



2016

City of Fresno ADA Facilities Transition Plan



Contents

1.0	Executive Summary	3
1.1	Introduction	3
1.2	Legislative Mandate	3
1.3	ADA Transition Plan Requirements and Process	4
1.4	Discrimination and Accessibility	4
1.5	Undue Burden.....	5
1.6	Facility Survey	5
1.7	Public Outreach	5
1.8	City Disability Advisory Commission	5
2.0	Definitions	7
2.1	Disability	7
2.2	Qualified Individual with a Disability	7
2.3	Discrimination on the Basis of Disability	7
2.4	Complaint.....	7
2.5	Physical or Mental Impairments.....	8
2.6	Substantial Limitations of Major Life Activities	8
2.7	Having a Record of Impairment	8
2.8	Regarded as Having a Disability.....	8
2.9	Reasonable Program Modifications	8
2.10	Undue Burden.....	9
2.11	Auxiliary Aids and Services.....	10
3.0	ADA Facilities Transition Plan	11
3.1	Facilities Transition Plan Requirements.....	11
3.2	City Facilities.....	11
3.3	Prioritizing Barrier Removal within Facilities	12

3.4	Schedule of Improvements for City Facilities and Community Centers	16
4.0	ADA Policy and Complaint Procedure.....	19
4.1	Notice under the Americans with Disabilities Act	19
4.2	ADA Grievance Procedure.....	20
5.0	Program Accessibility Guidelines, Standards, and Resources	22
5.1	Introduction	22
5.2	Federal Accessibility Standards, Regulations and Resources	22
5.3	State of California Accessibility Standards, Regulations and Resources...	23
5.4	General Disability Resources and Etiquette.....	23

This document will be made available in alternative formats upon request. To request alternative formats contact the office of the ADA Coordinator at 559-621-8716.

1.0 Executive Summary

1.1 Introduction

The Americans with Disabilities Act (ADA) is a comprehensive civil rights law for persons with disabilities. The ADA states that its purpose is to provide a “clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities.” Congress emphasized that the ADA seeks to dispel stereotypes and assumptions about disabilities and to assure equality of opportunity, full participation, independent living, and economic self-sufficiency for people with disabilities.

This ADA Facilities Transition Plan is being prepared in partial fulfillment of the requirements set forth in Title II of the ADA. The ADA states that a public entity must provide programs, activities and services in such a way as to avoid discrimination against people with disabilities. This report will assist the City of Fresno (City) in identifying physical barriers to accessibility and in developing barrier removal solutions that will facilitate the opportunity of access to all individuals.

This 2016 plan describes the process by which facilities were evaluated for compliance with the ADA; presents the findings of that evaluation; and provides recommendations for facility improvements. This section provides an overview of the requirements for developing the ADA Facilities Transition Plan and outlines the plan development process itself.

1.2 Legislative Mandate

The development of a Facilities Transition Plan is a requirement of the federal regulations implementing the Rehabilitation Act of 1973, which require that all organizations receiving federal funds make their programs available without discrimination toward people with disabilities. The Act, which has become known as the “civil rights act” of persons with disabilities, states that:

No otherwise qualified handicapped individual in the United States shall, solely by reason of handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. (Section 504)

Subsequent to the enactment of the Rehabilitation Act, Congress passed the Americans with Disabilities Act (ADA) on July 26, 1990. Title II of the ADA covers programs, activities, and services of public entities. The Department of Justice’s Title II regulation adopts the general prohibitions of discrimination established under Section 504 and incorporates specific prohibitions of discrimination for the ADA. Title II provides protections to individuals with disabilities that are at least equal to those provided by the nondiscrimination provisions of Title V of the Rehabilitation Act.

Specifically, the City may not, either directly or through contractual arrangements, do any of the following:

- Deny persons with disabilities the opportunity to participate as members of advisory boards and commissions.

- Deny persons with disabilities the opportunity to participate in services, programs, or activities that are not separate or different from those offered others, even if the City offers permissibly separate or different activities.
- In determining the location of facilities, make selections that have the effect of excluding or discriminating against persons with disabilities.

Title II of the ADA provides that public entities must identify and evaluate all programs, activities, and services and review all policies, practices, and procedures that govern administration of the entity's programs, activities, and services.

The Transition Plan lists, prioritizes and sets forth a schedule for the physical changes that must be made in order to provide programmatic access to City programs, activities and services. This report, and certain documents incorporated by reference, establishes the City's ADA Facilities Transition Plan.

1.3 ADA Transition Plan Requirements and Process

The ADA sets forth specific requirements for preparation of a Transition Plan. This plan includes:

- A list of the physical barriers in the City's facilities that limit the accessibility of its programs, activities, or services to individuals with disabilities;
- A detailed outline of the methods to be used to remove these barriers and make the facilities accessible;
- A schedule for taking the steps necessary to achieve compliance with the ADA, Title II; and
- The name of the individual responsible for the plan's implementation.

