers to full integration and participation of persons with disabilities.

The American's with Disabilities Act (ADA) is a landmark Civil Rights law enacted in July of 1990. The ADA prohibits discrimination based on disability and requires employers to provide reasonable accommodations to employees with disabilities, and impose accessibility requirements on public accommodations. The ADA is divided into five titles; Employment (Title I), Public Services (Title II), Public Accommodations and Commercial (Title III), Telecommunications (Title IV), and Miscellaneous (Title V).

Under Title II, individuals with disabilities are protected from discrimination on the basis of disability in services, programs, and activities that are provided by state and local government entities. Title II further states that if a public entity has 50 or more employees, it is required to designate at least one responsible employee to coordinate ADA compliance. Although the law does not refer to this person as an "ADA Coordinator," this term is commonly used in state and local governments across the country.

The City's ADA Coordinator is responsible for coordinating efforts to comply with Title II and investigating any complaints regarding Title II violations. The ADA Coordinator serves as the primary point of contact for ADA compliance for the City organization and for members of the community. The ADA Coordinator ensures that all programs, activities, and services

offered will provide the opportunity for all to participate in a full and meaningful way. In addition, the ADA Coordinator ensures that ADA violations do not occur or are remedied if they do.

The City's Access Advisory Committee (AAC) functions in support of the City's efforts to achieve ADA compliance by assisting and advising staff on public disability issues.

The AAC started out in 1988 as an ad hoc advisory committee to assist the Architectural Board of Review and the Historic Landmarks Commission in reviewing public projects. In 2001, the ad hoc committee was dissolved and replaced with a standing committee, known as the Staff Advisory Access Committee. The purpose of the Staff Advisory Access Committee was to assist and advise City staff on matters pertaining to providing access for the disabled and compliance with the State Building Code regarding accessibility. In 2008, the Staff Advisory Access Committee was modified and formally renamed to the Access Advisory Committee.

In recognition of this important partnership with the AAC, staff is recommending modifying the resolution relating to the AAC. The new resolution defines the purpose and function of the AAC to include:

- a. Actively promoting the total integration and participation of persons with disabilities into all areas of economic, political, and community life.
- b. Serving as a coordinating body, for the purpose of receiving input from citizens on the needs and concerns of the disabled community, formulating and recommending solutions to these identified needs and concerns, and conveying such recommendations to the appropriate City departments.
- c. Working with City staff to create conditions to establish policies and practices, and to develop programs and services, which will facilitate the full integration and participation of persons with disabilities into all areas of economic, political, and community life.
- d. Serving as a stakeholder in the design, planning, and implementation of City projects and programs to facilitate accessibility for persons with disabilities.
- e. Providing oversight for monitoring compliance with such codes, ordinances, and statutes that affect access to, or use of, City facilities, programs, and services by persons with disabilities.
- f. Providing advice regarding the setting of priorities for projects to remove barriers and improve access within the City's public rights-of-way.
- g. Identifying opportunities to educate the public about disability and disability access issues within the community.

In addition, the new resolution better defines the City's Accessibility Compliance Staff, as well as the qualifications and terms of service for committee members.

<b>PREPARED BY:</b>	Brian D'Amour, City Engineer/sk
<b>SUBMITTED BY:</b>	Clifford M. Maurer, P.E., Public Works Director
<b>APPROVED BY:</b>	City Administrator's Office

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
SANTA BARBARA MODIFYING THE ACCESS ADVISORY  
COMMITTEE'S EXISTING RESOLUTION, AND REPEALING  
RESOLUTION NO. 08-095 RELATING TO THE ACCESS  
ADVISORY COMMITTEE

WHEREAS, in 1988, the City Council established an ad hoc advisory committee on access for the disabled to assist the Architectural Board of Review (ABR) and the Historic Landmarks Committee (HLC) in reviewing public projects;

WHEREAS, in 2001, the City Council dissolved the ad hoc committee and replaced it with a standing committee, known as the Staff Advisory Access Committee, to assist and advise the City Staff on matters pertaining to providing access for the disabled, in compliance with the State Building Code regarding "Accessibility" for people with disabilities;

WHEREAS, in 2008, the City voluntarily updated its Americans with Disabilities Act Transition Plan and portions of its Self-Evaluation with the input of the Staff Advisory Access Committee and other members of the public;

WHEREAS, in 2008, the City Council renamed the Staff Advisory Access Committee to the Access Advisory Committee and established the Access Advisory Committee under Resolution 08-095;

WHEREAS, the City Council desires to promote the full integration and participation of persons with disabilities into all areas of economic, political, and community life;

WHEREAS, the City Council is committed to utilizing available resources, and coordinating efforts toward removing barriers to full integration and participation of persons with disabilities; and,

WHEREAS, the City Council, in an on-going effort, wishes to expand the scope of advice provided to staff by the Advisory Access Committee in order to take advantage of new opportunities, and to better publicize its activities and accomplishments.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SANTA BARBARA THAT:

SECTION 1. The Access Advisory Committee, as established by Resolution No. 08-095, shall be governed by this resolution. The provisions of this resolution rescind the provisions of Resolution No. 08-095.

