

Rev: November 17, 1996  
Rev: January 31, 2000  
Rev: July 26, 2010  
Rev: March 14, 2011

**CITY OF BENICIA**  
**UPDATED AMERICANS WITH DISABILITY ACT TRANSITION PLAN**

The Americans With Disabilities Act (ADA) of 1990 took effect on July 26, 1992. The law is designed to eliminate discrimination against individuals with physical or mental disabilities in employment, public services, public transportation and telecommunications.

We are currently in full compliance with the law as it pertains to public transportation (all of our buses are disabled accessible), telecommunications (We have four portable TDD communication body pack devices (made by EZ Systems) available in dispatch for emergency use. There is a device for dispatch at the Police station, but there is no longer one available at the library. The Police are in the process of moving to an automated attending system. As soon as the process is completed, the direct number will be provided online through the Benicia Police Department website) and employment (the personnel recruitment process includes an assessment of the job description to determine the “essential job functions” prior to writing the job announcement and each City position has been assessed to determine the proper pre-employment physical exam which needs to be conducted to prohibit unintentional disqualification of a candidate). In addition, the City Council Agenda now includes information to our citizens regarding what to do to obtain an accommodation prior to a council meeting being held.

*[7/26/10 – New Accessibility Guidelines will likely be adopted by the Department of Justice some time this year. This would affect the City’s Transition Plan only for newly constructed buildings/facilities, and for altered portions to existing buildings, facilities and outdoor spaces. The new accessibility guidelines would require that new or altered facilities be in full compliance with the new guidelines. However, the proposed guidelines would not require modification to existing facilities. Existing facilities would continue to be governed by the previous ADAAG.]*

In 1996, the City’s ADA Committee was comprised of Mike Alvarez, Virgil Mustain, Russ Clifton, Jan Lucca, Christine Hoffman, Bob Parker, Alan Nadritch and Linda Johnson as ADA Coordinator and Judsen Kern, John Metzler and Tiana Tibbitts from the disabled community. As before, the Committee’s primary charge was to review the City’s Self-Inspection Reports and look at every possible aspect of how to assist the disabled community gain access to the City’s public services without incurring “major costs”

*[7/26/10 – major costs shall mean the financial expense would result in an undue hardship—a significant difficulty or expense would result when considered in light of the nature and cost of accommodation, the overall financial resources of the covered entity, and the overall financial resources of the facility involved) to the City. In 2010, the City’s ADA Committee includes representatives from the City Attorney’s Office, (Heather Mc Laughlin, City Attorney, and Ian*

*Fuentecilla, Law Clerk) Parks & Community Services (Rick Knight, Parks & Building Superintendent) and **LEAVE ROOM FOR OTHER DEPARTMENTS.**]*

Following is the updated Transition Plan Priority List including cost to completely renovate each City building or park to meet all of the criteria set forth in the ADA regulations. The total cost to perform these major changes would have exceeded \$1.7 million in 1992/93 when the original transition plan was formulated. The cost to completely renovate our facilities would undoubtedly be much higher today. However, it is not the intent nor the letter of the law that these dollars be expended if “reasonable accommodation” can be made for citizens/employees with disabilities. ~~Essentially, Title II of the ADA is “geared to the future.” According to the regulations, the ADA’s goal is that “over time, access will be the rule rather than the exception.”~~ Consequently, our Transition Plan will never cost the full amount listed by ~~our building inspectors~~ unless we are unable or unwilling to make “reasonable accommodation” and/or are ordered to make the represented changes by the Department of Justice.

*[7/26/10 – Modifications that are necessary to assure barrier free access will be evaluated, prioritized, and included in long-term capital budgets to assure the city makes progress toward its goal of accessibility for all.]*

## UPDATED TRANSITION PLAN PRIORITY LIST

1. **City Hall Complex:** The Committee determined that we should start with the architectural barriers that need to be removed at City Hall since so much of our business is performed in offices located in this facility.

**PLAN:** Two automatic front doors at the two entrances to City Hall were installed, entrances to each City office are now wheel chair accessible, ~~the public telephone was lowered~~, two tier drinking fountains were installed where applicable, the ADA Coordinator, ~~Linda Johnson~~, was listed in the telephone book to assist disabled citizens, and telecommunication devices for the deaf were purchased for the Personnel Department and the Library. Finance Director Rob Sousa, who also oversees the Information Technology Division in the city, keeps the TDD's. If a request for a TDD is made to the ADA Coordinator, she then contacts Rob Sousa.

**TOTAL COST: \$10,000 1992-93 Budget (Approx. Savings \$170,500)**

**Completion Date: 5/15/1993**

*[1/31/00 – A similar door, and ramp for wheel chair access was also installed at the Police Department in 1993.]*

*[7/26/10 – There are handicap accessible restrooms that include Braille at the entrance doors. City Hall currently does not have signage that directs individuals to accessible routes or facilities. The city should provide a sign in front of City Hall showing accessible routes to City departments. Also, the city should provide signs inside the main entrance to City Hall and elsewhere where appropriate, including directions to accessible restrooms.]*

***3/14/11 – The City Attorney's Office has the following questions/concerns:***

- (1) Are all public meetings and temporary events held in accessible rooms?***
- (2) Is there a disabled access route to every City department?***
- (3) Is there signage at entrances, access routes & bathrooms directing disabled access?***
- (4) Are all department counters accessible? If not, are accessible alternative counters available by sharing with another department?***
- (5) Is there disabled parking near City Hall entrances? Is there at least one space accessible to vans? Is there an accessible route from the spaces to the entrances that does not require travel behind parked cars? Is the route marked by signage?***
- (6) Are other aids besides TDDs available or provided at all public meetings & events?***
- (7) Is all print material available in an alternative non-visual format?***
- (8) Have sufficient curb cuts been made around City Hall to enable disabled access?***
- (9) Is all disability-assisting machinery (ie automatic doors) being maintained?***
- (10) How do all meetings, events & departments meet disability notice obligations?***

2. **Police Department:**

**PLAN:**

**TOTAL COST:**

*[7/26/10 – Automatic front doors and a ramp for wheel chair access was installed in 1993.]*

**3/14/11** – *The City Attorney’s Office has the following questions/concerns:*

- (1) Is there a disabled access route to all public services offered by the PD?*
- (2) Is there signage at entrances, access routes & bathrooms directing disabled access?*
- (3) Are all counters used for public services accessible? If not, are there alternatives?*
- (4) Is there disabled parking near PD entrances? Is there at least one space accessible to vans? Is there an accessible route from the spaces to the entrances that does not require travel behind parked cars? Is the route marked by signage?*
- (5) Are TDDs and other auxiliary aids available or provided for disabled access?*
- (6) Is all print material available in an alternative non-visual format?*
- (7) Have sufficient curb cuts been made around City Hall to enable disabled access?*
- (8) Are all public services accessible? This includes “negative” services, such as arrest, interrogation, incarceration, etc.*
- (9) Does the PD have at least one accessible vehicle for transport of disabled victims, suspects, and arrestees? If not, does the PD have available access to one?*
- (10) Is the emergency call system hooked into a TDD? Do disabled persons have access to emergency call services?*
- (11) Are all programs and temporary events (ie public awareness classes) accessible?*
- (12) Is all disability-assisting machinery (ie automatic doors) being maintained?*
- (13) How do all meetings, events & programs meet disability notice obligations?*

3. **Senior Center:** The Committee determined that the Senior Center has architectural barriers that need to be removed to accommodate a significant population of disabled citizens.

**PLAN:** Install proper drinking fountain, signage at entrance to building, and bring restrooms into compliance.

**TOTAL COST: \$5,000 1993-94 Budget (Approx. Savings \$10,000)**

**Completion Date: 12/31/93**

*[7/26/10 – Handicap accessible drinking fountains have been installed. Also, handicap signage is visible at the entrance to the building. Some time between the years of 1995 to 1998, the city altered the restrooms to ensure ADA compliance.]*

***[Question from ADA Consultant Cathie Bigger-Smith: Do the signs at this facility have Braille? Are the restrooms in full compliance?]***

*3/14/11 – The City Attorney’s Office has the following questions/concerns:*

- (1) Are all areas of the Senior Center accessible? If not, what services and programs are missed out on by those with disabilities?*
- (2) Are all drinking fountains and restrooms accessible? If not, is there signage directing disabled persons to the fountains and restrooms that are accessible?*
- (3) Are there sufficient disabled/van parking spaces available?*
- (4) Are TDDs and other auxiliary aids available or provided for disabled access?*
- (5) Is all print material available in an alternative non-visual format?*
- (6) Have sufficient curb cuts been made around City Hall to enable disabled access?*
- (7) Is all disability-assisting machinery (ie automatic doors) being maintained?*
- (8) Are all programs and temporary events accessible?*
- (9) How do all meetings, events & programs meet disability notice obligations?*

4. **Civic Center Park:**

*[7/26/10 – In the 1996 version of the Transition Plan, this park was called “Park at City Hall.” This Park is now named “Civic Center Park”. Due to the renovations that took place in the 1995/1996 fiscal year, there is no longer any play equipment present. There are barbeque grills, restrooms picnic tables and a general seating area. There is no handicap accessible entrance into the park. The only available entrance is to come down a flight of stairs located near the library. The picnic tables and general seating area require a person to go up three steps. Provided that a disabled individual can be lifted up those three steps, the picnic tables and seating area are designed to allow a handicapped individual to sit there. The drinking fountain, tennis courts and bocce ball play area are accessible to individuals with disabilities.]*

*[Question from ADA Consultant Cathie Bigger-Smith: Is the plan to eliminate the 3 steps to make it accessible?]*

*3/14/11 – The City Attorney’s Office has the following questions/concerns:*

- (1) What is being done to make the park/grill/picnic area accessible from K Street?*
- (2) What is being done to make the restrooms accessible?*
- (3) Is there signage at the stairs by the library informing disabled person of access at the K Street entrance?*

5. **Curb Cuts for Disabled Accessibility:** The ADA Committee received a map outlining much-needed curb cuts at various locations throughout the City from a disabled citizen. It was determined that going out to bid would give us a greater number of curb cuts for our dollars.

**PLAN:** The Public Works department determined the location of curb cuts that will assist the greatest number of disabled citizens.

**TOTAL COST: \$10,000 1993-94 Budget (Approx. Savings Unknown)**

**Completion Date: 6/30/1994**

Approximately \$10,000 in ADA Budget dollars was also utilized in fiscal year 1995/96 and \$5,000 in fiscal year 1996/97 will be spent to continue the curb cut project.

