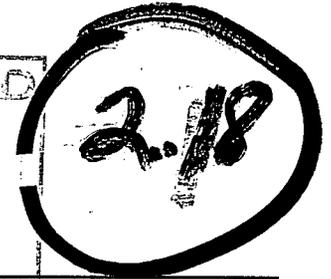




APPROVED

DEC 11 2001

OFFICE OF THE
CITY CLERK



DEPARTMENT OF
ADMINISTRATIVE SERVICES

ADMINISTRATION
DIVISION

CITY OF SACRAMENTO
CALIFORNIA

921 TENTH STREET
ROOM 401
SACRAMENTO, CA
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November 21, 2001

City Council
Sacramento, California

CONTINUED
FROM 12-4-01
TO 12-11-01

Honorable Members in Session

SUBJECT: ESTABLISHMENT OF ADA ADVISORY COMMISSION

LOCATION/COUNCIL DISTRICT: Citywide

RECOMMENDATIONS:

That the City Council establish a ADA Advisory Commission to provide recommendations to the Council on strategies and policies designed to ensure and enhance the City's compliance with the Americans with Disabilities Act, the California Fair Employment & Housing Act, and Title 24 of the California Code of Regulations.

CONTACT PERSON: Kenneth Fleming, Administrative Services Manager
Michael Whipple, Public Works ADA Coordinator

FOR COUNCIL MEETING OF: December 4, 2001

SUMMARY:

The City of Sacramento has continually strived to eliminate barriers that may prevent persons with disabilities from enjoying employment or access to City services, programs and activities. The City Council has consistently sought opportunities that enhance the quality and quantity of citizen participation in the social, political and economic life of this community. To further assist us in accomplishing this goal, it is important to ensure that we receive a diversity of input to assist us in developing policies, procedures and strategies. It is therefore proposed that an ADA Advisory Commission be created.

COMMITTEE/COMMISSION ACTION: Approved by the Personnel & Public Employees Committee, review waived by the Law & Legislation Committee

BACKGROUND AND ANALYSIS:

The Affirmative Action Advisory Committee was formed in 1986. The role of this committee was to provide input on policies related to non-discrimination and equal opportunity. This committee's Subcommittee on Disability Issues reviewed and provided recommendations on matters impacting access to City services, activities and programs, and actively participated in events recognizing the potential and contributions of persons with disabilities.

The City of Sacramento has numerous boards and committees that serve as conduits for information. They also provide advice and recommendations on the development of policies and procedures. After reviewing the list of those entities, the Personnel & Public Employees Committee concluded that merging some of these bodies would better serve the needs of stakeholders, provide a more responsive government and also result in some efficiencies.

A decision was made to dissolve the Affirmative Action Advisory Committee and the Minority Women Business Enterprise Advisory Committee and merge their functions, creating the Small Business Development & Employment Advisory Board. The Council also expressed the intent to subsequently create an advisory body that would provide recommendations on ADA compliance issues.

During the process of amending the ADA Transition Plan the Public Works Department created an adhoc advisory committee. The intent was to provide a mechanism to secure input from the community on components of the plan. This group would sunset after the creation of an advisory board with the responsibility to review issues effecting overall ADA compliance.

The formation of a formal ADA advisory body provides the City with a means to be inclusive and secure input regarding our policies and strategies for compliance to the Americans with Disabilities Act, the Fair Employment Housing Act and Title 24 of the California Code of Regulations. Staff is therefore proposing that an ADA Advisory Commission be created. The Commission will be appointed by the Mayor with Council approval, and would be comprised of nine (9) members who reside within the City. Membership would be representative of the various disability groups with members serving a three (3) year term.

This recommendation was endorsed by the Public Works Adhoc Advisory Committee and received overwhelming support from advocacy organizations and members from the community with disabilities.

FINANCIAL CONSIDERATIONS:

The Personnel & Public Employees Committee (P&PE) has recommended that members of the ADA Advisory Commission be compensated at the rate of \$25.00 per meeting attended, not to exceed \$50.00 per month. Sufficient funds are available for current year in the Administrative Services operating budget. Funding for future years will be addressed in the FY03 budget.