1.4 Discrimination and Accessibility

There are two kinds of accessibility:

- Program accessibility; and
- Physical accessibility.

Absence of discrimination requires that both types of accessibility be provided. Programmatic accessibility includes physical accessibility, but also entails all of the policies, practices, and procedures that permit people with disabilities to participate in programs and to access important information. Physical accessibility requires that a facility be barrier-free. Barriers include any obstacles that prevent or restrict the entrance to or use of a facility. Program accessibility requires that individuals with disabilities be provided an equally effective opportunity to participate in or benefit from a public entity's programs and services. Program accessibility may be achieved by either structural or non-structural methods. Non-structural methods include acquisition or redesign of equipment, assignment of aides to beneficiaries, and provision of services at alternate sites.

Programs offered by the City to the public must be accessible. Accessibility includes advertisement, orientation, eligibility, participation, testing or evaluation, physical access, provision of auxiliary aids, transportation, policies, and communication.

The City may achieve program accessibility by a number of methods:

- Structural methods such as altering an existing facility;
- Acquisition or redesign of equipment;
- Assignment of auxiliary aides; and
- Providing services at alternate accessible sites.

When choosing a method of providing program access, the City will give priority to the one that results in the most integrated setting appropriate to encourage interaction among all users, including individuals with disabilities. In compliance with the requirements of the ADA, the City must provide equality of opportunity, but does not guarantee equality of results.

1.5 Undue Burden

The City is not required to take any action that it can demonstrate would result in a fundamental alteration in the nature of its program or activity, would create a hazardous condition resulting in a direct threat to the participant or others, or would represent an undue financial and administrative burden.

The determination that an undue burden would result must be based on an evaluation of all resources available for use in the City. For example, if a barrier removal action is judged unduly burdensome, the City must consider other options for providing access to the benefits and services of the program or activity by individuals with disabilities.

1.6 Facility Survey

From 2006 to 2009, the City conducted a physical audit of City facilities to identify facility barriers and identify recommendations and alterations in order to meet state and federal accessibility standards. The list of facilities surveyed includes:

- City owned buildings; and
- City programs housed in leased facilities.

1.7 Public Outreach

A public meeting to review the 2009 Draft of the ADA Facilities Transition Plan was held on May 11, 2009. Public meetings to review the 2016 draft of the ADA Facilities Transition Plan were held on February 10, 2015 and March 10, 2015. Public participation included persons with disabilities.

1.8 City Disability Advisory Commission

The Disability Advisory Commission (DAC) is made up of seven community leaders appointed by the Mayor and approved by the City Council; five of the seven members must be persons with disabilities. The current Commission represents many years of professional work and personal experience with a range of disabilities. The DAC assisted the City in gaining perspective and plan acceptance for this Transition Plan, as well as assisting in setting priorities for future corrective action.

The Commission meetings are typically held on the second Tuesday of the month, from 10:00 am - 11:30 am in Meeting Room A (2165) at City Hall.

Commission Members

- Francis Reyes Acosta - Advocate for disability rights and board member for Resources for Independence, Central Valley;
- Carlos Duarte - (ex officio member) ADA transportation specialist with Fresno Area Express;
- Ken Elvington - Staff Service Manager for the California Department of Rehabilitation;
- Heather Flores - Director of Case Management with Central Valley Regional Center
- Dr. Jenelle Pitt - Professor at California State University, Fresno's nationally-recognized Rehabilitation Counseling Program;
- Tiffany A. Potter - Founder and President of United Learning Foundation;
- Mary Beth Randall - Board Member of the Guide Dog Users of California and member of the California Council of the Blind and the American Council of the Blind; and
- Kyra Schleef - Human Resource Manager, Deaf and Hard of Hearing Service Center, Inc.

2.0 Definitions

The following is a summary of many definitions found in the ADA. Please refer to the Americans with Disabilities Act (www.ada.gov/) for the full text of definitions and explanations.

2.1 Disability

The term disability means, with respect to an individual:

- A physical or mental impairment that substantially limits one or more of the major life activities of such individual;
- A record of such impairment; or
- Being regarded as having such impairment.

2.2 Qualified Individual with a Disability

A qualified individual with a disability means an individual with a disability who, with or without reasonable modification to rules, policies, or practices; the removal of architectural, communication, or transportation barriers; or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by the City.

2.3 Discrimination on the Basis of Disability

Discrimination on the basis of disability means to:

- Limit, segregate, or classify a citizen in a way that may adversely affect opportunities or status because of the person's disability;
- Limit, segregate, or classify a participant in a program or activity offered to the public in a way that might adversely affect opportunities or status because of the participant's disability;
- Participate in a contract that could subject a qualified citizen with a disability to discrimination;
- Use any standards, criteria, or methods of administration that have the effect of discriminating on the basis of disability;
- Deny equal benefits because of a disability;
- Fail to make reasonable accommodations to known physical or mental limitations of an otherwise qualified individual unless it can be shown that the accommodation would impose an undue burden on the City's operations;
- Use selection criteria that exclude otherwise qualified people with disabilities from participating in the programs or activities offered to the public; and
- Fail to use tests, including eligibility tests, in a manner that ensures that the test results accurately reflect the qualified applicant's skills or aptitude to participate in a program or activity.