*[1/31/00 – The City has continued to budget \$10,000 each fiscal year that minimally covers the cost of 10 curb cut ramps each year.]*

*[7/26/10 – 75% of curbs located in the city are in compliance with current standards for curb access and the city continues to budget \$ \_\_\_\_\_/year for curb cuts. INSERT THE NUMBER FROM RICK KNIGHT. ]*

**3/14/11** – *The City Attorney’s Office has the following questions/concerns:*

- (1) Have the most urgent curb cuts been completed? Priority: government buildings, transportation areas, other public areas – before residential areas.*
- (2) Are many of the non-completed cuts in non-residential areas?*
- (3) When will 90% compliance be attained? When will 100% compliance be attained?*
- (4) Is there a regular public request procedure to allow disabled persons to request certain curbs be cut in non-convenient or high-traffic areas?*

6. **Swimming Pool (James Lemos Pool):** The Parks and Community Services Department installed a disabled pool lift to assist disabled citizens to access the pool. A disabled accessible portable restroom was placed at the pool because the restrooms at the pool are not accessible to disabled citizens. Major renovation would need to be done to make the lockers and shower area and restrooms accessible. Also, an adapted aquatics class has been added to the recreation program and is continuing to be monitored to determine the continued interest by citizens. The following plan to correct additional architectural barriers has not been determined to be needed at this time.

**PLAN:** Correct length of parking lot stalls, install curb access aisle, correct width of corridor between locker room area and swimming pool area as it is too narrow, correct width of steps leading in the pool as the are 48” and need to be 60”, install proper fixed bench in dressing room area as it is not long enough and it is too tall.

**TOTAL COST: \$85,000**

**Completion Date: Unknown – Will make reasonable accommodations as requested.**

*[7/26/10 – The facility was renovated in 2009-2010. In February 2010, Parks and Community Services completed the James Lemos Pool Roof Structural Repairs project. The project consisted of removal and replacement of the entire roof structure, the upgrade of seismic deficiencies found during construction, and ADA upgrades to the entire facility. The ADA upgrades include the addition of ADA ramps and toilet facilities, extra dressing room partitions and modesty screens for disabled individuals, and modifications to the entrance of the facility to ensure ADA access. The facility is*

completely accessible to individuals with disabilities. The showers, sinks, and toilets were altered to bring them into compliance. The self-operated swimming pool lift (maximum 300 lb. capacity) also remains operative. The total cost of the changes orders was \$28,763.20. In total, the Structural Repairs Project cost \$274,104. Also, the City continues to provide an "Aquatic Special Needs Lesson" at the swimming pool for students who are physically or mentally challenged who would like individualized instruction. If disabled individuals do not wish to take part in the lesson but would rather participate in aquatic activities at the pool that are offered to the general public, the City will provide reasonable accommodations to those requesting assistance. Since alterations were made to the facility in February 2010, the entire facility must be brought into compliance with the Act. This requires that the pool have two accessible means of entry. The City is in the process of evaluating how to provide this access.]

**3/14/11 – The City Attorney’s Office has the following questions/concerns:**

- (1) Is all disability-assisting machinery (ie the pool lift) being maintained?**
- (2) Are regular classes accessible to disabled persons if they choose not to enroll in the adaptive program?**
- (3) Is second entry access to the pool complete?**
- (4) Are there accessible routes to every public part of the facility?**
- (5) Is there at least one disabled/van parking space close to the entrance?**
- (6) How are safety warnings given besides posted/printed signs?**
- (7) How do all events & programs meet disability notice obligations?**
- (8) What auxiliary aids and resources are provided to disabled persons during both permanent operation and temporary events?**
- (9) Is all print material available in an alternative non-visual format?**

7. **Youth Center:** The Committee determined that major renovations would need to be made to the Youth Center to bring the structural barriers into compliance with ADA. Currently, recreation programs for disabled youth are conducted at the ~~Marina Center~~ which is disabled accessible. Therefore, the following plan is not deemed necessary at this time.

**PLAN:** Make a wheelchair access route accessible to the building entrance without going behind other parked cars to include correct width sidewalk with proper slope, etc., install disabled signage in the parking lot and a curb access aisle, install correct exterior/interior stairway with proper handrails, install correct drinking fountain and make multiple user restroom accessible.

**TOTAL COST: \$250,000**

**Completion Date: Unknown – Will make reasonable accommodations as requested.**

*[1/31/00 – A wider front door with panic hardware has been installed at the front entrance. While there is an access ramp at the front entrance, it does not meet code due to the limited space available (street to door). Future plans call for the installation of a rear entry door that will be compliant. The restrooms on the upper floor are handicap*

accessible. The lower level restrooms will be in compliance by the end of fiscal year 99/00.]

*[7/26/10 – The lower level restrooms are now handicap accessible. Disabled signage in the parking lot has been installed with a curb access aisle. However, there has been no installation of a rear entry door in compliance with the ADA. The drinking fountain and restrooms in the facility are in compliance. The wheelchair ramp has not been changed due to the significant monetary expense required for the modification. To accommodate individuals in a wheelchair, staff provides help to the person to get through the door and up the ramp. Also, if children with accessible needs are enrolled in an activity at the Youth Center, the location of the activity is always located on the first floor. This facility places the city at risk. Since major modifications have been made, but the facility itself has not been brought into compliance for accessibility because a rear entry door has not been provided. The Youth Center is thus not in compliance with the Act.]*

***3/14/11 – The City Attorney’s Office has the following questions/concerns:***

- (1) To enhance temporary protection provided by having staff help disabled persons to the entrance, consider installing a call button at the foot of the ramp with instructions to use the button to call for assistance getting inside.***
- (2) Consider moving any program out of the building to an accessible facility upon request.***
- (3) What is being done to come up with a long-term solution to the access issue? Whether it be an accessible back door, ramp resurfacing or another option, something permanent needs to be completed.***
- (4) Are there any programs or services located upstairs that cannot be moved? If so, what method of participation is available to disabled persons?***
- (5) Are TDDs and other auxiliary aids available or provided for disabled access?***
- (6) Is all print material available in an alternative non-visual format?***
- (7) How do all events & programs meet disability notice obligations?***

8. **City Gym:** The Committee determined that it is not feasible to renovate the Gym at this time. Disabled citizens have not requested access to date and two of our parks, Frank Skillman and Jack London Park have basketball courts that are accessible to disabled citizens.

**PLAN:** Install proper handrails on each side of exterior stairway, install proper drinking fountain, install signs indicating accessible entries, bring multiple user restroom into compliance and provide adequate number of wheelchair spaces in the bleacher/grandstand area.

**TOTAL COST: \$55,000**

**Completion Date: Unknown – Will make reasonable accommodations as requested.**

*[7/26/10 – Of the suggested actions listed above, only one has been implemented. There have been handrails installed on the exterior stairway. However, there are no signs*

indicating handicap accessible entries, the restrooms have not been renovated to come into compliance, and there is inadequate space in the bleacher/grandstand area to enable an adequate number of wheelchair spaces. The restrooms and drinking fountain are not in compliance. The city plans on installing signage to direct the public to handicap accessible restrooms in the library (located near the City Gym). There are no signs indicating handicap accessible entries. However, one side of the bleachers has been modified to allow wheelchair access. There is sufficient space to allow an individual in a wheelchair to sit in the bleacher area. Also, handicap parking is provided.]

**[Question from ADA Consultant Cathie Bigger-Smith: Is this the only facility in the city with an indoor basketball court? Is there a plan to implement any of these changes or a time schedule to chip away at them?]**

**3/14/11 – The City Attorney’s Office has the following questions/concerns:**

- (1) Would an accessible front door solve access problems to the courts?**
- (2) The drinking fountain appears ready to be replaced anyway.**
- (3) Could temporary bathroom access for the gym be provided at the library, Police Department or City Hall? Is there signage currently directing disabled persons to those bathrooms given the lack of access at the gym?**
- (4) What happens when the gym is used for temporary events/leagues? Are games rescheduled at the accessible parks with basketball courts?**
- (5) Is there an access route to a gym entrance from the library parking lot?**
- (6) Is there a plan to increase disabled seating next to the bleachers?**

9. ~~**Marina Recreation Center:** The Committee determined that the facility can accommodate disabled youth programs as it is currently constructed. To bring the building into full compliance would cost \$120,000 because the building would need an elevator. There is not a need to perform these alterations at this time.~~

~~**PLAN:** Bring parking lot into compliance, proper signage, adequate number of designated reserved spaces, van access, etc., and bring multiple user restroom into compliance.~~

~~**TOTAL COST: \$120,000**~~

~~**Completion DATE: Will expand accommodations as necessary.**~~

~~[1/30/00 – This building has been torn down.]~~

**3/14/11 – The City Attorney’s Office has no questions/concerns at this time.**

10. **City Parks:** All new City Parks are in compliance with ADA.

The following parks are not accessible or are partially accessible and the Committee has determined that since alternative recreational parks and facilities are being provided, renovations of these parks is not necessary at this time:

*[Question from ADA Consultant Cathie Bigger-Smith: Are there any unique features at these parks that cannot be accessed at the other parks?]*

**3/14/11** – *The City Attorney’s Office has the following questions/concerns:*

- (1) What percentage of city parks are ADA-compliant?*
- (2) What percentage of compliant parks is required?*
- (3) Which parks have unique features not existing at other parks?*

**Lake Herman Park:**

**PLAN:** Install adequate number of designated parking stalls, make disabled parking stalls accessible to picnic area, and bring water source (not including drinking fountains) into compliance.

**TOTAL COST: \$10,000**

**Completion Date: Unknown – Will make reasonable accommodations as requested.**

*[7/26/10 – The picnic area is not accessible. The city is looking into how to create a pathway to enable disabled persons to gain access to the picnic area. Portable restrooms are provided that are accessible to handicapped persons.]*

*[Question from ADA Consultant Cathie Bigger-Smith: What is the plan for this park?]*

**3/14/11** – *The City Attorney’s Office has the following questions/concerns:*

- (1) This park has a unique feature: Lake Herman; access to this park cannot therefore be abandoned because other parks are accessible.*
- (2) Is at least one disabled/van accessible spot located near the park entrance?*
- (3) An access route needs to be created to the picnic area.*
- (4) If the access route and/or bathrooms are different from non-disabled access routes and bathrooms, signage must be used to direct disabled persons.*

**Ninth Street Park (including Ninth Street Boat Ramp):**

**PLAN:** Correctly mark parking lot stalls and provide adjacent access aisle, correct slope of curb ramp to 1:12 slope, remove parking stall by playground equipment which is improperly placed in front of ramp, bring water source (not including drinking fountains) into compliance, make playground areas accessible and bring drinking fountain and multiple user restroom into compliance.

**TOTAL COST: \$45,000**

**Completion Date: Unknown – Will make reasonable accommodations as requested.**

*[1/31/00 – Grant funding has just been obtained and construction on new compliant restroom is planned.]*

*[7/26/10 – In 2005, the restrooms were renovated and are ADA accessible. Ramps are now provided to gain access to the bathrooms. There are also curb cut sidewalks to enable wheelchair access, and handicap parking stalls. In 2009, the playground was renovated and is in compliance with the ADA. The boat ramp was renovated to ensure accessibility.]*

**3/14/11 – The City Attorney’s Office has the following questions/concerns:**  
**(1) Is there any signage directing disabled persons towards this access?**  
**(2) Is this park otherwise totally compliant?**

**Fitzgerald Ball Park:**

**PLAN:** Bring parking lot into compliance which includes making an adequate number of designated parking stalls, proper signage, accessible route to building, etc., bring exterior stairway into compliance, provide adequate number of wheelchair spaces in the bleacher/grandstand area, install proper signage throughout facility, and bring multiple user restroom into compliance.

