

SOLANO COUNTY GRAND JURY



City of Vacaville: Americans with Disabilities Act Compliance



2004-2005 Grand Jury Report

Issued: June 14, 2005

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I. Reason for Review

The Grand Jury elected to review Americans with Disabilities Act (ADA) compliance by the City of Vacaville.

II. Procedures

The Grand Jury:

- Interviewed the Vacaville City Manager, ADA Title II/Section 504 Coordinator, various other staff personnel and members of the Advisory ADA (citizen) and ADA Staff (City staff) members

- Attended the initial combined meeting of the Advisory ADA and ADA Staff committees

- Walked through two City sites and informally checked them for ADA compliance features

Reviewed:

- The 2003-2004 Solano County Grand Jury Report section on ADA Compliance
- A City of Vacaville Americans with Disabilities Act public information packet
- A City of Vacaville ADA Title II Current Issues Log 2000 – present
- The Americans with Disabilities Act (ADA) Self Evaluation and Transition Plan for the City of Vacaville, dated January 24, 1995
- Five Advisory ADA committee meeting agendas
- ADA information on the City web site, www.cityofvacaville.com/accessibility.info
- The Checklist for Complying with ADA Administrative Requirements; ADA, Grievance & Complaint Procedures; ADA Self-Evaluation; ADA Transition Plan; Advisory Committee/City ADA Committee letter; ADA Title II Coordinator Service Provider; and ADA Advisory Committee Application/Membership.

III. Background

The following background statement is excerpted from a report to the 2003 – 2004 Grand Jury by the Solano County Architect:

The Americans with Disabilities Act (ADA) was signed into law in 1990 with the State of California passing similar legislation in 1992. In its essence, the ADA is civil rights legislation that is intended to provide persons with disabilities with accommodations

and access equal to, or similar to, that available to the general public. The fundamental goal of ADA is to provide access to programs and services that are publicly available for persons living with disabilities. The ADA defines an "individual with disability" as a person who has a physical or mental impairment that substantially limits one or more major life activities (e.g. seeing, hearing, speaking, walking, breathing, performing manual tasks, learning, caring for oneself, or working).

Consistent with that goal, Title II of ADA requires that local governments . . . provide access for persons living with disabilities to all programs, services and activities provided by local governments. [Cities] can either make reasonable modifications to policies, practices and procedures (such as providing assistance to persons with disabilities in completing forms to apply for services), remove architectural barriers (such as lowering a counter so the person with a disability can complete the form independently), or utilize a combination of programmatic and architectural adjustments in order to achieve ADA compliance.

The Self Evaluation and Transition Plan format is a major engine prescribed by Federal ADA for mapping out compliance. In "self evaluation" a city identifies potential barriers to access and reviews policies and procedures for removing or working around non-structural barriers. The ensuing "transition plan" identifies necessary structural changes. In January 1995, the City of Vacaville, already several months late in meeting federal deadlines, published its Self Evaluation and Transition Plan. In this first attempt at a totally new process, Vacaville identified one-time projects calculated to cost \$32,500 and a sustained need for \$36,100 yearly. The Plan also addressed policies, planning, publicity, complaint procedures and related issues. Given the burgeoning demands that followed, this 23 page first assessment appears now to have been an honest but underestimated product.

In any case in 2004 a senior Vacaville staff official characterized ADA efforts between 1995 and 2002 as "not comprehensive." Until 2004, supervision of the program was assigned part time to a staffer who had many other duties. The ADA job log for 2000 shows 11 minor construction jobs, mostly curb ramps, completed or resolved. Seventeen tasks, nearly all curb ramps, were completed in 2001. (NOTE: These job statistics do not include ADA capital improvement projects budgeted to and completed by other departments.

In 2004 the ADA process was strongly reinforced by the City of Vacaville. In July, a full time ADA Title II Coordinator was installed. A contract for \$160,000 was signed with Sally Swanson Architects to conduct accessibility surveys and to update the self-evaluation and transition plan - in effect to update Vacaville's outdated 1995 plan. Two City committees were formed and tasked to guide the effort. The first of these, the Advisory ADA Committee composed mostly of citizens with ADA-qualifying disabilities now meets twice monthly to decide priorities and make recommendations. The second is the City ADA Committee. It is composed of City staffers representing all departments. Members meet monthly, do self-evaluations, examine policies and procedures and coordinate actual upgrade and service access. Every quarter both committees meet together. They have helped supply about 2,000 entries in the ADA Self-Evaluation Program Inventory which supports the Swanson plan update.