POLICY CONSIDERATIONS:

The establishment of the ADA Advisory Commission is consistent with Council policies of inclusion, improving City systems, and partnering with the community and governmental organizations to improve access to and use of services and public facilities.

ENVIRONMENTAL CONSIDERATIONS:

This report recommends no action that would constitute a project under the California Environmental Quality Act (CEQA).

ESBD CONSIDERATIONS:

None

Respectfully submitted,

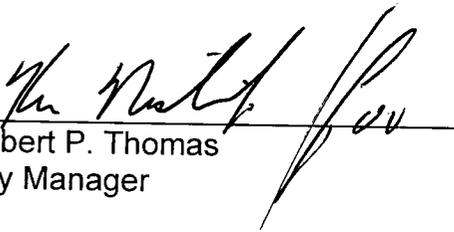

Kenneth M. Fleming
Administrative Services Manager

CONCURRENCE



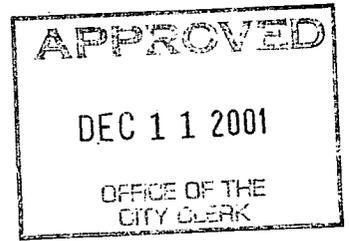
Terrence L. Woods

APPROVED



Robert P. Thomas
City Manager

Attachment



ORDINANCE NO. 2001-050

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

AN ORDINANCE ADDING CHAPTER 2.53 TO THE SACRAMENTO CITY CODE ESTABLISHING THE SACRAMENTO DISABILITIES ADVISORY COMMISSION

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

Chapter 2.53 is hereby added to the Sacramento City Code, to read as follows:

Chapter 2.53

DISABILITIES ADVISORY COMMISSION

2.53.010 Commission established.

The City of Sacramento Disabilities Advisory Commission is hereby established.

2.53.020 Definitions.

As used in this chapter, the following words and phrases shall have the meaning given them in this section, unless the context clearly requires otherwise:

“ADA Coordinator” means the City employee(s) designated by the City Manager, who shall be primarily responsible to provide staff support to the Commission.

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ORDINANCE NO. _____

DATE ADOPTED: _____

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"Americans with Disabilities Act" or "ADA" means the Americans with Disabilities Act of 1990 (Public Law 101-336) (42 USCA Section 12101 et seq.), as it may be amended from time to time.

"City" means the City of Sacramento.

"City Council" means the City Council of the City of Sacramento.

"Commission" means the Sacramento Disabilities Advisory Commission.

"Developmental disability" means any condition, such as mental retardation, including a disabling condition found to be closely related to mental retardation, epilepsy, cerebral palsy, spina bifida, organic brain syndrome, or specific learning disabilities that limits a major life activity. "Developmentally disabled" shall not include a disorder or condition that is solely physical in nature.

"Fair Employment and Housing Act" or "FEHA" means California Government Sections 12900 et seq.), as it may be amended from time to time.

"Major life activity" shall mean a function such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

"Mayor" means the mayor of the City of Sacramento.

"Mental disability" means any psychological disorder or condition such as emotional or mental illness that limits a major life activity. "Mental disability" does not include sexual behavior disorders, compulsive gambling, kleptomania, pyromania, or psychoactive substance use disorders resulting from the current unlawful use of controlled substances or other drugs.

"Physical disability" shall have the meaning attributed to it by Government Code Section 12926, as that section may be amended from time to time.

"Reasonable accommodation" shall have the meaning attributed to it by Government Code Section 12926, as that section may be amended from time to time.

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"Sensory disability" means a physical condition that impairs the body's visual system or auditory system and limits a major life activity.

2.53.030 Purposes of Commission.

The Commission is established for the purpose of providing advice and recommendations to the Mayor and City Council on strategies and policies designed to ensure and enhance the City's compliance with the Americans with Disabilities Act, the California Fair Employment and Housing Act, and Title 24 of the California Code of Regulations.

