

RESOLUTION NO. 2008-03

**A RESOLUTION OF THE CITY OF LEMOORE EXPRESSING ITS
COMMITMENT TO COMPLY WITH THE AMERICANS WITH DISABILITIES
ACT AND SETTING FORTH A PROCESS TO ACHIEVE COMPLIANCE**

At a Regular Meeting of the City Council of the City of Lemoore duly called and held on February 5, 2008 at 7:30 p.m. on said day, it was moved by Council Member _____, seconded by Council Member _____ and carried that the following Resolution be adopted:

WHEREAS, the Americans with Disabilities Act of 1990 (ADA) 42 U.S.C. Section 12101 et. seq. became effective on January 26, 1992 ; and

WHEREAS, access to civic life is a fundamental goal of the Americans with Disabilities Act; and

WHEREAS, Title II of the ADA (42 U.S.C. Section 12132; 28 C.F.R. Section 35.130) requires state and local governments to make their programs, services, and activities accessible to persons with disabilities; and

WHEREAS, the accessibility requirements apply not only to physical access at government facilities, programs, and events, but also to policy changes that governmental entities must make to ensure that persons with disabilities can take part in, and benefit from, the programs and services of state and local governments; and

WHEREAS, on June 15, 2006, the City Council considered an ADA Self Evaluation Update completed by City staff which listed the various City facilities needing to be upgraded for ADA accessibility with public right of way accessibility being the most financially significant; and

WHEREAS, the City has required the installation of curb ramps as part of any newly-constructed intersections and/or sidewalks as required by the ADA; and

WHEREAS, there are a number of curb ramps constructed prior to adoption of the ADA that do not include curb ramps or which include curb ramps which need remediation; and

WHEREAS, immediate remediation and installation of all needed curb ramps would impose an undue financial burden on the City; and

WHEREAS, the City of Lemoore has made various efforts over the years to achieve compliance including the following:

- a. Completing the ADA Self Evaluation Study listed above;

- b. Budgeting \$100,000 in the FY 07 and FY 08 budgets for remediation and construction of curb ramps;
- c. Designating an ADA Coordinator;
- d. Requiring that all new construction in the City complies with the ADA;
- e. Installing ramps for disabled access at the entrances of the Lemoore Civic Auditorium and Council Chambers;
- f. Retrofitting curb cuts throughout the City as adjacent street projects, such as overlays, occur; and

WHEREAS, the City Council understands that the ADA requires that the City adopt a Transition Plan to implement structural modifications which meet ADA requirements; and

WHEREAS, the City of Lemoore is committed to meet the requirements of Title II of the ADA.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lemoore that the City of Lemoore is committed to achieve compliance with the Americans with Disabilities Act and further resolves as follows:

- a. City Staff is directed and authorized to complete a Transition Plan as required by the ADA to implement changes that are necessary to meet the ADA's requirements to the City's current facilities, programs, policies and practices. The Transition Plan shall contain: a list of physical barriers that limit access to services; programs or activities; a detailed outline of the methods to be utilized to remove the barriers and make facilities accessible; the schedule for achieving required accessibility; a curb ramps installation schedule; and the name and contact information of the City's official responsible for the Transition Plan's implementation. (28 C.F.R. Section 35.150(d)(3).)
- b. Prior to submittal of the Transition Plan to the City Council, staff shall seek and consider public input on the Transition Plan.
- c. City Staff is directed to include an allocation of funds for meeting ADA requirements in the FY 09 Budget and to ensure that ADA related funds in the current budget are utilized.
- d. City staff is directed to establish a formal grievance procedure relating to ADA matters within 60 days of the effective date of this resolution. The intent of the grievance procedure is to resolve questions and complaints that may arise in a prompt and fair manner. The grievance procedure together with the name and contact information of the City's ADA Coordinator shall

be filed and available to members of the public in the City Clerk's Office. It shall also be posted on the City's website.

- e. In enacting new policies, practices, or procedures including resolutions and ordinances, the City shall be cognizant of the need to ensure that the policies, practices or procedures do not have an adverse impact on persons with disabilities. If it is determined that current policies, practices, or procedures including resolutions and ordinances have an adverse impact on persons with disabilities, reasonable accommodations will be made including, but not limited to, reasonable modifications to the policies, practices, or procedures.
- f. The City reaffirms its policy of ensuring that ADA-compliant curb ramps will be provided at any intersection having curbs or other barriers to entry on a sidewalk whenever a street, road, or highway is constructed or altered.
- g. The City reaffirms its policy of ensuring that ADA-compliant curb ramps will be provided at all newly constructed or altered sidewalks and walkways where they intersect a street, road, or highway, including mid-block crossings.
- h. Contracts for services by architects, engineers, and contractors involved in building and altering highways, streets, roads, sidewalks, other walkways, transportation stops, and curb ramps will include a provision specifically requiring compliance with Title II of the ADA and ADA standards.
- i. City staff is directed to provide reports on compliance with this resolution every ninety days. Once a Transition Plan is adopted, City staff shall provide regular reports on meeting Transition Plan goals.

Passed and adopted at a Regular Meeting of the City Council of the City of Lemoore held on February 5, 2008, by the following votes:

AYES:
NOES:
ABSTAINING:
ABSENT:

APPROVED:

John F. Murray, Mayor

ATTEST:

Nanci C.O. Lima, City Clerk

CERTIFICATE

**STATE OF CALIFORNIA)
COUNTY OF KINGS) ss.
CITY OF LEMOORE)**

I, Nanci C.O. Lima, City Clerk of the City of Lemoore, do hereby certify the foregoing Resolution of the City Council of Lemoore was duly passed and adopted at a Regular Meeting of the City Council held on February 5, 2008.

DATED: February 6, 2008

Nanci C.O. Lima, City Clerk