2.4 Complaint

A complaint is a claimed violation of the ADA.

2.5 Physical or Mental Impairments

Physical or mental impairments may include, but are not limited to: vision, speech, and hearing impairments; emotional disturbance and mental illness; seizure disorders; mental retardation; orthopedic and neuromotor disabilities; learning disabilities; diabetes; heart disease; nervous conditions; cancer; asthma; hepatitis B; HIV infection (HIV condition); and drug addiction if the addict has successfully completed or is participating in a rehabilitation program and no longer uses illegal drugs.

The following conditions are not physical or mental impairments: transvestitism; illegal drug use; homosexuality or bisexuality; compulsive gambling; kleptomania; pyromania; pedophilia; exhibitionism; voyeurism; pregnancy; height; weight; eye color; hair color; left-handedness; poverty; lack of education; a prison record; and poor judgment or quick temper if not symptoms of a mental or physiological disorder.

2.6 Substantial Limitations of Major Life Activities

An individual is disabled if she or he has a physical or mental impairment that (a) renders her or him unable to perform a major life activity, or (b) substantially limits the condition, manner, or duration under which she or he can perform a particular major life activity in comparison to other people.

Major life activities are functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

In determining whether physical or mental impairment substantially limits the condition, manner, or duration under which an individual can perform a particular major life activity in comparison to other people, the following factors shall be considered:

- The nature and severity of the impairment;
- The duration or expected duration of the impairment; and
- The permanent or long-term impact (or expected impact) of or resulting from the impairment.

2.7 Having a Record of Impairment

An individual is disabled if he or she has a history of having an impairment that substantially limits the performance of a major life activity; or has been diagnosed, correctly or incorrectly, as having such impairment.

2.8 Regarded as Having a Disability

An individual is disabled if she or he is treated or perceived as having an impairment that substantially limits major life activities, although no such impairments exists.

2.9 Reasonable Program Modifications

If the individuals' disabilities prevent them from performing the essential functions of the program or activity, it is necessary to determine whether reasonable program modifications would enable these individuals to perform the essential functions of the program or activity.

Reasonable program modification is any change in program or activity or in the way things are customarily done that enables an individual with a disability to enjoy equal program opportunities. Accommodation means modifications or adjustments:

- To a registration or application process to enable an individual with a disability to be considered for the program or activity;
- To the program or activity environment in which the duties of a position are performed so that a person with a disability can perform the essential functions of the program or activity; and
- That enable individuals with disabilities to enjoy equally the benefits of the program or activity as other similarly situated individuals without disabilities enjoy.

Modification includes making existing facilities and equipment used by individuals readily accessible and usable by individuals with disabilities.

Modification applies to:

- All decisions and to the application or registration process;
- All services provided in connection with the program or activity; and
- Known disabilities only.

Modification is not required if:

- It changes the essential nature of a program or activity of the person with a disability;
- It creates a hazardous situation;
- Adjustments or modifications requested are primarily for the personal benefit of the individual with a disability; or
- It poses an undue burden on the City.

2.10 Undue Burden

The City is not required to provide an accommodation that imposes an undue burden on the operation of the City's business.

Undue burden means significant difficulty or expense incurred in the provision of accommodation. Undue burden includes, but is not limited to, financial difficulty. Undue burden refers to any modification that would be unduly costly, extensive, substantial, or disruptive, or that would fundamentally alter the nature of operation of the business of the City.

Whether a particular accommodation will impose an undue hardship is determined on a case-by-case basis. If a particular modification is determined to cause an undue burden to the City, the City shall attempt to identify another modification that would not pose such a burden. If cost causes the undue burden, the City must consider whether funding for the modification is available from an outside source. If no such funding is available, the City must give the person with a disability the opportunity to provide the modification or to pay for that portion of the modification that constitutes an undue burden.

The following factors shall be considered in determining whether a program modification would create an undue burden: the nature and cost of the modification; the financial resources of the City available to make the modification; the impact the expense of the accommodation will have on the affected City operation; and the permanence of the alterations affecting the site.

2.11 Auxiliary Aids and Services

The term auxiliary aids and services include:

- Qualified interpreters or other effective methods of making orally delivered materials available to individuals with hearing impairments,
- Qualified readers, taped texts, or other effective methods of making visually delivered materials available to individuals with visual impairments;
- Acquisition or modification of equipment or devices; and other similar services and actions.

