



*City of Rolling Hills*

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**Agenda Item No.: 11A**  
**Mtg. Date: 01/14/19**

**TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL**

**FROM: JULIA STEWART, SENIOR PLANNER JS**

**THRU: ELAINE JENG, P.E., CITY MANAGER**

**SUBJECT: UPDATE AND DISCUSSION ON AMERICANS WITH DISABILITIES ACT (ADA) TRANSITION PLAN**

**DATE: JANUARY 14, 2019**

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**PURPOSE**

This report provides the background, and the status of the Rolling Hills ADA Transition Plan.

**BACKGROUND**

Title II of the Americans with Disabilities (ADA) Act of 1990 requires that cities not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities. This could fall along the lines of employment, communication, and policies held by the city:

*Employment:* A city cannot discriminate on the basis of disability in its hiring or employment practices and must comply with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under Title I of the ADA.

*Effective Communication:* A city will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in city programs, services, and activities.

*Modifications to Policies and Procedures:* A city is required to make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities. For example, individuals with service animals are welcomed in the City of Rolling Hills offices, even where pets may generally be prohibited.

The ADA does not require the City of Rolling Hills to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden. The mandate does require that the City provide equal access and address complaints that a program, service, or activity of the City of Rolling Hills is not accessible to persons with disabilities.

Per Title II, municipalities are required to prepare a transition plan aimed at inventorying barriers to services, physical infrastructure and policies that do not meet the requirements of the mandate. The plan should also include actions to remove those identified barriers.

The California Joint Powers Insurance Authority (CJPIA) initiated creation of the City of Rolling Hills ADA Transition Plan by offering to pay for its development by a consultant. This was done with the intent to help bring the City into full compliance with Title II, the Americans with Disability Act.

The ADA Transition plan prioritizes improvements based on available funding from the City and other factors such as previously planned facility projects, remodeling and renovations, complaints regarding accessibility, risk management issues, changes in budgets, and prevalence of use of certain City facilities by persons with disabilities. Some priority levels may overlap due to program accessibility needs or combination with another project so it is likely those improvement identified in the ADA Transition Plan would have a higher priority overall. The ADA Transition Plan is intended to most realistically meet the needs of the City and disabled persons served by the City at the same time. It can be a useful tool for the schedule and budget of suggested improvements.

The survey that is currently being made available to residents and organizations is part of addressing policies and communication barriers. Community members, organizations serving the disabled, as well as any resident of the City can provide input on where the City is meeting the ADA requirements and where they believe that changes would be beneficial. This information from the survey is a requirement by Title II and will be incorporated into the ADA Transition Plan.

The ADA Transition Plan is useful to the City in many aspects. As previously mentioned, it helps the City prioritize when physical improvements to City facilities can and should be done. It clearly identifies the areas of weakness in how the City communicates with and provides access to disabled persons and in turn identifies how to address those areas of weakness. It helps protect the City from possible litigation

because it maps out a road to reaching equal access for disabled persons over time. And the ADA Transition Plan assists the City with creating a clear grievance process for disabled persons requiring greater access to City services and facilities.

The ADA Coordinator is the City staff member who monitors progress toward satisfying the ADA Transition Plan and is the first responder to any grievances filed with the City. Ultimately, the ADA Coordinator is responsible for monitoring accessibility and risk reduction through compliance with the Americans with Disabilities Act.

Funding to implement the ADA Transition Plan comes primarily from the City's budget but can be supplemented through grants and opportunities provided by the CJPIA. For example, the creation of the ADA Transition Plan itself is a worthwhile expenditure for the CJPIA because it helps manage any risk potentially incurred from barriers to access.

Going forward the finished ADA Transition Plan that the City received from Disability Access Consultants Corp will be used by the ADA Coordinator to help track where the City lies regarding providing access to disabled persons. It will provide information related to the priority, progress, and projected date of completion for changes made by the City to be in full compliance with Title II. This will be in regards to City facilities, such as City Hall, as well as City processes such as provisions for disabled access to City Council meetings.

## **STATUS UPDATE AND CONSIDERATIONS**

Preparation of the ADA Transition Plan began in 2017 when the City authorized the CJPIA to hire a consultant on its behalf to draft an ADA Transition Plan. Since that time the Disability Access Consultants Corp (DAC), in conjunction with City staff, has:

- Revised and posted ADA-compliant documents in City Hall and on the City's webpage, such as the ADA Section 504 Grievance Compliant Form and the Notice identifying the City's ADA Coordinator,
- physically surveyed all City-owned properties to identify accessible barriers, including City Hall, the Rolling Hills Community Association building, the Tennis Courts, and the City's riding rings,
- conducted an initial analysis on which elements of each City property may need ADA-compliant improvements, which includes physical improvements such as ADA accessible bathrooms and lower permit counter heights in City Hall,
- created a database of the physical survey results and initial findings that will assist in updating the ADA Transition Plan which can be periodically updated by City staff when progress is made on constructing improvements that allow for greater ADA access,
- trained staff on use of the database for ongoing monitoring of City facilities, and

- assisted City staff in initiating the user survey, which is focused primarily on City processes and event participation, for example providing braille devices for staff reports to the blind for City Council meetings.

The next steps in the process are to synthesize the results of the survey solicitation and begin drafting the ADA Transition Plan itself. This would include prioritizing changes to City processes or physical improvements to City-owned properties.

Using the braille device example, the City might want to initially prioritize access to braille staff reports based on the blind population in and around the City likely to be attending City Council meetings. This would be included in the ADA Transition Plan to removed barriers to access for blind disabled persons. When this task in the ADA Transition Plan is done may be dictated by the frequency of the need for braille devices and the money available in the City budget to address the need. If grant funds were to unexpectedly become available to provide braille devices to all cities in the South Bay then the timing of addressing that need identified in the ADA Transition Plan would likely change based on those newly available funds. This is an example but the same would be true for any change or improvement performed by the City as recommended in the ADA Transition Plan.

As improvements are constructed or changes are made in the City that satisfy Title II access requirements then City staff can update the ADA Transition Plan to reflect progress and completion of projects.

### **FISCAL IMPACT**

Currently there is no fiscal impact to the City.

\$14,800 was paid by the CJPIA to Disability Access Consultants Corporation to prepare the ADA Transition Plan during fiscal year 2017-18.

Future budgetary considerations resulting from recommended improvements and implementation of the ADA Transition Plan will be outlined at the Fiscal Year 2019-2020 budget session. One known improvement is the need to retrofit the front door to City Hall to allow greater physical access to individuals in wheelchairs or walker to the City Hall lobby. This cost is preliminarily estimated to be at least \$300 for door replacement and as much as \$5,000 for more complete changes to the lobby to accommodate full disabled access.

### **RECOMMENDATION**

It is recommended that the Council members receive and file this report.