**TOTAL COST: \$15,000**

**Completion Date: Unknown – Will make reasonable accommodations as requested.**

*[7/26/10 – This area has not been modified. Fitzgerald Ball Park consists only of baseball fields. Handicap parking is available, but the restrooms are not accessible. There are wheelchair accessible ramps, but they are not designated with proper signage.]*

***[Question from ADA Consultant Cathie Bigger-Smith: Can we get access to a port-a-potty? Also, what is the future plan for this site?]***

**3/14/11 – The City Attorney’s Office has the following questions/concerns:**  
**(1) Are there alternative ball fields that are fully ADA-compliant?**  
**(2) What procedures does Parks & Recreation have for scheduling and rescheduling programs and events at other ball fields if the public requests accessible fields, player areas or spectator seating? What kind of request mechanism exists?**  
**(3) If there are no compliant ball fields, at least one must be made compliant.**

**Willow Glen Park:**

**PLAN:** Provide passenger-loading zone, install proper signage throughout park, make play equipment area accessible and bring drinking fountain and restrooms into compliance.

**TOTAL COST: \$80,000**

**Completion Date: Unknown – Will make reasonable accommodations as requested.**

*[7/26/10 – There is no passenger-loading zone (only street parking is provided), and no signage has been installed. The restrooms are also not in compliance. However, proper playground equipment has been installed and is handicap accessible.]*

*[Question from ADA Consultant Cathie Bigger-Smith: Are there any plans to make the restrooms accessible?]*

**3/14/11 – The City Attorney’s Office has the following questions/concerns:**

***(1) Are there any unique features at this park? If so, what is being done to ensure compliance?***

**Jack London Park:**

**PLAN:** Install proper signage in parking area, correct slope of curb ramp to 1:12, make barbecue grills and play equipment areas accessible, and bring multiple user restroom into compliance.

**TOTAL COST: \$10,000**

**Completion Date: Unknown – Will make reasonable accommodations as requested.**

*[7/26/10 – In 2008, the restrooms were redone and are now compliant. The original playground structure that was put in when the park was built in 1995 remains in place. The city is evaluating how to bring the play structures into compliance.]*

**3/14/11 – The City Attorney’s Office has the following questions/concerns:**

***(1) This park has unique features: basketball courts and a baseball backstop***

***(2) Are the basketball courts and baseball backstop accessible?***

***(3) Has the curb ramp issue been corrected?***

***(4) Is there signage directing disabled persons to disabled access routes?***

***(5) Accessible routes must be created to access all elements of play structures.***

***(6) Is at least one disabled/van accessible spot located near the park entrance?***

11. [7/26/10 – *The following parks were left off the priority list when the Transition Plan was last updated on 1/31/00. The following parks have been added because they are listed on the City of Benicia website as a “City Facility.”]*

**Benicia Community Park:**

**PLAN:**

**TOTAL COST:**

*[7/26/10 – The playground structures have been upgraded and are accessible.]*

*[Question from ADA Consultant Cathie Bigger-Smith: Is the park and all other amenities accessible?]*

*3/14/11 – The City Attorney’s Office has the following questions/concerns:*

- (1) There are unique features at this park: the large concrete hill slide and ball fields.*
- (2) Are the slide, ball fields and spectator areas all accessible?*
- (3) Are the paths around the edge of the park accessible?*
- (4) Is at least one disabled/van accessible spot located near the park entrance?*
- (5) Are there any special access routes to get down the hill from the parking area to the play structures/grill area? If so, is there signage designating these routes?*
- (6) What measures provide notice to disabled persons for temporary events?*

**Bridgeview Park**

**PLAN:**

**TOTAL COST:**

*[7/26/10 – This neighborhood 5-acre park is not accessible in any capacity. No access is provided to the equipment or sports facilities. However, if an individual with a disability can find a way to get to the equipment, the equipment is accessible and can be used.]*

*[Question from ADA Consultant Cathie Bigger-Smith: Is there a nearby alternative or plan to make it accessible? Keep in mind that those accessed by public transportation can’t be traded off for a similar facility.]*

*3/14/11 – The City Attorney’s Office has the following questions/concerns:*

- (1) Is the equipment or sports facility unique? What are these sports facilities?*
- (2) Is there a long-term plan to fix this park?*

**Channing Circle Park:**

**PLAN:**

**TOTAL COST:**

*[7/26/10 – In 2009, renovations were made and now the playground, play equipment, turf area and drinking fountains are in compliance. There are no restrooms available at the park, and no handicap parking is provided. However, curb cut sidewalks are provided at the entrance to the park.]*

**3/14/11 – The City Attorney’s Office has the following questions/concerns:**  
**(1) What is the plan for disabled parking?**

**City Park (First Street at Military West)**

**PLAN:**

**TOTAL COST:**

*[7/26/10 – This entire park is handicap accessible. In 1999, handicap parking stalls, accessible restrooms, drinking fountains and a handicap accessible playground were added.]*

**3/14/11 – The City Attorney’s Office has the following questions/concerns:**  
**(1) Is the gazebo accessible?**  
**(2) What temporary access measures are taken during temporary events?**  
**(3) What measures provide notice to disabled persons for temporary events?**

**Duncan Graham Park**

**PLAN:**

**TOTAL COST:**

*[7/26/10 – The play structure at this neighborhood park was renovated to come into compliance. The play structure and basketball court is accessible, and concrete accessible sidewalks are also provided. There is no restroom or drinking fountain available at the park.]*

***[Question from ADA Consultant Cathie Bigger-Smith: Is there handicap accessible parking?]***

**3/14/11 – The City Attorney’s Office has the following questions/concerns:**  
**(1) Is at least one disabled/van accessible spot located near the park entrance?**

**Ethelree Saraiva Park**

**PLAN:**

**TOTAL COST:**

*[7/26/10 – This entire facility is accessible. A new ramp to the play area was installed, and there are three different street accesses to the park. One of the three street accesses is handicap accessible.]*

*[Question from ADA Consultant Cathie Bigger-Smith: Is there signage directing the public to the accessible route?]*

*3/14/11 – The City Attorney’s Office has the following questions/concerns:  
(1) Is there signage directing disabled persons to disabled access routes?*

**Francesca Terrace Park**

**PLAN:**

**TOTAL COST:**

*[7/26/10 – This park has handicap accessible parking, one unisex ADA restroom and an accessible drinking fountain. The horseshoe and basketball area is also accessible. There is currently no signage at the park indicating handicap accessibility.]*

*[Question from ADA Consultant Cathie Bigger-Smith: Is there a plan to install proper signage?]*

*3/14/11 – The City Attorney’s Office has the following questions/concerns:  
(1) Is there signage directing disabled persons to disabled access routes?  
(2) Is there an accessible ramp or curb cuts at this park allowing disabled access?*

**Frank Skillman Park**

**PLAN:**

**TOTAL COST:**

*[7/26/10 – The picnic area is handicap accessible. There is no handicap parking (all street parking), and there is no restroom. (NOTE: Site visit needs to be conducted to confirm the existence of a handicap accessible ramp).]*

*[Comment from ADA Consultant Cathie Bigger-Smith: Ms. Bigger-Smith has offered to conduct a site visit to this facility to evaluate the facility for ADA compliance.]*

**3/14/11** – The City Attorney’s Office has the following questions/concerns:

(1) *Is there an accessible ramp or curb cuts at this park allowing disabled access?*

**Gateway Park**

**PLAN:**

**TOTAL COST:**

*[7/26/10 – This neighborhood park was renovated and now has handicap accessible ramps and curb cut sidewalks. There is no restroom available.]*

**3/14/11** – The City Attorney’s Office has no questions/concerns at this time.

**Overlook Park**

**PLAN:**

**TOTAL COST:**

*[7/26/10 – The park was renovated in 2006 to install an accessible playground and play equipment. There is no restroom available.]*

*[Question from ADA Consultant Cathie Bigger-Smith: Is there an accessible path of travel?]*

**3/14/11** – The City Attorney’s Office has the following questions/concerns:

(1) *Is there an accessible ramp or curb cuts at this park allowing disabled access?*

(2) *If so, is there signage at other non-accessible entrances directing disabled persons to the disabled access route?*

**Park Solano**

**PLAN:**

**TOTAL COST:**

*[7/26/10 – A new ADA compliant play structure was put in place in 2006. There is also a wheelchair ramp and an accessible drinking fountain.]*

***[Question from ADA Consultant Cathie Bigger-Smith: Is there an accessible path of travel?]***

***3/14/11 – The City Attorney’s Office has the following questions/concerns:***

***(1) Is there an accessible ramp or curb cuts at this park allowing disabled access?***

**Southampton Park**

**PLAN:**

**TOTAL COST:**

*[7/26/10 – There is no handicap accessible entrance into the park, nor is there a handicap accessible bathroom. The play structure at the park is accessible, and there is also a handicap accessible drinking fountain. The city is in the process of getting feedback from the disabled community on how to improve access to the park. This park is frequently visited, and two disabled individuals from the community consistently visit the park.]*

***[Comment from ADA Consultant Cathie-Bigger Smith: The plan should include what is needed to bring the park into compliance. Also, the plan should include where it falls on the list of priorities and the amount of money in the budget dedicated to making the necessary modifications to the park.]***

***3/14/11 – The City Attorney’s Office has the following questions/concerns:***

***(1) Consistent visitation from the disabled community makes upgrades to this park a high priority.***

***(2) What feedback has the City received from these two disabled individuals?***

**Turnbull Park**

**PLAN:**

**TOTAL COST:**

*[7/26/10 – There is a handicap accessible entrance to the park, but there are no amenities provided at the park. There is one accessible picnic table present.]*

***3/14/11 – The City Attorney’s Office has no questions/concerns at this time.***

**Waters End Park**

**PLAN: No action needed.**

**TOTAL COST:**

*[7/26/10 – This is the newest park built in the city. The entire park is accessible. There is also a unisex ADA restroom, an accessible picnic table, basketball court and play structure.]*

*3/14/11 – The City Attorney’s Office has no questions/concerns at this time.*

**Raymond J. Bardoni Park**

**PLAN: No action needed.**

**TOTAL COST:**

*[7/26/10 – This is a passive park. It is currently marked as a “Future Park Site.”]*

*3/14/11 – The City Attorney’s Office has no questions/concerns at this time.*

**Arnesen Park**

**PLAN:**

**TOTAL COST:**

*[7/26/10 – The playground equipment is accessible.]*

*[**Question from ADA Consultant Cathie Bigger Smith: Is there an accessible path of travel?**]*

*3/14/11 – The City Attorney’s Office has the following questions/concerns:*

*(1) Is there an accessible ramp or curb cuts at this park allowing disabled access?*

*(2) Are there restroom facilities at this park? If so, are they accessible?*

**First Street Green**

**PLAN:**

**TOTAL COST:**

*[7/26/10 – This area has handicap accessible parking.]*

*[Question from ADA Consultant Cathie Bigger Smith: Is there an accessible path of travel?]*

3/14/11 – The City Attorney’s Office has the following questions/concerns:

(1) *Is there an accessible ramp or curb cuts at this park allowing disabled access?*

**First Street Peninsula**

**PLAN:**

**TOTAL COST:**

*[7/26/10 – This park has handicapped parking, an accessible drinking fountain and restroom, as well as accessible benches.]*

*[Question from ADA Consultant Cathie Bigger Smith: Is there an accessible path of travel?]*

3/14/11 – The City Attorney’s Office has the following questions/concerns:

(1) *Is there an accessible ramp or curb cuts at this park allowing disabled access?*

12. The following buildings would need major renovation or would have to be torn down and rebuilt to come into full compliance with the ADA. Currently, we accommodate disabled citizens who want to use the Clock Tower facility by taking them upstairs in the freight elevator which is a “reasonable accommodation” pursuant to ADA regulations.