3.0 ADA Facilities Transition Plan

The Facilities Transition Plan includes the findings made during the facility surveys. The specific architectural modifications required to make programs accessible are listed in the City—Facility Reports (Appendix A). Each facility report contains a list of architectural barriers and barrier removal actions. Not all of these barriers must be removed in order to provide program access. The first priority is to remove those barriers limiting access to programs.

In compliance with the requirements of the ADA, the City will maintain in working order equipment and features that are required to provide access to individuals with disabilities.

3.1 Facilities Transition Plan Requirements

The Facilities Transition Plan for the removal of architectural barriers to program access must contain the following information:

- Identification of the barriers to program access;
- Identification of the specific barrier removal actions;
- Identification of a schedule for barrier removal; and
- Identification of the person responsible for ensuring barrier removal.

The facility reports provide the identification of barriers and the specific barrier removal actions. The City will accomplish barrier removals based on two strategies, contracting for major projects and barrier removal by City staff.

The following tables are a compilation of the results of the prioritization work sessions involving city staff and the Disability Advisory Commission. Specific barriers to program access and their removal actions may be found in the City—Facility Reports (see Appendix A).

The responsibility for ensuring barrier removal will reside with the City ADA Coordinator and the Directors of the Departments which house programs in each of the listed facilities. All ADA barrier removal projects must go through the Public Works Facilities Division for accurate tracking and documentation of completion.

3.2 City Facilities

The criteria used as the basis for prioritizing facilities for removal of architectural barriers include:

- **Public Use Level:** Facilities that receive a high level of public use;
- **Social Need:** Facilities that meet social needs such as cooling centers, health clinics, homeless shelters, etc.
- **Citizen Rights:** Facilities where services are provided to exercise citizen rights—voting, right to a trial, access to elected officials, etc.
- **Citizen responsibilities:** Facilities where taxes are paid, permits and licenses are obtained, and where services are obtained and have access to services such as building permits.

- **Program uniqueness:** Some programs are unique to a building, facility, or park and cannot occur at another location;
- **Geographic distribution:** By selecting a range of facilities that are distributed throughout the City, the City can ensure maximum access for all residents;
- **Identified Complaints:** Efforts should focus on where there are identified accessibility complaints.

3.3 Prioritizing Barrier Removal within Facilities

The criteria listed below were used to assist in the determination of specific program-based barrier removal actions within a building or facility for this Facilities Transition Plan.

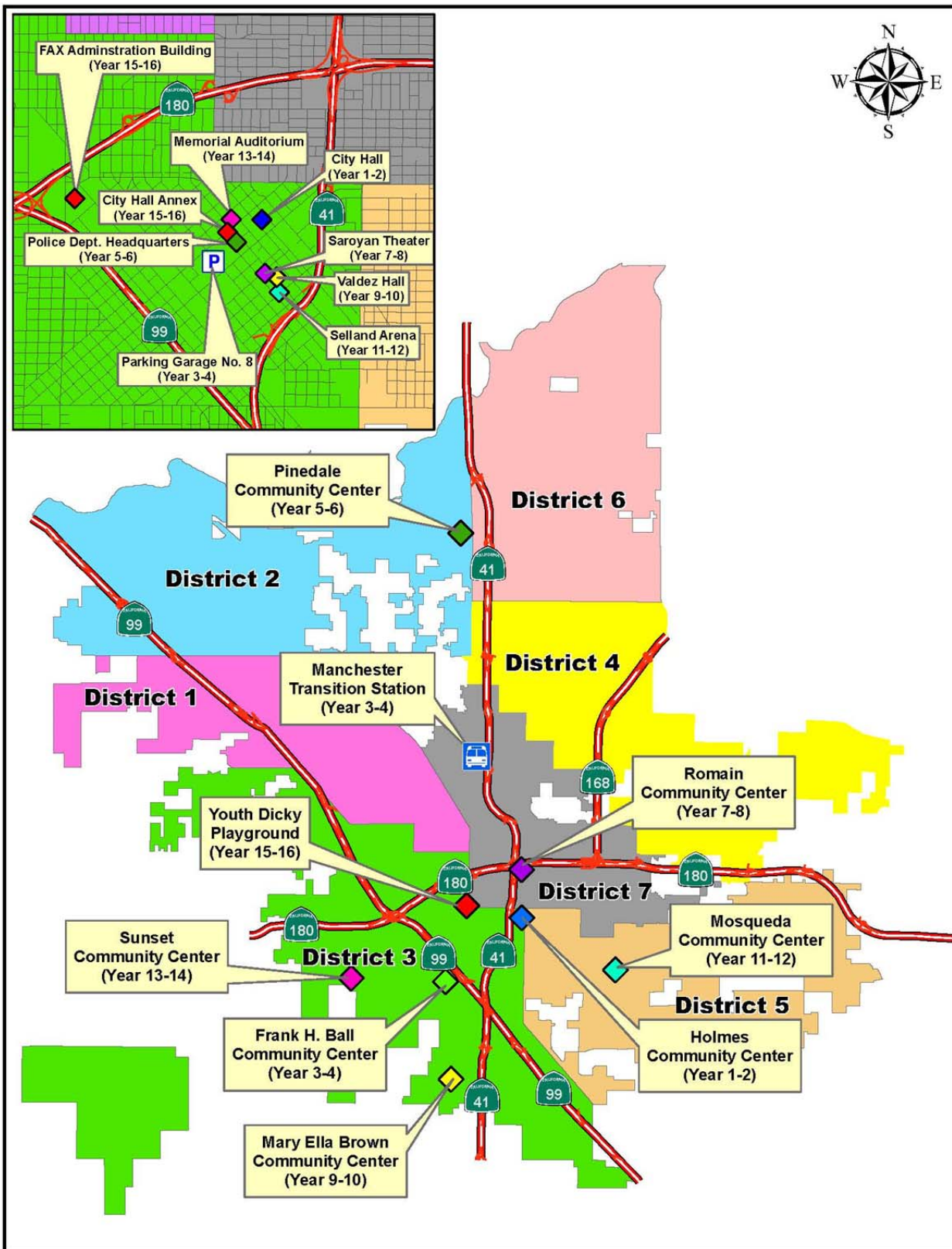
- **Priority One:** The highest priority is placed on those barrier removal items that provide accessibility at the main entrance of a facility or improve a path of travel to the portion of the facility where program activities take place (e.g., parking, entrance features such as: walks, ramps, stairs, doors, corridors, etc.).
- **Priority Two:** A second level priority is placed on those barrier removal items that improve or enhance access to program use areas (e.g., transaction counters, conference rooms, public offices, restrooms, etc.).
- **Priority Three:** A third level priority is placed on those barrier removal items that improve access to amenities serving program areas (e.g., drinking fountains, telephones, site furnishings, vending machines).
- **Priority Four:** A fourth level of priority identifies areas or features not required to be modified for accessibility (no public programs, or duplicate features are available).