Outreach has become impressive. It includes a general brochure on ADA, an ADA City website, request forms for ADA accommodation, instructions for filing grievances and complaints, ADA contact information, a Guide for City Employees on ADA, press releases and much more.

An elementary component for ADA success is to create in public officials a genuine desire to seek out and eliminate barriers inhibiting disabled access. Interviews and other evidence leads the Grand Jury to believe this has happened.

One statistic marking solid headway comes from the ADA Title II Current Issues Log, which lists about 55 mostly minor construction actions completed in 2004. Some of these listings lacked dates, but the general reporting sequence points to 2004 action. These numbers are a significant increase over the estimated 13 completed in 2000.

The Grand Jury doubts not that there have been spending increases on ADA since 2004, although investigation of the municipal budget itself was beyond the scope of the Jury's activity. There are now more staffing and administrative support costs. The ADA portion of capital improvements and maintenance budgets incidental to general repair have increased. Consulting fees to Swanson stood at \$155,000. The annual \$32,500 from the 1994-95 budget continues to be today's basic ADA budget. But another \$50,000 for ADA upgrades is recommended for next year. There is a reported commitment to add another \$50,000 in the capital improvement budget for ADA work over each of the next four years.

Delivery of the Swanson Transition Plan and Accessibility Survey was due to the City in December 2004. It has not happened. The City later consented to a March 2005 delivery. At this writing, (May 2005) it is still undelivered. A City official now "hopes for July." No interim reports were called for in the contract and none have been received.

The Grand Jury heard laudatory comments from a disabled citizen and others on special provisions made for disabled persons at the "Merriment on Main" Christmas tree lighting and holiday show. The Vacaville Reporter newspaper, which sponsored the event, consulted with the ADA Advisory Committee in setting it up. Special arrangements included the assignment of police cadets to monitor the special handicapped parking area. Volunteers escorted disabled persons to a special seating area which was reserved for them in front of the stage.

The Grand Jury looked into a sampling of ADA Committee meeting documents and found them to be lacking in detail. Agendas called for discussion of general issues such as processing complaints and establishing priorities. But they lacked calls for updates on specific work orders and remedial jobs. Although meeting results were reportedly summarized in e-mail letters, no written minutes were produced. Raw data was available at meetings on work projects but nothing in the ADA minutes reported assignment of projects to departments or individuals by name, due date and description of action. There were no status reports on complaints received, proposed solutions, the flow of work orders and proposed and actual completion dates. Some raw data was available at meetings but there is no evidence that it was formally passed to Committee members.

IV. Findings and Recommendations

Finding #1 – The ADA Current Issues Log reports about 55 actions completed in 2004. Two thousand projects were reportedly nominated for completion in the upcoming new self-evaluation and transition plan. If even half of those 2,000 are physical work projects and are accepted for action, and if work continues at the 2004 pace of 55 per year, Vacaville could be looking at 18 years of work. The four-year \$50,000 per year increase which Vacaville plans to add to its capital improvement budget should generate significant extra help. Whether it will generate enough is uncertain.

Recommendation #1 - The City should approve that added \$50,000 per year for ADA upgrades, confirm that it is sufficient, and be prepared to add more funds for a longer timeframe if it is not.

Finding # 2 – Continued slippage in delivery of the Swanson report has left the whole linear planning process hostage to the delay. There have been no intermediate reports. There is still no guaranteed completion date.

Recommendation # 2 - Intermediate reports should be sought from Swanson and supplied to Vacaville ADA staff agencies. Even incomplete data might help City staffers and committees leapfrog ahead and begin to block out subsequent actions.

Finding # 3 – According to available reports there is room for both Vacaville ADA committees to conduct business along more accountable lines.

Recommendation # 3 - Persons should be assigned, or volunteers sought, to take the lead on each project. Action dates should be agreed upon and project reports should be called for at subsequent meetings. Members of the Advisory ADA Committee should be routinely updated on project status.

Finding # 4 – All agreed that the “Merriment on Main” Christmas show set a very high standard for ADA support to a public event.

Recommendation # 4 – The City needs to insure that future public events held on City property or facilities strive for the same degree of ADA accessibility as the “Merriment on Main” project actually delivered.

V. Comments

In 2004 the City of Vacaville effectively jump started its “business as usual” ADA program with a real infusion of resources, personnel and focus. Vacaville was not required to update its evaluation and transition plan but one was clearly needed and the City contracted for an update. Much more money is projected for future upgrades. Whether it is enough remains to be seen.

VI. Affected Agencies

- City of Vacaville City Council
- City of Vacaville City Manager
- City of Vacaville ADA Title II/Section 504 Coordinator