

CITY OF SANTA ROSA
CITY COUNCIL

TO: MAYOR AND CITY COUNCIL
FROM: JASON NUTT, ASSISTANT CITY MANAGER,
TRANSPORTATION AND PUBLIC WORKS DEPARTMENT
DOMINIQUE BLANQUIE, RISK MANAGER
HUMAN RESOURCES DEPARTMENT
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COORDINATOR, TRANSPORTATION AND PUBLIC WORKS
DEPARTMENT
SUBJECT: ADA SELF-EVALUATION AND TRANSITION PLAN

AGENDA ACTION: STUDY SESSION

RECOMMENDATION

It is recommended by the Transportation and Public Works Department and the Human Resources Department that the Council hold a study session to review the Americans with Disabilities Act (ADA) Self-Evaluation and Transition Plan process.

EXECUTIVE SUMMARY

Title II of the Americans with Disabilities Act (ADA) requires local public entities to complete a Self-Evaluation and Transition Plan. Staff will present on the City of Santa Rosa's ADA Self-Evaluation and Transition Plan, and the purpose of the yearly \$1.2M capital project funding request to remove barriers within City facilities and parks.

BACKGROUND

Title II of the ADA requires local public entities to 1) complete a Self-Evaluation of their facilities, programs, activities and services to determine barriers to persons with disabilities; 2) develop an ADA complaint procedure; 3) designate a person who is responsible for overseeing ADA compliance for the agency; and 4) develop a Transition Plan to identify any structural modifications necessary for compliance.

The City of Santa Rosa completed its original Self-Evaluation and Transition Plan in 1993. It was updated in 2006 and amended in 2012.

The Self-Evaluation covers the public entity's assessment of:

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- Programs, services, and activities such as: Police, Fire, Citybus, building permits, water payments, recreation programs and activities, website services, sidewalk, pedestrian crossing signals.
- Facilities such as: City owned parking lots, parking garages, parks, and facilities (City Hall campus, Municipal Services Center campus, recreation centers, fire stations, public restrooms).
- Policies, practice, and procedures such as: service animals, communications, sign language interpreters.

The Transition Plan is the prioritization of the barriers found during the Self-Evaluation and the steps necessary to achieve program accessibility.

PRIOR CITY COUNCIL REVIEW

On April 11, 2006, City Council, by Resolution No. 26539, approved the 2006 Self-Evaluation and Transition Plan Update.

On November 17, 2009, City Council, by Resolution No. 27522, approved the Final Settlement Agreement between the City of Santa Rosa and the Department of Justice.

On October 16, 2012, City Council, by Resolution No. 28198, adopted the first amendment of the Self-Evaluation and Transition Plan Update.

ANALYSIS

Funding to comply with accessibility features of most program, services, activities, policies, practice, and procedures is from the City departments' yearly operations and maintenance budget. Sidewalk repairs and curb ramp replacements are funded mostly from gas tax and capital facilities fees. Compliance of non-general fund City owned facilities, such as Water Department facilities and Parking Division facilities are funded with the department operations and capital project funding.

Compliance of City owned parks and general fund facilities is funded through a yearly \$1.2M capital project funding request, which was discontinued for the fiscal year 2020-21, and the available balance in June 2020 was transferred to the City's general fund reserves (except funding required to complete Tier 1 projects in construction).

The Transition Plan for City facilities and parks requires a site survey to identify barriers and a report to 1) identify the barriers found; 2) evaluate conceptual solutions; 3) prepare cost estimates; 4) determine priority level of the barrier removal; and 5) identify location of the barriers at a given park/facility.

Staff stakeholders from the Risk Management Division, Recreation Division and Transportation and Public Works Department meet annually to review the budget and

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project status of general fund parks and facilities Transition Plan projects, and to identify new projects if the annual \$1.2M is appropriated in the new fiscal year.

Criteria is established for staff to follow when selecting a facility to prioritize for barrier removal, including: 1) quantity and frequency of public use; 2) uniqueness of the facility; 3) age or condition of the facility; 4) geographic distribution; and 5) critical nature of the programs offered at the facility.

When determining barrier removal priorities within a facility, the Transition Plan requires that staff place the highest priority on those barrier removal items that improve a path of travel to the portion of the facility where programs and activities take place.

The Transition Plan implementation requires ongoing funding due to:

- additional needs exceeding an estimated \$25M for general fund facilities and parks to meet minimum regulatory compliance
- systematic regulatory changes to the ADA and California Building Code
- emergent needs due to the complaint process
- vandalism
- deferred maintenance and lifting/cracking caused by tree roots or shifting soils
- required updates to the Transition Plan

Not following through with the Transition Plan can lead to litigation from the public and/or Federal Department of Justice.

In 2009, the City of Santa Rosa and the Department of Justice entered into a settlement agreement requiring the City to make corrections to its programs and facilities within a five-year period. Although the City has responded to the requirements of the settlement agreement, physical barriers still exist within City facilities. These barriers require the City to continue to follow its Transition Plan and bring all programs and facilities into full ADA compliance.

The City continues to receive regular complaints, lawsuits and claims related to ADA.

FISCAL IMPACT

The study session is for information only and no action is being taken, therefore, there is no fiscal impact.

ENVIRONMENTAL IMPACT

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.

BOARD/COMMISSION/COMMITTEE REVIEW AND RECOMMENDATIONS

Not applicable.

NOTIFICATION

Not applicable.

ATTACHMENTS

None.

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