Current Programs, Services, and Activities by Facility

Year	Location	Programs, Services, or Activities
1-2	Holmes Community Center 212 South First Street	<u>City Programs:</u> Sports & Classes (break dancing, cooking, adult zumba, Karate, BMX trips), After School Recreation (snacks, arts& crafts, computer lab, Homework lab, game room)
1-2	City Hall 2600 Fresno Street	Council Meetings and Public Hearings, Employment Services, Utility & Billing Collection, Parking Services, Building and Traffic Permitting, Business and Dog Licensing
3-4	Frank H. Ball Community Center 760 Mayor Street	<u>City Programs:</u> Cooling Center, Sports and Classes (Karate, cooking, youth gym, adult basketball, BMX field trips), After School Recreation (afternoon snacks, game room, Arts& crafts, basketball, computer lab)
3-4	Manchester Transition Station Blackstone Ave and Dayton Street	Bus Pass Outlet, Public restroom
3-4	Parking Garage No. 8 1077 Van Ness Avenue	Parking facility serving the downtown area, Restrooms
5-6	Pinedale Community Center 7170 North San Pablo	<u>City Programs:</u> Senior meals program, Cooling Center, Aquatics. <u>Community Run Programs:</u> Sports & Classes (Teen Pregnancy Prevention, BOSS Leadership Program, Dance & Music, Field Trips), After School Recreation (afternoon snacks, game room, Arts& crafts, basketball, computer lab)
5-6	Police Department Headquarter 2323 Mariposa Mall	Varied law enforcement & public safety services
7-8	Romain Community Center 745 North First Street	<u>City Programs:</u> Aquatics, Day Camps, Swim Lessons, Youth Leagues, Computer Lab After School Recreation (afternoon snacks, game room, Arts& crafts, basketball, computer lab)
7-8	Saroyan Theater 700 M Street	Operated by SMG: Various Public Performances

Year	Location	Programs, Services, or Activities
9-10	Mary Ella Brown (formerly Ivy) Community Center 1350 Annadale Street	<u>City Programs</u> : Aquatics, Cooling Center. Senior meals program, Community Run Programs: Sports & Classes (gardening club, college prep, haircuts, dance club, men's mentoring), After School Recreation (afternoon snacks, game room, Arts& crafts, basketball, computer lab, physical fitness, Hmong Cultural Arts), Movie Nights
9-10	Valdez Hall 700 M Street	Operated by SMG: Varied Performances & Events
11-12	Mosqueda Community Center 4670 East Butler Street	<u>City Programs</u> : Aquatics. Senior meals program, <u>Community Run Programs</u> : Sports & Classes, After School Recreation (afternoon snacks, game room, Arts& crafts, basketball, computer lab)
11-12	Selland Arena 700 M Street	Operated by SMG: Varied Performances & Events
13-14	Sunset Neighborhood Center 1345 West Eden Street	<u>Community Run Programs</u> : Sports & Classes (Educational Enrichment, Community Volunteers Program, Feed Fresno hot meals for youth), After School Recreation (afternoon snacks, game room, Arts& crafts, basketball, cooking classes, computer lab)
13-14	Memorial Auditorium 2425 Fresno Street	Operated by SMG: Varied Performances & Events
15-16	Youth Dickey Playground	No organized programs. Has splash park, restrooms, basketball courts, softball field
15-16	FAX Admin Building 2223 G Street	No Public Services Currently
15-16	City Hall Annex 2326 Fresno Street	No Public Services Currently