Depending upon current or future lease agreements we have on the Boy Scout Cabin, Girl Scout Cabin, etc., the extent of each party’s responsibility to make “reasonable accommodations” could be spelled out in detail. However, both parties will remain “fully liable for compliance with all provisions of the ADA relating to that place of public accommodation.”

**Clock Tower: Renovation Cost: \$106,000**

*[7/26/10 – Handicap signage as well as handicap parking stalls have been installed. There is also a freight elevator to assist individuals with wheelchairs. The restroom in the facility is not in compliance. The area located directly behind the Clock Tower has been deemed a “Future Park Site.”]*

*[Question from ADA Consultant Cathie Bigger-Smith: Is there a sign or any other way for the handicap to get assistance?]*

3/14/11 – The City Attorney’s Office has the following questions/concerns:

(1) *The Clock Tower is a unique piece of City property and must be made compliant.*

- (2) *The City might be able to request historic building status for the Clock Tower, which while reducing accessibility requirements would not eliminate them.*
- (3) *If the bathrooms cannot be renovated, consider obtaining a unisex portable toilet and placing it outside the facility for disabled access.*
- (4) *Is there a disability access route from the parking lot to the front entrance?*
- (5) *How are accessibility requirements integrated into planning stages of temporary events held at the Clock Tower?*
- (6) *Is all disability-assisting machinery (ie the elevator) being maintained?*
- (7) *What notice is given to the public about Clock Tower accessibility?*
- (8) *What auxiliary aids and services are available to be provided to disabled persons during events held at the Clock Tower?*

**Camel Barn Museum: Renovation Cost: \$60,000**

*[7/26/10 – This area is a dirt parking lot. Although the City owns this property, it is run and maintained by a separate entity.]*

**3/14/11** – *The City Attorney’s Office has the following questions/concerns:*

- (1) *Is ADA compliance the City’s or its Lessee’s responsibility under the lease terms?*

**Fire Museum: Renovation Cost: \$18,000 [1/31/00** – *This building was torn down and part of the new construction of Fire Station #1.]*

*[7/26/10 – The Fire Museum is now located in the Old Corporation Yard. The Fire Museum has accessible restrooms and handicap parking. There is no signage present, but staff is on hand to provide assistance.]*

**[Question from ADA Consultant Cathie Bigger-Smith: Is there an accessible path of travel?]**

**3/14/11** – *The City Attorney’s Office has the following questions/concerns:*

- (1) *Is the entire museum accessible?*
- (2) *If not, are temporary programs moved to accessible areas on request?*
- (3) *How are permanent programs outside accessible areas accessed by the disabled?*
- (4) *Is there an accessible ramp or curb cuts at this park allowing disabled access?*
- (5) *Are the disabled entrance and restrooms different from the general population? If not, signage might not be necessary.*

**E. Second Street Corporation Yard: Renovation Cost: \$45,000 [1/31/00** – *This project was completed with the renovation of the building when new office areas were constructed which relocated staff previously working out of the Old Corporation Yard.]*

*[7/26/10 – This facility is 100% accessible. There is an ADA shower and an accessible restroom. Only city staff and employees have access to use this facility.]*

***[Question from ADA Consultant Cathie Bigger-Smith: Do meetings with the public ever occur at this location?]***

***3/14/11 – The City Attorney’s Office has no questions/concerns at this time.***

13. ***[7/26/10 – The following facilities were left off the priority list when the Transition Plan was last updated on 1/31/00. These facilities have been added because they are either a facility operated and maintained by the City, or it is a service provided by the City.]***

**Commanding Officer’s Quarters:** In May 2009, the City contributed \$3 million dollars to renovate, restore and seismically retrofit the building. Shortly thereafter, the City Council commissioned a Reuse Study. The City began soliciting tenancy interest in January 2010 by releasing a Request for Proposals.

**PLAN:** Install proper drinking fountain, signage at entrance to building, and bring restrooms into compliance. Also, make a wheelchair access route accessible to the building entrance.

**TOTAL COST: UNKNOWN**

*[7/26/10 – This entire facility is accessible. An accessible elevator, restroom and wheelchair ramp have all been installed.]*

***[Question from ADA Consultant Cathie Bigger-Smith: Is there an accessible path of travel?]***

***3/14/11 – The City Attorney’s Office has the following questions/concerns:***

- (1) Is there an accessible ramp or curb cuts at this park allowing disabled access?***
- (2) Is all disability-assisting machinery (ie the elevator) being maintained?***

**601 Hastings Drive (“Fire Station 12”)**

**PLAN:**

**TOTAL COST:**

*[7/26/10 – This facility will be renovated in order to bring it into compliance. An ADA compliant restroom and ADA designated parking stalls will be put in place by early 2011.]*

***[Question from ADA Consultant Cathie Bigger-Smith: Is there an accessible path of travel?]***

***3/14/11 – The City Attorney’s Office has the following questions/concerns:***

- (1) Were the renovations ever completed?***
- (2) Are all public areas of the station accessible?***
- (3) Are all counters and public services areas accessible?***
- (4) Is there an access route from disabled parking to the entrance?***
- (5) If the renovation has not been completed, what is the transition plan for those renovations? What short-term solutions are being utilized?***
- (6) What notice is given to the public about fire station accessibility?***
- (7) Is the emergency call system hooked into a TDD? Do disabled persons have access to emergency call services?***
- (8) Are TDDs and other auxiliary aids available or provided for disabled access?***
- (9) Is all print material available in an alternative non-visual format?***

**South Pacific Depot**

**PLAN:**

**TOTAL COST:**

*[7/26/10 – Some of this area is accessible to the public, but no restroom is present. The property is being leased to a third party who operates and maintains the Depot.]*

***[Question from ADA Consultant Cathie Bigger-Smith: Is there an accessible path of travel? Is there handicap access into the building? Is handicap parking provided?]***

***3/14/11 – The City Attorney’s Office has the following questions/concerns:***

- (1) Is ADA compliance the City’s or its Lessee’s responsibility under the lease terms?***

**Benicia Community Center**

**PLAN:** Facility will be made ADA compliant in conjunction with planned renovations.

**TOTAL COST:**

*[7/26/10 – The Community Center is not currently in use, and it does not officially exist yet. There are plans being developed to renovate the building so that it can be occupied and used.]*

***3/14/11 – The City Attorney’s Office has no questions/concerns at this time.***

## **Cemetery**

**PLAN:**

**TOTAL COST:**

*[7/26/10 – The cemetery is owned and operated by the city. Although there are currently no amenities provided, the cemetery is being slowly renovated. The city is engaged in the process of making the entire cemetery accessible. Also, the flagpole located inside the cemetery will have an accessible ramp.]*

***[Question from Cathie Bigger-Smith: What is the time frame for the proposed changes? Have plans for modification changed at all?]***

***3/14/11 – The City Attorney’s Office has the following questions/concerns:***

- (1) Is there an accessible entrance to the cemetery?***
- (2) What areas of the cemetery are currently inaccessible?***
- (3) Do any parking lots serve the cemetery? If so, is there disabled parking in any of these lots?***
- (4) What is the timetable for these renovations? Has a transition plan been created? What short-term access solutions are being utilized?***

## **Bottle Hill**

**PLAN:**

**TOTAL COST:**

*[7/26/10 – Although this is a city facility, nothing currently exists in this location.]*

***3/14/11 – The City Attorney’s Office has no questions/concerns at this time.***

## **Von Phister Adobe**

**PLAN:**

**TOTAL COST:**

*[7/26/10 – This is a historical building that continues to be in existence. There is handicap parking near the site, and there is an accessible view of the building.]*

***[Question from ADA Consultant Cathie Bigger-Smith: Is this building open for tours?]***

***3/14/11 – The City Attorney’s Office has the following questions/concerns:***

- (1) The City could seek historic building status recognition for the Von Pfister House.***
- (2) Is this building open to the public? If so...***
- (3) Are there accessible entrances, routes, and areas inside?***
- (4) Are temporary programs moved to accessible areas on request?***
- (5) What accommodations are made for permanent programs that cannot be moved?***
- (6) Are there any restrooms? If so, one unisex accessible bathroom would be required by the ADA if historic building status is approved. Consider utilizing a unisex portable toilet if the restrooms cannot be altered without great expense.***
- (7) How do all events & programs meet disability notice obligations?***
- (8) Is all print material available in an alternative non-visual format?***

14. ***3/14/11 – The following facilities were left off the priority list when the Transition Plan was last updated on 7/26/00. These facilities have been added because they are either a facility operated and maintained by the City, or it is a service provided by the City.]***

**Marina Facility**

**PLAN:**

**TOTAL COST:**

***3/14/11 – The City Attorney’s Office has the following questions/concerns:***

- (1) Is ADA compliance the City’s or its Lessee’s responsibility under the lease terms?***

**5th Street Pier**

**PLAN:**

**TOTAL COST:**

***3/14/11 – The City Attorney’s Office has the following questions/concerns:***

- (1) What access compliance issues have been resolved?***
- (2) What access compliance issues remain?***

**Maria Field**

**PLAN:**

**TOTAL COST:**

***3/14/11 – The City Attorney’s Office has the following questions/concerns:***

- (1) What access compliance issues have been resolved?***
- (2) What access compliance issues remain?***

**Police Annex Portable**

**PLAN:**

**TOTAL COST:**

***3/14/11 – The City Attorney’s Office has the following questions/concerns:***

- (1) What access compliance issues have been resolved?***
- (2) What access compliance issues remain?***

**City Attorney’s Office Portable**

**PLAN:**

**TOTAL COST:**

***3/14/11 – The City Attorney’s Office has the following questions/concerns:***

- (1) What access compliance issues have been resolved?***
- (2) What access compliance issues remain?***

**Library**

**PLAN:**

**TOTAL COST:**

***3/14/11 – The City Attorney’s Office has the following questions/concerns:***

- (1) What access compliance issues have been resolved?***
- (2) What access compliance issues remain?***

