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Presiding Superior Court Judge
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Your Honor,

The City of Lemoore has received the Grand Jury Report 2007-2008. One of the sections relates to the Grand Jury's review of the City of Lemoore's compliance with the Americans with Disabilities Act. In keeping with Penal Code Sections 933 and 933.05 that require specific responses to both findings and recommendations the Mayor and City Council of the City of Lemoore respectfully submit the following responses to the Presiding Judge of the Kings County Superior Court.

**Investigation of Compliance with the Americans with Disabilities Act
Response to Findings and Recommendations**

Finding 1. The City of Lemoore has not included the disabled community in developing and producing the [ADA] Transition Plan as required by federal and state law.

Response to Finding 1: The respondent partially disagrees with the finding. On February 5, 2008, the Lemoore City Council adopted Resolution 2008-03 (attached), expressing its commitment to comply with the Americans With Disabilities Act by setting forth a process to achieve compliance. It directed City staff to complete the Transition Plan. The City is in the stage of preparing technical background information for developing the Transition Plan which we believe will provide a meaningful platform for the disabled community's participation in the process. The City is committed to have public participation, and specifically the disabled community's participation in the development of the Transition Plan.

Recommendation 1. The City of Lemoore should immediately include the disabled community in developing and producing the required Transition Plan.

Response to Recommendation 1.: The recommendation has not yet been implemented but the City expects to implement it by August 31, 2008. As noted above in the response to Finding 1, the City is in the process of developing technical background information. Much of the preliminary work associated with identifying facility accessibility needs requires performance by trained personnel, as the state of California has exacting design standards for accessibility. The City's Building Inspection Division is the ideal source for these personnel. Once the City has determined the majority of modifications necessary to meet minimum requirements, input from the public will be sought for additional modification, as well as for input, assistance, and comments in prioritizing the modifications and development of the Transition Plan. The City will not deem a Transition Plan complete without significant public participation. Resolution 2008-03 specifically directs staff to seek and consider public input on the Transition Plan.

Finding 2. The City of Lemoore has not acknowledged its required role in enforcing the ADA provisions set out in the California Health and Safety Codes.

Response to Finding 2.: The respondent disagrees with the finding. The City administration and governing body have always held the position that all federal and state laws related to disability access should be adhered to by the City.

Recommendation 2. The City should reassess its role in enforcing these code provisions.

Response to Recommendation 2: The recommendation has been implemented. Appropriate staff has reviewed the legislation to ensure that required enforcement provisions are being met. Discretionary enforcement provisions will be reviewed and evaluated by administration and policy set by the governing body.

Finding 3. Some issues raised by complainants are not necessarily the prime responsibility of the City. This exhibits the need for accurate knowledge and better communication with the general public and the disabled community, and between the City of Lemoore and all affected parties.

Response to Finding 3.: The respondent agrees wholly with the finding. Government Code Section 4455 states:

“The Department of Rehabilitation shall be responsible for educating the public and working with officials of cities, [...], and other interested parties in order to encourage and help them make all buildings, facilities, and improved areas accessible to and usable by handicapped persons for purposes of rehabilitation, employment, business, recreation, and all other aspects of normal living.”

As it relates to disability access, the City of Lemoore continues to re-evaluate, and improve where needed, its efforts to communicate with the public. Please see Responses to Recommendations 3a, 3b, and Finding 4 for additional information.

Recommendation 3a. Assist the community of disabled persons in forming an advisory committee to better filter and prioritize legitimate complaints to the City.

Response to Recommendation 3a.: The recommendation has not yet been implemented, but will be implemented by August 31, 2008.. Additionally, an advisory committee could be the primary public group to assist with the evaluation and prioritization of facility modifications considered in the creation of the ADA Transition Plan.

Recommendation 3b. Prepare a brochure to inform the citizens and business owners of the broad impact of the state and federal disabled accessibility laws.

Response to Recommendation 3b.: This recommendation will be implemented by December 31, 2008. It should first be noted numerous resources such as brochures, manuals, and electronic media are available free of charge through the Department of Justice and the CA Division of the State Architect (to name a few) to help educate the public about their legal responsibilities. Numerous not-for-profit agencies exist for the express purpose of educating the public about disability access and to provide disabled-rights advocacy. Nonetheless, the City of Lemoore will provide such materials as appropriate to citizens and business owners.

Finding 4. There is no City process as to when, where, and to whom an ADA-type complaint can be delivered, logged and receive a response.

Response to Finding 4.: The respondent disagrees wholly with the finding. We concede, however, that at the time the Findings and Recommendations were received, such a process did not exist formally.

Recommendation 4. Establish and make known to the public a simple complaint process that includes the receiving authority, logs for the receipt and response to the complainant.

Response to Recommendation 4.: The recommendation has been implemented. At the regular meeting of the Lemoore City Council held on April 1, 2008, the Lemoore City Council adopted by Resolution 2008-03 its Notice Under The Americans With Disabilities Act and the City Of Lemoore Grievance Procedure Under The Americans With Disabilities Act. The City Clerk posted both in a highly-traveled area of the Lemoore City Hall. The Notice and Grievance Procedure are attached as Exhibits A & B.

Finding 5. Many traffic signals in the City are programmed with insufficient crosswalk time to allow most disabled or elderly pedestrians to safely cross streets.

Response to Finding 5.: The respondent neither agrees nor disagrees with the finding. The City of Lemoore sets crosswalk time to standards provided by the California Department of Transportation. Whether these times are sufficient for an individual with mobility-related disabilities is difficult to determine. A motorized scooter that travels at walking speed should not be negatively affected by current crosswalk times; a person using a walker may have difficulty crossing during the programmed times.

Recommendation 5. Reassess the needs of both pedestrians and vehicle traffic, and adjust the traffic light sequence for the safety of pedestrians.

Response to Recommendation 5.: The recommendation will be implemented. The process for implementation will commence with the immediate reassessment of crosswalk times with respect to minimum standards provided by the California Department of Transportation, with consideration given to the safety of all-pedestrians, disabled or otherwise. Furthermore, as the City is made aware of the changing needs of the public, whether through the Grievance Procedure, the soon-to-be-formed Accessibility Advisory Committee, or through informal communication with the public, crosswalks times will be reassessed further.

In closing, the City of Lemoore reaffirms its commitment to abide by legal requirements. The City will endeavor to address the Grand Jury's recommendations as noted above. We will meet at the Grand Jury's convenience and answer any other questions or provide additional information that the Grand Jury may need. As always, we are deeply appreciative of the men and women of the Grand Jury and their dedication and hard work.

Respectfully submitted,

John Murray
Mayor