Geographic Distribution of Facilities



3.4 Schedule of Improvements for City Facilities and Community Centers

This schedule of improvements will commence in Fiscal Year 2018.

Years 1-2 (FY18-FY19)

- City Hall, 2600 Fresno Street
- Holmes Community Center 212 South First Street

Years 3-4 (FY20-FY21)

- Parking Garage No. 8, 1077 Van Ness Avenue
- Manchester Transition Station Blackstone Ave and Dayton Street
- Frank H. Ball Community Center 760 Mayor Street

Years 5-6 (FY22-FY23)

- Police Department Headquarter 2323 Mariposa Mall
- Pinedale Community Center 7170 North San Pablo

Years 7-8 (FY24- FY25)

- Romain Community Center 745 North First Street
- Saroyan Theater 700 M Street

Years 9-10 (FY26- FY27)

- Mary Ella Brown (formerly Ivy) Community Center 1350 Annadale Street
- Valdez Hall 700 M Street

Years 11-12 (FY28 – FY29)

- Mosqueda Community Center 4670 East Butler Street
- Selland Arena 700 M Street

Years 13-14 (FY30- FY31)

- Sunset Neighborhood Center 1345 West Eden Street
- Memorial Auditorium 2425 Fresno Street

Years 15-16 (FY32- FY33)

- Youth Dickey Playground
- City Hall Annex 2326 Fresno Street
- FAX Admin Building 2223 G Street

It should be noted that Ted C. Wills Community Center was also surveyed and barrier removals were completed in Fiscal Year 2012. A portion of the City Hall priority 1 barriers were also removed in 2012.

Estimated Costs

Plan Year	Facility & Location	Costs Provided in 2009	Construction Costs at Implementation ¹	Soft Costs ²	Total Costs
1-2	Holmes Community Center 212 South First Street	\$355,170	\$465,273	\$93,055	\$558,327
1-2	City Hall 2600 Fresno Street ³	\$439,525	\$575,778	\$115,156	\$690,933
3-4	Frank H. Ball Community Center 760 Mayor Street	\$312,290	\$427,837	\$85,567	\$513,405
3-4	Manchester Transition Station Blackstone Ave and Dayton Street	\$22,600	\$30,962	\$6,192	\$37,154
3-4	Parking Garage No. 8 1077 Van Ness Avenue	\$443,670	\$607,828	\$121,566	\$729,393
5-6	Pinedale Community Center 7170 North San Pablo	\$219,470	\$313,842	\$62,768	\$376,611
5-6	Police Department Headquarter 2323 Mariposa Mall	\$147,725	\$211,247	\$42,249	\$253,496
7-8	Romain Community Center 745 North First Street	\$440,255	\$655,980	\$131,196	\$787,176
7-8	Saroyan Theater 700 M Street	\$720,150	\$1,073,024	\$214,605	\$1,287,628
9-10	Mary Ella Brown Community Center 1350 Annadale St	\$225,450	\$349,448	\$69,890	\$419,337

¹ Using the California Construction Cost Index (CCCI) to estimate a 31% escalating cost for FY18 and forecasting a future escalating rate of 3% per year thereafter (represented as 6% for each 2 year period from plan year 3-4 onward)

² Soft costs estimated at 20% of construction costs to account for design, contract administration, and other administrative costs

³ A portion of the City Hall priority 1 barriers were removed in FY12. This number is based on original estimates.

Plan Year	Facility & Location	Costs Provided in 2009	Construction Costs at Implementation ¹	Soft Costs ²	Total Costs
9-10	Valdez Hall 700 M Street	\$848,780	\$1,315,609	\$263,122	\$1,578,731
11-12	Mosqueda Community Center 4670 East Butler Street	\$283,640	\$456,660	\$91,332	\$547,992
11-12	Selland Arena 700 M Street	\$1,540,020	\$2,479,432	\$495,886	\$2,975,319
13-14	Sunset Neighborhood Center 1345 West Eden Street	\$174,990	\$92233.30	\$58,447	\$350,680
13-14	Memorial Auditorium 2425 Fresno Street	\$464,730	\$776,099	\$155,220	\$931,319
15-16	Youth Dickey Playground	\$43,900	\$75,947	\$15,189	\$91,136
15-16	FAX Admin Building 2223 G Street	\$46,850	\$81,051	\$16,210	\$97,261
15-16	City Hall Annex 2326 Fresno Street	\$441,025	\$762,973	\$152,595	\$915,568
	Estimate Total:	\$7,170,240	\$10,951,222	\$2,190,244	\$13,141,467

4.0 ADA Policy and Complaint Procedure

4.1 Notice under the Americans with Disabilities Act

In accordance with 28 C.F.R. § 35.106, the City has made available to applicants, participants, beneficiaries, and other interested persons information regarding the provisions of the ADA and its applicability to the services, programs, and activities of the City.