**Library-Adjacent Storage Space**

**PLAN:**

**TOTAL COST:**

***3/14/11 – The City Attorney’s Office has the following questions/concerns:***

- (1) Does the public have access to this area? If so...***
- (2) What access compliance issues have been resolved?***
- (3) What access compliance issues remain?***

**Water Treatment Plant/Facilities**

**PLAN:**

**TOTAL COST:**

*3/14/11 – The City Attorney’s Office has the following questions/concerns:*

- (1) Does the public have access to this area? If so...*
- (2) What access compliance issues have been resolved?*
- (2) What access compliance issues remain?*

**Public Works Department, Parks & Building Maintenance**

**PLAN:**

**TOTAL COST:**

*3/14/11 – The City Attorney’s Office has the following questions/concerns:*

- (1) What access compliance issues have been resolved?*
- (2) What access compliance issues remain?*

**Fire Department Headquarters (Station #1)**

**PLAN:**

**TOTAL COST:**

*3/14/11 – The City Attorney’s Office has the following questions/concerns:*

- (1) What access compliance issues have been resolved?*
- (2) What access compliance issues remain?*

**B Street Parking Lots**

**PLAN:**

**TOTAL COST:**

*3/14/11 – The City Attorney’s Office has the following questions/concerns:*

- (1) What access compliance issues have been resolved?*
- (2) What access compliance issues remain?*

---

Linda Johnson  
Assistant City Manager/  
Personnel Services Manager/  
ADA Coordinator

- Updated 1/31/00 by:

---

Joanne Meyer  
Senior Personnel Analyst

## 504 SELF-EVALUATION

### CITY OF BENICIA

#### Introduction

This book contains the City of Benicia's 504 Self-Evaluation of its policies and practices as they affect persons with disabilities, as required by the Office of Revenue Sharing. The following activities occurred as parts of the Self-Evaluation:

- (1) City facilities were surveyed by Access California to assess compliance with the State Title 24 regulations.
- (2) Input was gathered in a meeting of disabled persons from the community. The following disabled persons were consulted:
  - Jack Rita*
  - Barbara Underwood*
  - Betty Hinman*
  - Helen Carter*
- (3) Results of the facility survey and recommendations for barrier removal were transmitted to City staff for inclusion in the Transition Plan.
- (4) Questionnaires were distributed to City staff for self-evaluation of City programs and activities.
- (5) Questionnaires were reviewed by the consultant and recommendations made to facilitate the City's ability to provide equal opportunity to disabled persons.

The book is organized as follows:

- I. Report and Recommendations of the Consultant
  - A. General Compliance Policies & Issues<sup>1</sup>
  - B. Employment Compliance Policies & Issues

- C. Program Access Compliance Policies & Issues
- II. Questionnaires Completed by City Staff
  - A. Employment
  - B. Program Access
    - City Attorney
    - City Council & Commissions
    - City Clerk
    - City Manager
    - Finance
    - Community Development & Public-Works
    - Police – Emergency Services
    - Police – Non-Emergency Services
      - Family Resource Center
    - Fire – Paramedic Services
    - Library
    - Transportation
    - Parks & Community Services
      - Aquatics
      - Day Camp
      - Career Education Experience
      - Drop-In Activities
      - Senior Citizens’ Center
      - Specialty Classes
      - Sports
      - Tiny Tots
      - Special Delivery
      - Child Abuse Prevention Project
- III. Facility Survey Findings & Recommendations <sup>2</sup>
- IV. The 504 Regulations of the Office of Revenue Sharing

In the questionnaires, staff responded to a number of compliance policy and issue statements relative to their programs. In the report, each statement is analyzed separately and recommendations given, if any. In the Program Access section, the responses of all of the programs to each statement are addressed collectively.

The recommendations are keyed to aid in cross-referencing. For example, “#C3a” refers to the first recommendations (a) on the third statement of the Program Access (C) questionnaire.

It should be noted that the consultant’s recommendations are primarily based on self-reported information provided by City staff. Efforts were taken to avoid any inadvertent oversights or omissions, but it is possible that some may exist.

*Anne Steiner*  
*Consultant to the City of Benicia*

November 1985

<sup>1</sup> The “General” questionnaire was incorporated into IA of the report, since the responses were obtained in telephone interviews with *Ron Peterson and Lee Syracuse*.

<sup>2</sup> The Survey Findings are included in the book at this time in lieu of the Transition Plan, which is not yet completed.

## A. GENERAL COMPLIANCE POLICIES AND ISSUES

1. The public is continually notified of the policy of the City not to discriminate on the basis of handicap.

Response: No.

### Analysis

Section 51.55(e)(1) requires ongoing notice of the City's policy not to discriminate on the basis of handicap in employment and in the provision of services. Section 51.55(e)(2) requires that all recruitment material and general information for the public include a statement of the policy of nondiscrimination.

### Recommendations

- (a) Add the following statement to all materials given to the public:

“It is the policy of the City of Benicia not to discriminate on the basis of handicap in employment or in the provision of services. For the information on accessibility, interpreters, and the like call 707/745/0510 ext. \_\_\_\_.”

This notice may be incorporated with other civil rights statements where appropriate. Until materials are reprinted, they may be stamped with the policy statement or an insert may be added.

*[7/26/10 – The city includes this language in consultant contracts, as well as employment applications and employment documents. The “Application for Employment” for the City of Benicia has language at the top of the application stating “We consider applicants for all positions without regard to race, color, religion, creed, gender, national origin, age, disability, marital or veteran status, sexual orientation or any other legally protected status.”]*

***3/14/11 – The City Attorney’s Office has the following questions/concerns:***

***(1) What other documents might this language be required on?***

(b) Develop an informational flyer or brochure on “the City of Benicia’s policies and services of interest to persons with disabilities.” This publication could also help the City meet many of its other 504 obligations discussed later in this report. Include in the flyer:

- (1) The notice of nondiscrimination.
- (2) The name of the 504 Coordinator.
- (3) General policies, including the City’s policy on providing assistance, aids, and devices. (See C3)
- (4) Information on special services and programs of interest, such as:
  - The TDD number

- Cassette tapes of City Council and commission meetings
- Meetings that are televised
- Paying water bills through the bank
- The accessible bus line
- The Library’s large print book collection
- The handicapped swim program
- (5) Physical accessibility of the City facilities. (See A2)
  - Current access
  - Recent improvements

I recommend that the flyer be dated, and be updated periodically as access improvements are made. The flyer could also be available on audiocassette for persons who are visually impaired or who otherwise do not read print. Print copies of the audiocassette can be made available to the public at all departments’ front desks, and be sent to local organizations serving disabled people, including seniors’ groups. Press releases can advertise the existence of the flyer in print or cassette form; also, the flyer could be advertised on the City Council meeting telecasts.

On Recommendation (a) – Provide Notice – action to be implemented:

*[7/26/10 – The city includes this language in consultant contracts, as well as employment applications and employment documents. The “Application for Employment” for the City of Benicia has language at the top of the application stating “We consider applicants for all positions without regard to race, color, religion, creed, gender, national origin, age, disability, marital or veteran status, sexual orientation or any other legally protected status.”]*

Completion Date:

Person Responsible:

Date Completed:

On Recommendation (b) – Develop Flyer – action to be implemented:

*[7/26/10 – The city does not have one specific flyer or brochure that lists the services provided for individuals with disabilities. The city does have several different documents that announce services can be provided for individuals with disabilities. For example, on every City Council Agenda, it states, “In compliance with the Americans with Disabilities Act (ADA), if you need special assistance to participate in this meeting, please contact Anne Cardwell, the ADA Coordinator, at (707) 746-4211. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.” The City Council agenda is made available to the public online on the city website prior to council meetings. Thus, individuals with disabilities have an opportunity to view the agenda and contact Anne Cardwell if special assistance is needed. Also, on the city website, under the “Benicia Breeze – Transit Services Division”, there is language informing the public that subject to an application process,*

*public transportation can be provided for persons prevented from individually using the Benicia Breeze fixed route system either some, or all of the time due to a disability.]*

**3/14/11 – The City Attorney’s Office has the following questions/concerns:**

***(1) Consider creating a consolidated flyer about disability access to resolve notice issues.***

Completion Date:

Person Responsible:

Date Completed:

A. GENERAL COMPLIANCE

2. The public is informed of accessible programs and services.

Response: No, not all.

Analysis

Section 51.55(k)(6) requires that interested individuals be able to obtain information as to the existence and location of services, activities, and facilities that are accessible to and usable by disabled persons.

Recommendations

(a) The informational flyer previously discussed could serve to meet much of this requirement. However, it follows that City staff must also be informed as to these services and locations and could probably benefit from some information on communicating with people with disabilities. A sample brochure available free, and in bulk, from the Governor’s Committee for Employment of the Handicapped is attached. Other such information can be ordered from the GCEH as well.

(b) Provide a sign in front of City Hall showing accessible routes to City departments. Also, provide signs inside the main entrance to City Hall and elsewhere where appropriate, including directions to accessible restrooms.

On Recommendation (a) – Inform Staff – action to be implemented:

*[7/26/10 – In the event there are any issues or questions about an individual with a disability, they are directed to contact either the Human Resources Manager, or Anne Cardwell, the designated ADA Coordinator for the city.]*

***3/14/11 – The City Attorney’s Office has the following questions/concerns:***

***(1) Consider creating a consolidated flyer for disability access to resolve notice issues.***

Completion Date:

Person Responsible:

Date Completed:

On Recommendation (b) – Provide Signs – action to be implemented:

*[7/26/10 – The City has provided signs in front of City Hall indicating accessible routes to City departments. The City has also provided signs inside the main entrance to City Hall and in other appropriate locations (i.e. other entrances into City Hall). Although the City does have*

*handicap accessible restrooms inside City Hall, there are no directions indicating how to get to those accessible restrooms.]*

Completion Date:

Person Responsible:

Date Completed:

A. GENERAL COMPLIANCE

3. A procedure for internal resolution of the 504-related grievances has been established.

Response: It is in process.

Analysis

Section 51.55 (d)(2) requires a grievance procedure.

Recommendation

Develop and adopt a grievance procedure.

On the Recommendation – Adopt Grievance Procedure – action to be implemented:

*[7/26/10 – Not yet Completed.]*

***[Question from ADA Consultant Cathie Bigger-Smith: Is there a plan in place to implement a grievance procedure?]***

***3/14/11 – The City Attorney’s Office has the following questions/concerns:***

***(1) Adoption of a grievance procedure is required by law. Has one been adopted yet?***

Completion Date:

Person Responsible:

Date Completed:

## A. GENERAL COMPLIANCE

4. Contracts and subcontracts are in conformance with 504 regulation, and assurances have been obtained.

Response: There is no 504 language or assurances in City contracts.

### Analysis

Section 51.55(b)(1)(vii) requires that the City not fund organizations or individuals whose policies and practices exclude or limit the participation of disabled persons.

### Recommendation

In all new contracts, and all renewals of existing contracts, include a statement for the contractor to sign which assures the City that the “contractor does not discriminate on the basis of handicap, in accordance with Section 504 of the Rehabilitation Act of 1973.”