2.53.040 Powers and duties of Commission.

The powers and duties of the Commission shall be as follows:

A. To serve as an advisory body to the City regarding compliance with federal and state disability laws. The Commission shall not advise the City concerning litigation or administrative proceedings to which the City is a party;

B. To review policies, programs and activities within the City as they affect persons with disabilities;

C. To recommend procedures for City employees with disabilities to request and receive reasonable accommodations;

D. To provide information, referral, and technical assistance to the City in matters pertaining to disability issues.

E. To establish a liaison with the City's ADA Coordinators to assist with policies, procedures and programs as they relate to federal and state disability laws.

2.53.050 Commission Membership.

The Commission shall be comprised of nine (9) members who reside within the City of Sacramento, appointed by the Mayor with approval by a majority of the City Council. The Commission's membership shall be representative of different disability groups including, but not limited to, physical, sensory, developmental and mental disabilities.

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Appointees shall have experience with disability issues, knowledge or experience with disability law, such as ADA or Title 24 of the California Code of Regulations.

2.53.060 Term of office.

Members of the Commission shall serve a term of three (3) years. In order to establish staggered terms, the initial appointments of each member may vary between one and three year terms as determined by the Mayor with approval by a majority of the City Council. No member shall serve for more than two consecutive terms. In the event a vacancy occurs, the Mayor, with the approval of a majority of the City Council, shall appoint a successor to serve the unexpired term, subject to the requirements set forth in Section 2.53.050. A member shall hold office until his or her successor has been appointed. A successor appointed to complete an unexpired term shall be eligible to serve up to two consecutive terms in addition to the unexpired term.

2.53.070 Organization and procedures of the Commission.

At its first meeting, and annually thereafter, the Commission shall elect a commission chairperson and a vice chairperson, who each shall hold office at the pleasure of the Commission. When there is a vacancy in the office of chairperson or vice chairperson, the Commission shall fill that office from among its members. The Commission may adopt rules and procedures for the conduct of its business and may do any other thing necessary or proper to carry out its functions, which may include the formation of one or more committees. Staff support to the Commission shall be provided by one or more City employees designated by the Sacramento City Manager or his or her authorized representative.

2.53.080 Commission meetings.

The Commission shall establish a time and place for regular meetings to be held not less than once each month, which shall be noticed and held in accordance with the provisions of the Ralph M. Brown Act (Government Code Sections 54950 et seq). The Commission shall have the authority to notice and hold special meetings in the manner specified by the Ralph M. Brown Act.

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2.53.090 Quorum - voting.

A quorum shall be required for the Commission to take any action. A quorum shall be five members. However, in the event of any vacancy or vacancies, the quorum shall be a majority of the members then serving on the commission. The affirmative vote of a majority of the members present and voting shall be necessary to approve any item.

2.53.100 Stipend

Each member of the Commission shall receive a stipend of twenty-five dollars (\$25.00) for each Commission or committee meeting attended, not to exceed a total of fifty dollars (\$50.00) for any month.

2.53.110 General requirements.

Unless specifically provided otherwise in this chapter, the general requirements set forth in Chapter 2.40 of this code, governing the appointment of board and commission members, attendance at board and commission meetings, voting, term limits and removal shall apply to the Commission. A member is subject to removal for good cause, neglect of duty or misconduct as provided in City Charter Section 232.

2.53.120 Conflict of interest - Statements of economic interests.

The provisions of Article III of Chapter 2.16 of this code governing conflicts of interest of board and commission members shall apply to the members of the Commission. In addition, all appointees to the Commission shall be required to file statements of economic interests pursuant to a conflict of interest code to be adopted for the Commission.

DATE PASSED FOR PUBLICATION:

DATE ENACTED:

DATE EFFECTIVE:

ATTEST:

MAYOR

CITY CLERK

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ORDINANCE NO. _____

DATE ADOPTED: _____