ADA notices are provided to the public in a variety of ways, including posters, brochures, and other print means. The City's most up-to-date ADA Notice with current contact persons can be found at:

<http://www.fresno.gov/Government/DisabilityAdvisoryCommission/Notice.htm>

Notice Under the Americans with Disabilities Act

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 ("ADA"), the City will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

Employment: The City does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under Title I of the ADA.

Effective Communication: The City will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the City's programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

Modifications to Policies and Procedures: The City will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities. For example, individuals with service animals are welcomed in the City's offices, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of the City, should contact the office of the **ADA Coordinator** during normal business hours at **559-621-8716**, preferably five working days but no later than 48 hours before the scheduled event. The ADA does not require the City to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

More information about the ADA can be found at the US Department of Justice website, www.ada.gov, or by calling their helpline at 800-514-0301 (voice), 800-514-0383 (TTY). Applicants or employees of the City who would like to request a reasonable accommodation or have other disability-related concerns may contact **the Personnel Department Senior Risk Analyst**. Concerns or complaints that a program, service, or

activity of the City not accessible to persons with disabilities should be directed to the **ADA Coordinator at 559-621-8716**.

The City will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.

4.2 ADA Grievance Procedure

In accordance with 28 C.F.R. § 35.107 the City has adopted and published a grievance procedure providing for prompt and equitable resolution of complaints alleging any action that would be prohibited by the U.S. Department of Justice regulations implementing Title II of the ADA. Title II states, in part, that “no otherwise qualified disabled individual shall, solely by reason of such disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination in programs, services or activities sponsored by a public entity.”

The City distributes the grievance procedure to all of its agencies, posts copies of it in conspicuous locations in each of its public buildings, and posts copies to the website in an accessible format. The City refreshes each posted copy, and updates the contact information contained on it, as necessary. Copies are also provided to any person upon request.

The City's most up-to-date ADA Grievance Procedure with current contact persons: <http://www.fresno.gov/Government/DisabilityAdvisoryCommission/ADAGrievance.htm>

The right of a person to prompt and equitable resolution of any complaint filed under this policy shall not be impaired by the person's pursuit of other remedies such as the filing of an ADA complaint with the responsible federal or state agency.

These rules shall be construed to protect the substantive rights of the interest persons to provide timely notice of any impediment to access City programs, services or activities, and to assure that the City complies with the ADA.

Grievance Procedure under the Americans with Disabilities Act

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990. It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the City. The City's Personnel Policy governs employment-related complaints of disability discrimination.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities upon request.

The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than sixty (60) calendar days after the alleged violation to:

ADA Coordinator
Department of Public Works
2600 Fresno Street 4th Floor
Fresno, California 93721
Phone: 559-621-8716
Fax: 559-488-1045

Within fifteen (15) calendar days after receipt of the complaint, the ADA Coordinator or his/her designee will meet with the complainant to discuss the complaint and the possible resolutions. Within fifteen (15) calendar days of the meeting, the ADA Coordinator or his/her designee will respond in writing, and where appropriate, in format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of the City and offer options for substantive resolution of the complaint.

If the response by the ADA Coordinator or his/her designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within fifteen (15) calendar days after receipt of the response to the City Manager or designee.

City Manager
Fresno City Hall
2600 Fresno Street Second Floor
Fresno, CA 93721
Phone: 559-621-7770
Fax: 559-621-7776
citymanager@fresno.gov

Within fifteen (15) calendar days after receipt of the appeal, the City Manager or designee will meet with the complainant to discuss the complaint and possible resolutions. Within fifteen (15) calendar days after the meeting, the City Manager or designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

All written complaints received by the ADA Coordinator or his/her designee, appeals to the City Manager or designee, and responses from these two offices will be retained by the City for at least three (3) years.

5.0 Program Accessibility Guidelines, Standards, and Resources

5.1 Introduction

In order to facilitate access to all City Programs and Departments, the City will maintain these program accessibility guidelines, standards and resources. Updated resources are available online at <http://www.fresno.gov/Staff/ADAResourceList.htm>. This information is available to all employees and volunteers. The City will add to these guidelines when necessary to address its needs and include information and technological devices that help staff and volunteer members communicate with individuals with a variety of disabilities. The City will periodically review the components of this section, as new technologies are developed in order to ensure that the best types of modifications are included. The City will maintain relationships with groups which serve people with disabilities to assist in maintaining the resources in this section. This section also contains the accessibility standards of care that govern new construction and alterations to facilities.