On the Recommendation – Obtain Assurances from Contractors – action to be implemented:

*[7/26/10 – The City has included language in its Consultant contracts. “Consultant shall not discriminate in the conduct of the work under this Agreement against any employee, applicant for employment, or volunteer on the basis of race, religious creed, color, national origin, ancestry, physical or mental disability... or other prohibited basis will not be tolerated. Consistent with City’s policy that harassment and discrimination are unacceptable employer/employee conduct, CONSULTANT agrees that harassment or discrimination directed toward a job applicant, a City employee, or a citizen by CONSULTANT or CONSULTANT’S employee or subcontractor on the basis of race, religious creed, color, national origin, ancestry, physical or mental disability... or other prohibited basis will not be tolerated. CONSULTANT agrees that any and all violation of this provision shall constitute a material breach of the Agreement.]*

**3/14/11 – The City Attorney’s Office has no questions/concerns at this time.**

Completion Date:

Person Responsible:

Date Completed:

A. GENERAL COMPLIANCE

5. Nondiscrimination clauses are included in all union agreements.

Response: No, they are not included.

Analysis

Section 51.55(g)(1)(ii) and (iii) prohibit contractual or other relationships which subject a disabled applicant or employee to discrimination by limiting, segregating, or classifying disabled persons in any way that adversely affects their opportunities status. This requirement applies to relationships with labor unions – Section 51.55(g)(2).

Recommendations

- (a) Review all union agreements as they come up for renewal to identify any discriminatory policies or practices, and eliminate such policies or practices.
- (b) Add nondiscrimination clauses to new and renewed union agreements, in the same manner as for contractors.

On Recommendation (a) – Review Union Agreements – action to be implemented:

*[7/26/10 – Upon renewal of the union agreements, The Human Resources Department reviews the terms of the prior agreement and discusses the terms of the new agreement with the Union.]*

***[Question from ADA Consultant Cathie Bigger-Smith: Is it documented protocol for the Human Resources Department to discuss and review terms of the agreements with the Union?]***

***3/14/11 – The City Attorney’s Office has the following questions/concerns:***

***(1) Same as Consultant Cathie Bigger-Smith.***

Completion Date:

Person Responsible:

Date Completed:

On Recommendation (b) – Put Nondiscrimination Clauses in Union Agreements – action to be implemented:

*[7/26/10 – The Memorandum of Understanding between the City and the Benicia Dispatch Association (Union) states that “The City shall not discriminate against any employee covered by this agreement because of membership or non-membership in the Association or authorized activity as required in this agreement on behalf of the members of the Association. The Association shall not discriminate against any employee covered by this agreement because of membership or non-membership in the Association. Neither party shall discriminate against any employee because of race, color, creed, sex, age, or national origin.”]*

***[Question from Cathie Bigger-Smith: Is there a plan in place to fully implement the recommendation?]***

***3/14/11 – The City Attorney’s Office has the following questions/concerns:  
(1) Is “disability” going to be added to the language of this MoU?***

Completion Date:

Person Responsible:

Date Completed:

## A. GENERAL COMPLIANCE

6. Handicapped persons are not excluded from the City Council and commissions or their meetings.

Response: For the most part, they are not. The meeting rooms are wheelchair accessible. However, there is no procedure for providing interpreters or agendas in forms other than print, if needed.

### Analysis

The City is in compliance with many aspects of 504 in this instance. However, sections 51.55(b)(1)(iii) and (b)(4) require that the City take steps to ensure that communications with the public are available to persons with impaired vision and hearing; and, the City must provide the appropriate auxiliary aids on request.

### Recommendations

- (a) State on all meeting announcements that sign language interpreters and agendas on cassette tape will be provided on request, with advance notice.
- (b) Remove steps to seating areas if a wheelchair-using councilmember or commissioner is chosen.

On Recommendation (a) – Announce Availability of Aids – action to be implemented:

*[7/26/10 – On the Agenda for City Council Meetings, there is language that mentions “Disability Access”. Near the bottom of the Agenda beneath the heading “Disability Access”, it states that “In compliance with the ADA, if you need special assistance to participate in this meeting, please contact Anne Cardwell, the ADA Coordinator. Notification 48 hours prior to the meeting will enable the City to make its reasonable arrangements to ensure accessibility to this meeting. There is no specific language indicating the guaranteed availability of a sign-language interpreter or an agenda on cassette tape. However, the requirement that an accommodation request be made at least 48 hours prior to the meeting provides the City ample opportunity to attempt to accommodate the request.]*

***[Question from Cathie Bigger-Smith: What kind of documentation is kept to indicate these accommodations were made or accepted?]***

***3/14/11 – The City Attorney’s Office has the following questions/concerns:  
(1) This language should be added to all other public meeting agendas.***

Completion Date:

Person Responsible:

Date Completed:

On Recommendation (b) – Remove Barriers – action to be implemented:

*[7/26/10 – City Council chambers are wheelchair accessible. In the event that there is a council member or Commissioner that uses a wheelchair, there is a wheelchair lift that could elevate the individual to the area where council members sit during meetings.]*

***3/14/11 – The City Attorney’s Office has the following questions/concerns:***

***(1) What kind of maintenance schedule is this lift and other City Hall machinery on so that it stays in good repair?***

Person Responsible:

## A. GENERAL COMPLIANCE

7. A 504 Coordinator has been appointed.

Response: Yes – the Assistant City Manager, Ron Peterson.

### Analysis

The City is in compliance.

*[7/26/10 – Anne Cardwell has replaced former Assistant City Manager Ron Peterson as the ADA Coordinator.]*

***3/14/11 – The City Attorney’s Office has no questions/concerns at this time.***

## B. EMPLOYMENT COMPLIANCE POLICIES AND ISSUES

1. Notification is made to applicants and referral sources of policy on nondiscrimination.

### Analysis

The City currently has an appropriate nondiscrimination notice on all job announcements, but not on employment applications as required by section 51.55(e)(2).

### Recommendation

Same as #A1a on page 21.

*[7/26/10 – The “Application for Employment” for the City of Benicia has language at the top of the application stating, “We consider applicants for all positions without regard to race, color, religion, creed, gender, national origin, age, disability, marital or veteran status, sexual orientation or any other legally protected status.”]*

**3/14/11 – The City Attorney’s Office has no questions/concerns at this time.**

## B. EMPLOYMENT

2. Methods of announcing job openings are accessible to disabled persons.

### Analysis

The City is in compliance with sections 51.55(g)(1)(v)(A) and (b)(1)(iii) by providing job information in print and verbally over the phone.

### Recommendations

- (a) Lower the heights of job boards so that announcements are readable by persons in wheelchairs.
- (b) When sending announcements out to community agencies, also include agencies serving disabled job-seekers, such as the State Department of Rehabilitation.

On Recommendation (a) – Lower Job Boards – action to be implemented:

*[7/26/10 – The entire job board containing announcements for out of city job openings is not low enough to enable an individual in a wheelchair to reach all materials. The handouts and pamphlets for job openings within the city are placed on top of a counter that cannot be reached by an individual in a wheelchair. The city intends on placing the handouts and pamphlets on the lower part of the job board to enable access by an individual in a wheelchair.]*

**3/14/11 – The City Attorney’s Office has the following questions/concerns:**

***(1) Has the job board been lowered yet?***

Completion Date:

Person Responsible:

Date Complete:

On Recommendation (b) – Send Announcements to Agencies – action to be implemented:

*[7/26/10 – Announcements of job openings within the City are sent out via e-mail to all city employees, are published in the Benicia Herald, and posted on the City of Benicia website. Depending on the type of job opening, announcements are sent out to industry specific professional publications (i.e. If there is an opening at the City Attorney’s Office, the posting is sent to the Daily Journal Legal Newspaper for publication.)]*

**3/14/11 – The City Attorney’s Office has no questions/concerns at this time.**

Completion Date:

Person Responsible:

Date Completed:

## B. EMPLOYMENT

3. Accessible application procedures.

### Analysis

The City is in compliance.

**3/14/11 – *The City Attorney's Office has no questions/concerns at this time.***

## B. EMPLOYMENT

4. Pre-employment inquiries about handicaps are not made except for voluntary affirmative action statistics.

### Analysis

It is appropriate that the City's employment application form does not make any inquiries about handicaps. However, the provisions of sections 51.55(j)(1) and (2) apply throughout the selection process, until after an offer of employment has been made.

### Recommendation

To ensure compliance, advise oral boards and hiring departments of their obligation not to make pre-employment inquiries about handicaps.

On the Recommendation – Pre-employment Inquiries – action to be implemented:

*[7/26/10 – Hiring Departments are advised about their obligation not to make pre-employment inquiries regarding handicaps or disabilities. The City's employment applications asks whether a person can perform essential job functions.]*

***3/14/11 – The City Attorney's Office has no questions/concerns at this time.***

Completion Date:

Person Responsible:

Date Completed:

## B. EMPLOYMENT

5. Job specifications focus on essential job duties.

### Analysis

The City appears to be mostly in compliance with section 51.55(i)(1)(i), but the high incidence of driver's license requirements suggests that job specifications should be reviewed.

### Recommendation

As jobs open for application, review specifications to eliminate all non-essential job requirements. If some positions within a classification require a license, but not all, change wording on announcement to read:

“A valid California Driver's License is required for some positions in this classification.”

On the Recommendation – Review Job Specifications – action to be implemented:

*[7/26/10 – On the City website, there are PDF documents explaining the requisite job qualifications for each employment position for the City. Job applications have been modified to include a question that asks whether a person is able to “physically perform the essential functions of the position.” There is no longer language discussing the requirements of possessing a valid CA Driver's License.]*

**3/14/11 – The City Attorney's Office has no questions/concerns at this time.**

Completion Date:

Person Responsible:

Date Completed:

## B. EMPLOYMENT

6. Applicants have the opportunity to indicate special needs during interview or test.

### Analysis

Section 51.55(i)(2) requires that examination procedures accommodate disabled persons to the fullest extent consistent with the objectives of the test. The best way to meet this requirement is to invite applicants to indicate any special needs in advance of the interview or test, so the City would have time to make the accommodation.

### Recommendation

Add the following statement to the job announcements:

“Disabled applicants: If interpreters or other accommodations are needed for tests or interviews, please contact the Personnel Office at least 5 days in advance of the scheduled test or interview.”

On the Recommendation – Testing Accommodations – action to be implemented:

*[7/26/10 – There is no language posted on job announcements. However, after an individual has been selected for an interview, the Human Resources Department informs the candidate that at any point forward during the application process, if an accommodation is needed (for either the interview or written exam) one can be provided. Also, there is language on each job announcement stating that, “The City of Benicia is an equal opportunity employer. It is the policy of the City of Benicia not to discriminate because of ancestry, race, color, religion, medical condition, sexual orientation, marital status, political affiliation, age or physical and mental disability, or other protected classes.”]*

***[Question from ADA Consultant Cathie Bigger-Smith: Are there 34’’ high accessible counters made available to people who apply?]***

***3/14/11 – The City Attorney’s Office has the following questions/concerns:***

***(1) Is there a protocol or written record required, ensuring HR provides the requisite notice every time this issue comes up?***

Completion Date:

Person Responsible:

Date Completed:

## B. EMPLOYMENT

7. Test and interview methods do not exclude persons with handicaps.

### Analysis

The City is in compliance.