SECTION 2. The purpose and function of the Access Advisory Committee is to assist and

advise staff on public disability accessibility issues by:

- a. Actively promoting the total integration and participation of persons with disabilities into all areas of economic, political, and community life.
- b. Serving as a coordinating body, for the purpose of receiving input from citizens on the needs and concerns of the disabled community, formulating and recommending solutions to these identified needs and concerns, and conveying such recommendations to the appropriate City departments.
- c. Working with City staff to create conditions to establish policies and practices, and to develop programs and services, which will facilitate the full integration and participation of persons with disabilities into all areas of economic, political, and community life.
- d. Serving as a stakeholder in the design, planning, and implementation of City projects and programs to facilitate accessibility for persons with disabilities.
- e. Providing oversight for monitoring compliance with such codes, ordinances, and statutes that affect access to, or use of, City facilities, programs, and services by persons with disabilities.
- f. Providing advice regarding the setting of priorities for projects to remove barriers and improve access within the City's public rights-of-way.
- g. Identifying opportunities to educate the public about disability and disability access issues within the community.

SECTION 3. The Access Advisory Committee shall serve in an advisory capacity to all City departments as well as City accessibility compliance staff, according to the specific accessibility issue. For purposes of this Resolution, the term "City accessibility compliance staff" includes the following:

- The City's Americans with Disabilities Act Coordinator (ADA Coordinator)
- The City Engineer (Public Works Department)
- The Chief Building Official (Community Development Department)
- The City Administrator's Office

SECTION 4. The Access Advisory Committee shall be comprised of seven persons, appointed by the City Council.

SECTION 5. A minimum of fifty-one percent of the Committee members shall be individuals with disabilities, as the term "disability" is defined under the Federal Americans with Disabilities Act.

SECTION 6. Committee members shall have a demonstrated interest, experience, and commitment to issues pertaining to disability and access. The following qualifications are desirable:

- a. A practical understanding of Title II or Title III of the Americans with Disabilities Act (ADA), or Section 504 and Section 508 of the Rehabilitation

- Act of 1973; or
- b. A practical understanding of California Code of Regulations Title 24 and related federal accessibility standards; or
  - c. Experience as an architect, engineer, contractor, or other professional involved in the construction of accessible facilities; or
  - d. Experience in consultation in the use of assistive services and technology; or
  - e. Experience in representing or resolving accessibility issues for people with a broad range of disabilities.

SECTION 7. To the extent practicable, the Committee will consist of persons with the following backgrounds:

- Members and professionals from the disability community
- Members from the architectural, engineering, or building communities
- Members at large from the community.

SECTION 8. New appointees to the Committee shall attend an orientation to the Committee's purpose, functions, and history, provided by ADA Compliance Staff, prior to the beginning of their terms of service.

SECTION 9. A majority of the members of the Access Advisory Committee shall be residents of the City of Santa Barbara. Other members may be full-time employees working within the City of Santa Barbara, or residents of the South Coast area of the County of Santa Barbara (from Gaviota to the Ventura County line). All members shall demonstrate an interest in, and commitment to, furthering accessibility within the limits of the City of Santa Barbara. Employees of the City of Santa Barbara shall not serve as Committee members.

SECTION 10. Committee members shall recuse themselves from participation in any discussion and/or vote on any matter in which a Committee member or his/her family has a financial interest (as defined by Gov't. code § 87100 et. seq. or Gov't code §1090) in a Committee decision.

SECTION 11. The term of office for each Committee Member shall be for a period of four years and until their successor is appointed and qualified. A person appointed to replace a member who leaves office due to resignation or otherwise before the expiration of the member's term will serve a minimum four-year term beginning when the person is appointed and ending on December 31 of the fourth year.

SECTION 12. At the initial Committee meeting of each calendar year, members of the Committee shall elect a person to serve as Chair, and a person to serve as Vice-Chair, for a term of one year.

SECTION 13. Committee members shall be subject to removal by the City Council

according to its then current policies and procedures.

SECTION 14. The ADA Coordinator shall prepare and present an agenda at least 72 hours prior to each Committee meeting. Items may be placed on an agenda by the ADA Coordinator or by written request of two Committee members submitted to the ADA Coordinator not less than seven days before the date scheduled for the meeting. The City's ADA Coordinator and support staff shall be responsible for scheduling meetings, preparing and distributing agendas and minutes, and receiving correspondence for the Committee and all Committee meetings shall be publicly noticed and conducted in full accordance with the Brown Act.

SECTION 15. The Committee shall hold four regular meetings per calendar year. Meetings will be held on a regularly scheduled day of the month as determined by Committee vote. Effective notice of canceled meetings shall be given to Committee members at least three days prior to the scheduled meeting. At the request of the ADA Coordinator or the AAC Chair, special meetings may be scheduled in addition to the regular, quarterly meetings.

SECTION 16. The City Administrator's office is responsible for designating a City staff liaison to the Committee. The staff liaison attends Committee meetings and may participate in the proceedings, but is not a voting member of the Committee.

SECTION 17. Following the City's Guidelines for the City of Santa Barbara Advisory Groups, the City Council shall appoint a Councilmember to serve as City Council Liaison to the Committee. The appointed Councilmember liaison may attend meetings and participate in the proceedings, but is not a voting member of the Committee. The Councilmember liaison may provide a verbal report of the proceedings to the full Council during a regular City Council meeting.

SECTION 18. The City's ADA Coordinator shall report annually to the City Council at a regular public meeting regarding the activities and achievements of the Access Advisory Committee.