5.2 Federal Accessibility Standards, Regulations and Resources

There are both state and federal regulations for accessible facilities. Below are resources for both the State of California and Federal facility regulations.

U.S. Department of Justice

- The U.S. Department of Justice (DOJ), <http://www.ada.gov>. The DOJ provides many free ADA materials including the ADA text. Printed materials may be ordered by calling the ADA Information Line [1.800.514.0301 (Voice) or 1.800.514.0383 (TDD)]. Publications are available in standard print as well as large print, audiotape, Braille, and computer disk for people with disabilities. Documents, including the following publications, can also be downloaded from the Department of Justice website.
- ADA Regulation for Title II, <http://www.ada.gov/reg2.html>. This publication describes Title II of the Americans with Disabilities Act, Pub. L. 101-336, which prohibits discrimination on the basis of disability by public entities. Title II of the ADA protects qualified individuals with disabilities from discrimination on the basis of disability in the services, programs, or activities of all state and local governments. This rule adopts the general prohibitions of discrimination established under section 504, as well as the requirements for making programs accessible to individuals with disabilities and for providing equally effective communications. It also sets forth standards for what constitutes discrimination on the basis of mental or physical disability, provides a definition of disability and qualified individual with a disability, and establishes a complaint mechanism for resolving allegations of discrimination.
- Title II Technical Assistance Manual (1993) and Yearly Supplements, <http://www.ada.gov/taman2.html>. This manual explains in lay terms what state and local governments must do to ensure that their services, programs, and activities are provided to the public in a nondiscriminatory manner.
- Current Text of the ADA, including changes made by the ADA Amendments Act of 2008 (P.L. 110-325), <http://www.ada.gov/pubs/adastatute08.pdf>. The ADA prohibits discrimination and ensures equal opportunity for persons with disabilities in employment, state and local government services, public accommodations,

commercial facilities, and transportation. It also mandates the establishment of TDD/telephone relay services.

- ADA Information for Law Enforcement, <http://www.ada.gov/policeinfo.htm>. This page contains compliance assistance materials to help state and local law enforcement officers understand how to interact with victims, witnesses, suspects, and others who have disabilities.

US Access Board

- The US Access Board, <http://www.access-board.gov>. The US Access Board writes Federal regulations for Facilities, Public Rights-of-Way, Transportation, and Communications. This page also contains research papers, newsletters, annual reports and more. In addition to regular print, publications are available in: large print, disk, audiocassette, and Braille. Multiple copies of publications can be ordered by sending a request to pubs@access-board.gov. In addition to the guidelines, guidance material is also available to assist staff in understanding and implementing federal accessibility guidelines. Copies of Advisory Committee Reports that have been written but not yet adopted as law are also provided.

5.3 State of California Accessibility Standards, Regulations and Resources

Title 24, California Building Code

- The State of California has also adopted a set of design guidelines for accessible facilities, which can be found in the California Code of Regulations, Title 24, Part II, California Building Code (CBC), www.iccsafe.org. CBC contains general building design and construction requirements relating to fire and life safety, structural safety, and access compliance. CBC provisions provide minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location and maintenance of all buildings and structures and certain equipment. Although California has adopted most of the ADAAG requirements, there are some differences. In general, the more restrictive requirement (whether federal or state) should be applied when designing accessible facilities. The complete Title 24 or any of its parts is available for purchase from the International Code Council (ICC), 5360 South Workman Mill Road, Whittier, CA 90601, 1.800.423.6587, www.iccsafe.org or at various bookstores that carry technical books.

Since the CBC is updated every three years, the City has an ongoing program of regularly reviewing these changes and updating policies and procedures related to accessibility to keep them current.

- The Division of State Architect (DSA), <http://www.dsa.dgs.ca.gov/Pubs/default.htm>, also provides information and resources for accessible or universal design. The DSA's website is <http://www.dsa.dgs.ca.gov>. For technical assistance contact DSA's Access Compliance Program at 1130 K Street, Suite 101, Sacramento, California 95814 (916.322.4700).

5.4 General Disability Resources and Etiquette

A guide to disabilities and disability etiquette, created by the Judicial Council of California is distributed to staff and volunteers during orientation and during the mandatory ADA Training. The guide ensures that staff are familiar with a variety of types of disabilities and

that they are sensitive to the abilities or needs of people with disabilities in order not to offend or demean them.

In addition to the Judicial Council Guide, the City maintains an ADA Resource List which includes etiquette tips for staff, available online at <http://www.fresno.gov/Staff/ADAResourceList.htm>. The resource list is periodically updated to ensure that it includes current acceptable language for talking about disabilities.