**3/14/11 – *The City Attorney's Office has no questions/concerns at this time.***

## B. EMPLOYMENT

8. Physical examinations are not required prior to offers of employment.

### Analysis

The City is in compliance.

*[Question from ADA Consultant Cathie Bigger-Smith: Does this exist somewhere as a policy? May be good to reference it. ANSWER: This is not encapsulated in a specific city policy.]*

*3/14/11 – The City Attorney’s Office has the following questions/concerns:*

*(1) Consider turning this into a protocol or written record requirement, ensuring HR provides the requisite notice every time this issue comes up.*

## B. EMPLOYMENT

9. Physical standards are job-related.

### Analysis

The City administers different types of physical exams for different classifications, which is certainly in the spirit of 504. However, sections 51.55(i)(1), (2), and (3) require that all medical standards for all positions must be justifiably job-related. This area of the regulations deserves special attention by covered jurisdictions.

### Recommendation

Same as #B5 on page 38; as jobs open for application, review job specifications and medical standards to eliminate all non-essential job requirements that are not justifiably related to the ability to perform the job.

***3/14/11 – The City Attorney’s Office has the following questions/concerns:***

***(1) Has analysis been done to make sure the full extent of each physical type is designed to test only those physical conditions necessary for performance of the job(s) each physical type is matched to by the city?***

B. EMPLOYMENT

10. Physicals, if required, are required of all persons.

Analysis

The City is in compliance.

**3/14/11 – *The City Attorney's Office has no questions/concerns at this time.***

## B. EMPLOYMENT

11. Reasonable accommodation is considered during the selection process.

### Analysis

The City is in compliance.

**3/14/11 – *The City Attorney's Office has no questions/concerns at this time.***

## B. EMPLOYMENT

12. Tests and interviews are job-related.

### Analysis

The City is in compliance.

**3/14/11 – *The City Attorney's Office has no questions/concerns at this time.***

## B. EMPLOYMENT

13. Medical information is confidential and not included with personnel records.

### Analysis

The City was in the process of setting up a new filing system for medical records only. When this is done, the City will be in compliance with section 51.55(j)(4).

### Recommendation

Complete the new filing system which will separate medical information from personnel records.

On the Recommendation – Separate Medical Records – action to be implemented:

*[7/26/10 – The City has established a separate filing system for medical records. Although it is not enumerated in a specific policy, The Human Resources Department follows the procedure of keeping medical records in different colored folders from personnel records.]*

***3/14/11 – The City Attorney’s Office has the following questions/concerns:***

***(1) Consider turning this into a protocol mandating they be kept separate, ensuring HR continues to keep them separate.***

Completion Date:

Person Responsible:

Date Completed:

## B. EMPLOYMENT

14. Compensation is not affected by handicap.

### Analysis

The City is in compliance.

**3/14/11 – *The City Attorney's Office has no questions/concerns at this time.***

## B. EMPLOYMENT

15. Employment benefits are not affected by an individual's status as handicapped.

### Analysis

The City offers the same benefits to all employees. Section 51.55(g)(1)(ii) requires that the City not participate in any contractual relationship with organizations which might limit or otherwise adversely affect disabled employees because of their handicap; this would include organizations providing fringe benefits.

### Recommendation

Review insurance coverage and other benefits offered to employees to make sure that disabled and non-disabled persons are covered equally.

On the Recommendation – Review Employee Benefits – action to be implemented:

*[7/26/10 – Disabled and non-disabled persons have equal benefits and insurance coverage. The city does not have a specific policy outlining this procedure.]*

***3/14/11 – The City Attorney's Office has the following questions/concerns:***

***(1) Consider putting the same language on contractor agreements into insurance/benefit contracts.***

Completion Date:

Person Responsible:

Date Completed:

## B. EMPLOYMENT

16. All other rights and privileges of employment are equally available and accessible to handicapped persons (e.g. training, promotions, social programs).

### Analysis

The City is in compliance.

**3/14/11 – *The City Attorney's Office has no questions/concerns at this time.***

## B. EMPLOYMENT

17. Reasonable accommodation is considered and earnestly attempted, whenever necessary, for handicapped employees.

### Analysis

The City is in compliance.

**3/14/11 – *The City Attorney's Office has no questions/concerns at this time.***

## C. PROGRAM ACCESS COMPLIANCE POLICIES AND ISSUES

The Program Access recommendations will apply to all City programs. Recommendations specific to certain programs will be indicated as such.

1. Handicapped persons use this service.

### Discussion

All but 4 of the 21 programs that completed the questionnaire said that disabled persons use their services. The four who have not served disabled persons are Day Camp, Career Education Experience, Drop-In Activities, and Sports. It is not unreasonable, however, to expect that disabled individuals may want to participate in those activities at some time. Therefore, the Program Access recommendations should apply to them, as well.

Programs varied as to the amount of information they volunteered on the questionnaires. The information given indicated that 12 programs have self-identified barriers which limit the participation of disabled persons, which can be listed in 3 categories:

#### Architectural Barriers – lack of, or limited, access to facilities

- Finance
- Community Development & Public-Works
- Police – Emergency
- Police – Non-emergency
- Library
- Transportation
- Senior Citizens' Center
- Family Resource Center

***3/14/11 – The City Attorney's Office has the following questions/concerns:***

***(1) Which architectural barriers in these facilities still remain?***

#### Communication Barriers – lack of aids and devices

- City Council & Commissions
- City Clerk

***3/14/11 – The City Attorney's Office has the following questions/concerns:***

***(1) Do either of these communication barriers still exist?***

Funding Limitations – insufficient funds to ensure program access for individuals with disabilities.

Day Camp

***3/14/11 – The City Attorney's Office has the following questions/concerns:***

***(1) Has there been any change in funding for any department/program that brings it into this category today? Has Day Camp funding situation improved, declined, or remained the same?***

## C. PROGRAM ACCESS

2. Policy of nondiscrimination is included in program information.

### Analysis

Section 51.55(e)(2) requires that information for the public include a statement of a policy of nondiscrimination on the basis of handicap. 14 programs said they do not do this. Five programs said the statement was not applicable to them, presumably because they do not have program information for the public in print or other form (Municipal Court, City Council and Commissions, City Clerk, Planning, and Transportation). Two programs – Parks and Day Camp – said they do have such statements, but further inquiries were not able to reveal any samples of such.

### Recommendation

Provide notice of nondiscrimination on program materials – same as #A1a on page 21.

Completion Date:

Person Responsible:

Date Completed:

*[7/26/10 – The city includes this language in consultant contracts, as well as employment applications and employment documents. The “Application for Employment” for the City of Benicia has language at the top of the application stating “We consider applicants for all positions without regard to race, color, religion, creed, gender, national origin, age, disability, marital or veteran status, sexual orientation or any other legally protected status.”]*

***3/14/11 – The City Attorney’s Office has the following questions/concerns:***

***(1) This language should be inserted into any pamphlets or written and distributed material describing programs offered.***

## C. PROGRAM ACCESS

3. Policy of providing auxiliary aids.
6. Participants can make known need for aids and devices.

These two related statements are discussed together in the report.

### Analysis

11 programs mentioned that they have provided or would readily provide aids, devices, or assistance. The most frequently mentioned was reading written material to visually-impaired persons. The Police and Fire Departments mentioned their shared telecommunication device for the deaf (TDD); the bus drivers help passengers needing assistance; and the Child Abuse Prevention Project obtains aids for their participants through the schools.

However, there is apparently no City policy on providing auxiliary aids, and there is no invitation for disabled persons to request aids and devices. As previously discussed, in most instances disabled persons would have to inform the City in advance of any needs for aids or devices.

### Recommendations

- (a) Adopt a City policy on providing aids, devices, and assistance, possibly the following:

“It is the policy of the City of Benicia to provide qualified disabled persons with equal access to its programs and activities whenever possible. Upon request, the City will provide assistance, aids, or devices which will facilitate participation and communication.”

#### ***3/14/11 – The City Attorney’s Office has the following questions/concerns:***

***(1) Consider inserting the following additional language: “Such requests may be made of any city program or services – logistical difficulties, however, may sometimes prevent the City from being able to accommodate requests.”***

***(2) Consider creating a consolidated flyer about disability access to resolve notice issues.***

- (b) Publicize the policy and/or invite requests in the flyer, described in #A1b on page 21; on Council agendas, described in #A6a on page 30; on job announcements, described in #6B on page 30; and in the general notice, described in #A1a on page 21. Individual programs should have their own announcements on certain publications; e.g., recreation program schedules.

- (c) Develop resources for obtaining aids and devices; e.g., sign language interpreters. The Police Department mentioned that it has resources; the State Department of Rehabilitation can provide the City with contacts for resources as well.

(d) Establish a policy of allowing general fund money to be used for aids and devices where a cost may be involved, so that departments do not feel burdened in providing equal access to the disabled.

(e) Advise staff on the policy, procedures, means of assisting, and resources. (Also see #A2a on page 24)

On Recommendation (a) – Adopt Policy on Providing Aids – action to be implemented:

*[7/26/10 – The city announces the policy on both council agendas and job applications. If an individual with a disability needs an aid or device, they are instructed to contact ADA Coordinator Anne Cardwell.]*

***3/14/11 – The City Attorney’s Office has the following questions/concerns:***

***(1) Consider creating a consolidated flyer about disability access to resolve notice issues.***

Completion Date:

Person Responsible:

Date Completed:

On Recommendation (b) – Publicize Policy – action to be implemented:

*[7/26/10 – The City has not published a flyer informing the public of the City’s policy. Also, city programs do not have individualized publications discussing such policy. However, the city does announce the policy on Council agendas, as well as on job applications.]*

***[Question from ADA Consultant Cathie Bigger-Smith: What is the plan to implement this recommendation of publicizing the policy?]***

***3/14/11 – The City Attorney’s Office has the following questions/concerns:***

***(1) Consider creating a consolidated flyer about disability access to resolve notice issues.***

Completion Date:

Person Responsible:

Date Completed:

On Recommendation (c) – Develop Resources – action to be implemented:

*[7/26/10 – Not yet Completed.]*

***3/14/11 – The City Attorney’s Office has the following questions/concerns:***

***(1) The ADA contact person should be in charge of developing these resources. Police and Fire (emergency services) should be individually responsible as well. Non-emergency requests can be directed to the ADA coordinator.***

Completion Date:

Person Responsible:

Date Completed:

On Recommendation (d) – General Fund – action to be implemented:

*[7/26/10 – If an aid or device is needed where a cost may be involved, general fund money is accessible for purchase of the requested aid or device.]*

***[Question from ADA Consultant Cathie Bigger-Smith: Is there a specific policy that states general fund money can be used to purchase the aid or device?]***

***3/14/11 – The City Attorney’s Office has the following questions/concerns:***

***(1) Same as Consultant Cathie Bigger-Smith.***

Completion Date:

Person Responsible:

Date Completed:

On Recommendation (e) – Advise Staff on Policy – action to be implemented:

*[7/26/10 – If city staff is presented with a question, they direct their inquiries to either the Human Resources Manager, or the ADA Coordinator Anne Cardwell.]*

***3/14/11 – The City Attorney’s Office has no questions/concerns at this time.***

Completion Date:

Person Responsible:

Date Completed:

## C. PROGRAM ACCESS

4. The accessibility of services is publicized to handicapped persons in the community.

### Analysis

A2 on page 22 also addresses this issue.

Several departments advertise special services to the community by various means, which is very appropriate and of course should be continued.

### Recommendation

Publicize the accessibility of services in an informational flyer, as discussed in #A1b on page 19.

On the Recommendation – Publicize Accessibility – action to be implemented:

*[7/26/10 – Some City departments publicize to the Community the special services that are provided. The Finance Department (publicizing availability of the “Benicia Breeze” transit services available for individuals with disabilities) and Parks & Community Services advertise special services available for the disabled community. The Benicia Library website also advertises the Solano Napa and Partners Library Consortium (SNAP) web page, a database which is accessible 24 hours a day. On the SNAP web page, visitors can search through the library catalog to check book availability and can browse several online databases to conduct educational research. In addition, study tools and test taking assistance manuals for students can be obtained via the Benicia Library website. These services are normally accessible on-site at the library. But since these services have been made available online through the SNAP web page, this enables individuals with disabilities to gain access to these services from their homes.]*

***3/14/11 – The City Attorney’s Office has the following questions/concerns:***

- (1) Consider creating a consolidated flyer about disability access to resolve notice issues.***
- (2) Publicize all special access going above and beyond equal access in extra flyers, such as the ones listed in the July 26, 2010 update.***

Completion Date:

Person Responsible:

Date Completed:

## C. PROGRAM ACCESS

5. Program information is accessible.

### Analysis

Most of the City's program information is in written form, or is given orally over the phone or in person; while this is sufficient in many cases, it is not always adequate when communicating with persons who are hearing- or vision-impaired.

### Recommendations

(a) Implement policy on, and procedures for, providing, aids and devices; same as #C3a, b, c, d, and e on page 51.

(b) The need for a telecommunication device for the deaf (TDD) for non-emergency, information calls has not been established as there is only one known deaf adult in Benicia. However, that figure may not be accurate, and other persons living outside Benicia may wish to call in. *[7/26/10 – The intent behind Title II of the Americans with Disabilities Act (ADA) is to ensure access to all individuals, not only citizens of a given community.]* On a trial basis, the Dispatch Center TDD could be advertised to the community as a line to other City programs and services as well. The dispatcher could receive the message, relay it to the appropriate department, and then have the department return the call on the TDD.

(c) Have an "Events Call-In Tape" at one phone extension, where persons who cannot read newspapers, notices, and the like may call in to hear of upcoming meetings, special events, and activities. Jobs currently open could also be listed on the tape (see B2 on page 32).

On Recommendation (b) – TDD – action to be implemented:

*[7/26/10 – A telecommunication device for the deaf (TDD) is now available to the community. Finance Director Rob Sousa, who also oversees the Information Technology Division in the city, keeps the TDD's. If a request for a TDD is made to the ADA Coordinator, she then contacts Rob Sousa. If an individual living outside of Benicia would like to request a TDD, they may call Rob Sousa or Anne Cardwell to request the device.]*

***3/14/11 – The City Attorney's Office has the following questions/concerns:***

***(1) Is there a method for disabled persons to get equal access to make the request in the first place? Consider permanently affixing a TDD to the ADA coordinator line to allow prior requests for TDD usage by other departments or facilities.***

Completion Date:

Person Responsible:

Date Completed:

On Recommendation (c) – Events Tape – action to be implemented:

*[7/26/10 – The City does not have an “Events Call-In Tape”. However, the City does have a 24-hour job hotline to inform individuals of any open positions for employment with the City.]*

***3/14/11 – The City Attorney’s Office has the following questions/concerns:***

***(1) Probably not required, but consider adding such a tape to help cut down inquiries to the departments and ADA coordinator; does the City have the ability to do this?***

Completion Date:

Person Responsible:

Date Completed:

### C. PROGRAM ACCESS

7. Services must be as beneficial to handicapped persons as to non-handicapped persons.

#### Analysis

All City programs indicated that this is so in their programs.

**3/14/11 – *The City Attorney's Office has no questions/concerns at this time.***

## C. PROGRAM ACCESS

8. Aids, benefits, services and programs are to be provided in the most integrated setting possible.

### Analysis

Section 51.55(b)(1)(ii) requires that services be provided in the most integrated settings possible. Most City programs responded that they do in fact conform to this requirement. However, some programs mentioned architectural barriers that prevent compliance with this policy (see C1 on page 26). Sections 51.55(k)(2)(i) and (ii) describe the City's obligations to provide physical program accessibility, and methods for compliance.

Where architectural barriers exist, the customary recommendation is to actually remove the barriers in the existing facilities. Relocating programs to accessible facilities is another equally viable alternative (provided that the facility is not accessible by public transportation. In the event a facility is accessible by public transportation, a reasonable alternative is not a viable defense for the city.) Serving disabled persons in a separate, different means or location should only be done as an interim measure, or when other measures are impossible.

The City's facilities were surveyed in November 1984 and specific recommendations were presented orally and with data from which the Transition Plan is to be developed (the survey report is included in this book). The City appears to be moving appropriately on this issue; within the last year several programs have been relocated, and in other areas barriers have been removed.

### Recommendation

Continue making improvements that allow for service provision in the most integrated settings possible.

On the Recommendation – Remove Architectural Barriers – action to be implemented:

*[7/26/10 – Parks & Building Superintendent Rick Knight has been working in conjunction with the Parks & Community Services Department and the City Attorney to remove existing architectural barriers.]*

***[Question from ADA Consultant Cathie Bigger-Smith: What is the plan to remove architectural barriers?]***

***3/14/11 – The City Attorney's Office has the following questions/concerns:  
(1) Other than the architectural barriers listed previously, are programs and services being provided in the most integrated setting possible?***

Completion Date:

Person Responsible:

Date Completed:

### C. PROGRAM ACCESS

9. Are there any other procedural barriers to participation by disabled persons?

#### Analysis

For the most part, there weren't any other unmentioned barriers.

One barrier not previously addressed is that two of the City's transportation lines – the Benicia-Vallejo Stagelines and Dial-A-Ride – are inaccessible. The Department of Transportation's 504 regulations are to be followed in this instance. They only require "special efforts" to provide transportation to disabled persons, and allow for separate treatment of disabled and non-disabled bus riders. However, the City should make efforts to achieve that goal.

In addition, disabled people from the community mentioned that accessible transportation is not provided when the City provides bust transportation to special events.

#### Recommendations

- (a) Purchase the services of an accessible van from an already existing private firm, to provide transportation comparable to that provided by the City's lines to disabled persons who request it.
- (b) Purchase the services of the aforementioned van for transporting disabled persons to special events upon request.

On Recommendation (a) – Purchase Van Services – action to be implemented:

*[7/26/10 – It is not entirely clear whether the City has purchased the services of an accessible van to provide transportation comparable to the city's lines. The city does provide ADA accessible public transportation service for persons who are prevented from independently using the city line's fixed route system. The service is currently provided by Benicia Breeze Paratransit (an extension of the Benicia Breeze fixed route buses). An individual seeking this service must fill out an ADA application to determine their eligibility. This service is provided from Monday through Saturday (no service is provided on Sundays or major holidays). Provided that a special event occurs during the normal hours of operation, disabled individuals will be able to attend the special events through use of the service. As an attempt to supplement the availability of transportation services for disabled individuals, the city also provides a dial-a-ride service that is accessible to both disabled individuals as well as those without disabilities.]*

***3/14/11 – The City Attorney's Office has the following questions/concerns:***

***(1) Do these services provide the same access to disabled persons in substitution that the Benicia-Vallejo Stagelines and Dial-A-Ride do? If not, is it as close as possible?***

Completion Date:

Person Responsible:

Date Completed:

On Recommendation (b) – Van for Events – action to be implemented:

*[7/26/10 – It is not entirely clear whether the City has purchased the services of an accessible van to provide transportation comparable to the city’s lines. The city does provide ADA accessible public transportation service for persons who are prevented from independently using the city line’s fixed route system (currently provided by the Benicia Breeze). The city does provide an ADA paratransit service. The service is currently provided by Benicia Breeze Paratransit, an extension of the Benicia Breeze fixed route buses. An individual seeking this service must fill out an ADA application to determine their eligibility. This service is provided from Monday through Saturday (no service is provided on Sundays or major holidays). Provided that a special event occurs during the normal hours of operation, disabled individuals will be able to attend the special events through use of the service.]*

**3/14/11 – The City Attorney’s Office has no questions/concerns at this time.**

Completion Date:

Person Responsible:

Date Completed:

10. Website Access Barriers (introduced 3/14/11)

Analysis

This subject has not been discussed in previous Transition Plan iterations. Thus it is unknown what access issues have been resolved and what issues remain. Alternatives to website access, such as a staffed telephone information line, may be used to meet access obligations, but the alternatives appear to be poor substitutes which all require extra time, money and personnel.

Recommendations

- (1) Establish a policy City web pages will be accessible; create an implementation process.
- (2) Ensure that all new and modified web pages and content are accessible:
  - a. Check the HTML of all new web pages. Make sure that accessible elements are used as needed, including alt tags, long descriptions, and captions.
  - b. If images are used, make sure to include alt tags and/or long descriptions for each.
  - c. If online forms and tables are used, make those elements accessible.
  - d. When posting documents on the website, always provide them in HTML or a text-based format (even if also provided in another format like PDF)
- (3) Develop a plan for making existing web content more accessible
  - a. Describe the plan on an accessible web page
  - b. Encourage input on improvements, including which pages should be given high priority for change. Use visitation data to determine the highest-traffic pages.
  - c. Let citizens know about the standards or guidelines that are being used.
- (4) Ensure that in-house staff and contractors responsible for web page and content development are properly trained.
- (5) Provide a way for visitors to request accessible information or services by posting a telephone number or E-mail address on the City's home page – possibly the ADA coordinator's contact information.
- (6) Periodically enlist disability groups to test the City's web pages for ease of use.

Resources

- (1) Section 508 Accessibility Standards: <http://www.access-board.gov>
- (2) Department of Justice: <http://www.usdoj.gov/crt/508/report/content.htm>
- (3) GSA Online Access Course: <http://www.section508.gov>
- (4) Web Content Accessibility Guidelines: <http://www.w3c.org/WAI/Resources>

***3/14/11 – The City Attorney's Office has the following questions/concerns:***

- (1) What access compliance issues have been resolved?***
- (2) What access compliance issues remain?***

Completion Date:  
Person Responsible:  
Date Completed: