

AMERICANS WITH DISABILITIES ACT SELF-EVALUATION AND TRANSITION PLAN UPDATE



DRAFT

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I. INTRODUCTION

The Americans with Disabilities Act of 1990 has been hailed as one of the most significant civil rights laws since the Civil Rights Act of 1964. The ADA recognizes and protects the civil rights of people with disabilities and is modeled after earlier landmark laws prohibiting discrimination on the basis of race and gender. The ADA is built upon the foundation laid by Section 504 of the 1973 Rehabilitation Act. It uses as its model Section 504's definition of disability and then goes further. While Section 504 applies only to entities receiving federal financial assistance, the ADA covers all state and local governments, including those that receive no federal financial assistance. Section 504 works together with the ADA to protect children and adults with disabilities from exclusion, and unequal treatment in schools, jobs and the community.

The ADA covers a wide range of disability, from physical conditions affecting mobility, stamina, sight, hearing, and speech to conditions such as emotional illness and learning disorders. The ADA defines disability as a mental or physical impairment that substantially limits one or more major life activities. ADA protection extends not only to individuals who currently have a disability, but to those with a record of a mental or physical impairment that substantially limits one or more major life activities, or who are perceived or regarded as having a mental or physical impairment that substantially limits one or more major life activities.

While the ADA has five separate titles, Title II is the section specifically applicable to programs, services, and activities provided by "public entities" (state and local governments) including state executive agencies, towns, counties, school districts, universities, community colleges, special purpose districts, regional transit authorities, and other state and local government instrumentalities. Generally, Title II of the ADA requires a public entity to make reasonable changes to policies, ensure effective communication with people with disabilities, and provide physical access to buildings, facilities, and programs with the goal of ensuring meaningful access to all its services and offerings. This requirement extends not only to physical access to facilities, programs, and events; but also to pedestrian facilities in public rights-of-way.

Purpose

When self-evaluations are not conducted and transition plans not developed, government entities are ill-equipped to implement accessibility changes required by the ADA. Without a complete assessment of a public entities various facilities, services, and programs, it is difficult to plan or budget for necessary changes, and the entity can only react to problems rather than anticipate and correct them in advance. As a result, people with disabilities cannot participate in or benefit from the services, programs, and activities provided.

Section 504 required a self-evaluation (a comprehensive review of all programs, activities, policies, practices, and services conducted by a public

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entity) be completed by January 26, 1993. Section 504 of the Rehabilitation Act of 1973 applies to all activities of state and local governments, including those that do not receive federal financial assistance. The self-evaluation should cover general nondiscrimination provisions, communications, program and facility accessibility, and web accessibility.

Because most Section 504 self-evaluations were done many years ago, the Department of Justice (DOJ) expects that public entities will re-examine all their policies and practices. Programs and functions may have changed significantly since the Section 504 self-evaluation was completed. Actions that were taken to comply with Section 504 may not have been implemented fully or may no longer be effective. In addition, Section 504's coverage has been changed by statutory amendment, particularly the Civil Rights Restoration Act of 1987, which expanded the definition of a covered "program or activity." Therefore, public entities should ensure that all programs, activities, and services are examined fully, except where there is evidence that all policies were previously scrutinized under Section 504.

Because changes were made to the Title II regulations and the ADA Standards for Accessible Design in 2010, further recommendations are given to updating a public entity's self-evaluation plan. The Title II regulations and ADA Standards were changed to include recreation areas from play areas to swimming pools, residential facilities, event ticketing policies, policies concerning other-power-driven mobility devices, miniature horses as service animals and specifications for video-remote-interpreting. Additionally, since information technology barely existed when the ADA was passed in 1990, and all state and local governments now have websites that need to be accessible to people with disabilities, websites need to be evaluated. The self-evaluation identifies and recommends corrections to those policies and practices that are inconsistent with Title II's requirements.

The purpose of the City of East Palo Alto Americans with Disabilities Act (ADA) Title II and Section 504 Self-evaluation and Transition Plan is to document the results of the City of East Palo Alto's review of access to programs, services, activities, events, buildings, parks, parking lots, and the public right-of-way by individuals with disabilities to determine if any discriminatory or potentially discriminatory practices, policies or procedures exist. This report describes the overall process and findings of the self-evaluation of programs, policies, and procedures of the City of East Palo Alto, includes recommendations to remove programmatic barriers, and presents a transition plan for the modification of facilities and the public rights-of-way to improve accessibility which will guide the planning and implementation of necessary program and facility modifications.

Focus of the City of East Palo Alto ADA Self-Evaluation and Transition Plan

Barriers that deny or limit access to programs, services or activities may be structural or nonstructural. Nonstructural barriers may be due to policies,

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practices or procedures that may inadvertently limit, segregate or discriminate against individuals with disabilities.

The focus of the City of East Palo Alto ADA/504 Self-evaluation and Transition Plan targets access to the City's programs, services and activities in nonstructural or programmatic areas as defined by Title II of the ADA and Section 504 of the Rehabilitation Act. The City has the use of web based accessibility management software called DACTrak to document and track the findings and the implementation of the plan, including progress reports. Structural barriers are referenced in the transition plan by site and are contained in detail in individualized transition/barrier removal reports of sites inspected and are available from the ADA Coordinator and in DACTrak. It is important to note that some structural barriers may be addressed by using a programmatic methodology if they did not involve new construction or new remodeling and renovation. Findings, recommendations and other pertinent information from the study have been loaded into DACTrak, developed by Disability Access Consultants (DAC) and licensed to the City of East Palo Alto.

Title II of the ADA covers programs, activities and services of public entities. Title II is divided into two subtitles. This study focuses on subtitle A of Title II, which is implemented by the Department of Justice's Title II regulation. Subtitle A is intended to protect qualified individuals with disabilities from discrimination on the basis of disability in the services, programs, or activities of all state and local governments. It additionally extends the prohibition of discrimination on the basis of disability established by Section 504 of the Rehabilitation Act of 1973, as amended, to all activities of state and local governments, including those that do not receive federal financial assistance. By law, the Department of Justice's Title II regulation adopts the general prohibitions of discrimination established under Section 504, and incorporates specific prohibitions of discrimination from the ADA. Section 508 standards for website accessibility are also incorporated into the study. In accordance with the ADA and Section 504, public rights-of-way are considered programs, services and activities of the public entity.

Subtitle B of Title II of the ADA covering public transportation, and the Department of Transportation's regulation implementing that subtitle, are not addressed in this study.

In addition to the Department of Justice (DOJ), the Federal Highway Administration's (FHWA) Americans with Disabilities Act (ADA) and Section 504 program plays an important role to ensure that pedestrians with disabilities have an equal opportunity to use the transportation system in an accessible and safe manner. As part of FHWA's regulatory responsibility under Title II of the ADA and Section 504 of the Rehabilitation Act of 1973 (504), the FHWA is required to ensure that recipients of federal aid and state and local entities that are responsible for roadways and pedestrian facilities do not discriminate on the basis of disability in any highway transportation program, activity, service or benefit they provide to the general public; and to ensure that people with disabilities have equitable opportunities to use the public

rights-of-way system. Furthermore, laws and regulations require accessible planning, design, and construction to integrate persons with disabilities and that the public entity does not discriminate.

Classification of the City of East Palo Alto

The City of East Palo Alto is classified as a “public entity” pursuant to Title II of the Americans with Disabilities Act which applies to state and local governments. A public entity covered by Title II is defined as:

- 1) Any state or local government;
- 2) Any department, agency, special purpose district, or other instrumentality of a state or local government; or
- 3) Certain commuter authorities as well as Amtrak.

As defined, the term "public entity" does not include the Federal Government. Title II, therefore, does not apply to the Federal Government, which is covered by Sections 501 and 504 of the Rehabilitation Act of 1973. Title II is intended to apply to all programs, activities and services provided or operated by state and local governments. As Section 504 of the Rehabilitation Act applies to programs or activities receiving federal financial assistance, the city understands that compliance with Section 504 is required.

About the City of East Palo Alto

East Palo Alto is a city in San Mateo County, California, United States. As of the 2010 census, the population of East Palo Alto was 28,155 with a median age of 28.8. Despite its name, it lies almost entirely north, and not east, of Palo Alto. It is situated on the San Francisco Peninsula, roughly halfway between the cities of San Francisco and San Jose. To the north and east is the San Francisco Bay, to the west is the City of Menlo Park, and to the south the City of Palo Alto.

According to the United States Census Bureau, the city has a total area of 2.6 square miles, of which 2.5 square miles is land and 0.1 square miles of it (4.11%) is water.

Incorporated July 1, 1983 and the youngest city in San Mateo County, East Palo Alto is a general law council/manager city governed by a five-member City Council with a council elected mayor. The City Council appoints the City Manager, who is the chief administrative officer of the city, responsible for providing executive and administrative leadership to the city organization to implement the policies and priorities of the City Council.

Public transportation is provided by SamTrans; officially the San Mateo County Transit District, providing bus service throughout San Mateo County.

Station 2 in the southern-most part of the Menlo Park Fire District provides fire protection and EMS service to the City of East Palo Alto. Station 2 is manned by three personnel (one captain and two firefighters) per shift. Of the three personnel on duty, one of them will be a licensed paramedic.

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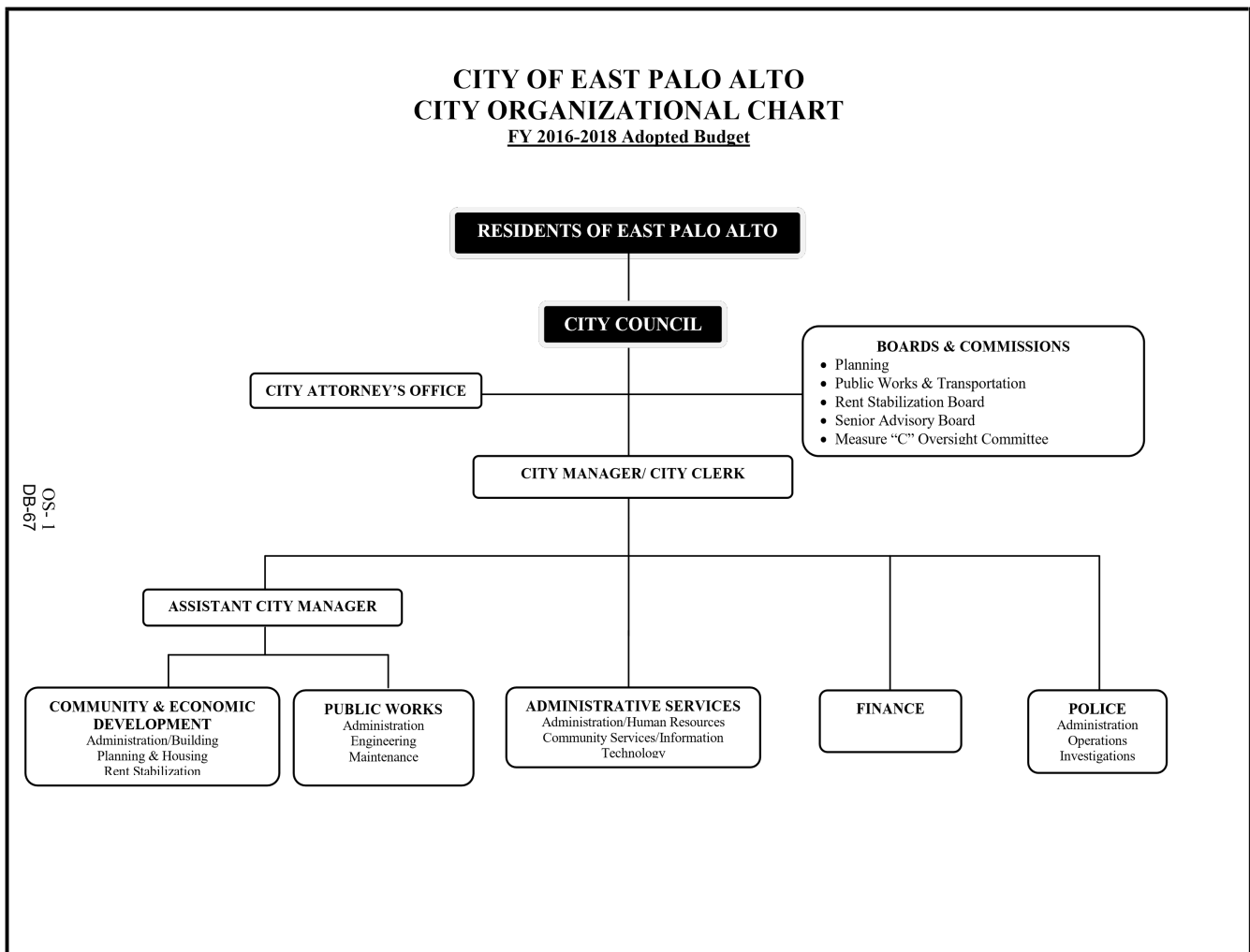
The San Mateo County Libraries operates the East Palo Alto Library, located in the municipal building at 2415 University Avenue.

The city's mission statement is: The City of East Palo Alto provides responsive, respectful, and efficient public services to enhance the quality of life and safety for its multi-cultural community.

Organizational Structure

The main City of East Palo Alto departments include:

- City Manager/City Clerk
- City Attorney's Office
- Boards and Commissions
- Community and Economic Development
- Public Works
- Administrative Services
- Finance
- Police



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The City Manager appoints each department head, is responsible for ensuring the efficient delivery of municipal services, and is accountable to the City Council for the performance of the city organization. The City Manager also develops recommendations and strategies to meet the current and future needs of the East Palo Alto community along with the city professional staff providing technical and administrative support and advice to the City Council in the performance of their duties. The City Manager also serves as the City Clerk and the Executive Director of the Successor Agency to the former Redevelopment Development Agency.

Boards, commissions, and committees advise the City Council on matters or issues pertaining to their specific board, commission, or committee on how to best serve the constituents of East Palo Alto.

The City Council appoints the City Attorney to serve as legal counsel to the city as an entity. The City Attorney advises the City Council, boards, commissions, and city staff on a broad range of municipal issues. These matters typically include open meeting laws, public record laws, conflicts of interests, land use and environmental laws, claims and litigation, municipal elections, employment and labor relations, municipal utilities, public works contracts, and code enforcement. The City Attorney's Office prepares resolutions, ordinances, and other legal documents.

East Palo Alto's Community and Economic Development Department is the place to go for information about building, permits, and planning, or to learn about flood protection and disaster preparation. This department also handles the city's public works, transportation, and engineering services; maintains city parks, streets, and other city facilities; and carries out the city's business development programs.

The Finance Department is responsible for all the financial activities for the city. This includes accounting, accounts payable and receivable, business license renewal, department management, payroll, and treasury. The department also prepares the annual budget and audited financial statements.

East Palo Alto's Police Department consists of three divisions. The Administrative Services Division is the support element. The Criminal Investigation Division (C.I.D.) conducts follow-up criminal investigations on crimes. The Patrol Division responds to emergency and non-emergency calls for service throughout the city on a 24-hour basis. Officers assigned to the Patrol Division account for most of the interactions between the police department and community.

The Human Resources Department provides policy direction and consultation on human resource related issues, maintains equitable and competitive salary and benefits packages, coordinates required training programs for city employees, manages the worker's compensation program and safety of employees, and strives to promote and maintain a positive labor relations relationship between its employee bargaining units and the city.

II. SELF-EVALUATION PLAN

Prior ADA Self-Evaluation and Transition Plans

This study completed by DAC updates and/or augments selected accessibility surveys and studies which were conducted previously by the city.

Updated ADA Self-Evaluation and Transition Plan

To further the city's commitment to provide programs, services and activities in a nondiscriminatory manner for individuals with disabilities, the city is conducting an Americans with Disabilities Act (ADA) and Section 504 Self-evaluation of access to programs, services, activities, events, buildings, parks, parking lots, and the public rights-of-way.

The updated ADA/504 Self-evaluation provides a current benchmark for accessibility efforts by the city and provides an updated framework for implementation. The current study also incorporates recent updates in the ADA, California Building Code, Caltrans and accessibility trends.

The self-evaluation of policies, procedures and activities has been conducted under the direction of Fanny Yu, Assistant Civil Engineer, and Husam Aburabi of the City of East Palo Alto. DAC was contracted to conduct a comprehensive survey of city buildings, parks, parking lots, and public rights-of-way. The goal of the city is that all potential physical and programmatic barriers for accessibility are identified and removed.

Regular Self-Evaluation Updates

The City of East Palo Alto understands that the ADA/504 Self-evaluation and Transition Plan is a living, on-going document and requires regular updates to keep it current. As the city understands the commitment for regular updates and annual reports, the city will continue to update its plan on a regular basis. In its continuing efforts to maintain compliance, the city has several mechanisms in place to provide for an ongoing update of the self-evaluation. The city's designated ADA Coordinator is empowered with oversight responsibility for implementation of the requirements of the ADA, Section 504 and related accessibility standards and regulations.

As public input is important to develop and prioritize the plan, the city conducted public outreach as described in the public outreach portion of this document. It is recognized that input from stakeholders is a valuable component of an updated, usable and realistic plan.

Updates may also be necessitated by changes in the ADA, the California Building Code, Proposed Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way (PROWAG), or the Manual on Uniform Traffic Control Devices (MUTCD). An example is the FHWA and memorandum clarifying what is maintenance and what is an alteration which can be found in the "Maintenance of Accessible Features" section of this report.

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The City of East Palo Alto ADA Title II Self-evaluation has been prepared by DAC with the collaboration and assistance of City of East Palo Alto staff and input by other interested individuals and community members.

Fanny Yu, Assistant Civil Engineer, and Husam Aburabi, served as the primary contacts and facilitators for the Americans with Disabilities Act (ADA) self-evaluation of programs, services, activities and events of the City of East Palo Alto.

Self-Evaluation Methodology and Format

As part of the self-evaluation, a public entity should:

- 1) Identify all the public entity's programs, activities, services and their locations.
- 2) Review all the policies and practices that govern the administration of the public entity's programs, activities and services.

Public entities are required to accept comments from the public on the self-evaluation and are strongly encouraged to consult with individuals with disabilities and organizations that represent them to assist in the self-evaluation process. Many individuals with disabilities have unique perspectives on a public entity's programs, activities, and services. For example, individuals with mobility impairments can readily identify barriers preventing their full enjoyment of the public entity's programs, activities, and services. Similarly, individuals with hearing impairments can identify the communication barriers that hamper participation in a public entity's programs, activities, and services.

Information collected during the self-evaluation process is reported by areas and categories, not individually by departments. This self-evaluation provides an overall summary and profile of findings and recommendations. Findings and recommendations for potential physical barriers are found in the DACTrak software program. DACTrak has photographs of barriers, GIS information, findings, recommendations, estimated costs and other information. Estimated costs are derived using a combination of factors including industry standards, regional adjustments and values reported by DAC clients. The costs entered into the software are estimates and are not fixed total construction costs. Custom reports and transition plan information can be generated from DACTrak to monitor and track the implementation of the plan.

Surveys were made available to various stakeholders to identify any programmatic barriers that may impact accessibility of city programs, services, and activities. Surveys were available to be taken either online or in printed formats. A copy of the survey questionnaires may be found in Section VI Appendixes of this report.

Community organizations representing individuals with disabilities and other interested individuals are provided opportunities for input via phone call, email or written input. Surveys available for organizations representing individuals

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with disabilities include questions regarding contact with city programs, if there were any current complaints or problems, what information or resources the organization could provide that would assist the city and what general guidance or assistance the organization could provide. The city did not receive any survey responses from organizations representing individuals with disabilities.

Surveys were made available for facility users to provide input at city locations and on the city's website. The surveys included questions regarding accessibility, signage, accommodations, and the availability of auxiliary aids and equipment. The survey also asked the respondent to rate the city's attitude towards individuals with disabilities. The City did not receive any completed surveys in response to their request from program and facility users during the advertised window.

Another style of survey that has been used by the City of East Palo Alto to collect input for the transition plan is designed to be used internally by city staff to help evaluate the city's programs, services and activities, as well as gauge the availability of information regarding providing accommodations to facility users who have a disability or request an accommodation.

The survey for program and site administrators asks for general information regarding the site, programs and hours of operation before requesting specific information from the respondents to gauge the current level of knowledge regarding providing ADA accommodations and services to program users and customers of the city. The city did not receive any completed surveys from city staff members.

The city continues to welcome comments and responses from the public at any time.

III. TRANSITION PLAN

Introduction

The ADA requires state and local governments to develop and implement a transition plan to achieve program accessibility. After conducting a self-evaluation, a public entity may develop a transition plan for structural changes and work with the public entity's departments and agencies to modify policies and procedures.

The term "transition plan" comes from the terminology in the 1990 Americans with Disabilities Act (ADA) that describes how public entities would be "transitioning" into compliance during the timelines of 1992 to 1995. The term barrier removal plan is used in addition to the term transition plan, as public entities are no longer transitioning into compliance during the three years set aside in the law. The transition/barrier removal plan identifies the noncompliant barrier that may deny access to goods and services, the proposed method to remove the barrier, the identity of the responsible person

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to oversee the implementation of the plan and the projected schedule for barrier removal of "structural" barriers. The self-evaluation, on the other hand focuses on programmatic barriers that may deny access to programs, services and activities. The two plans work congruently to remove the structural and programmatic barriers.

Requirements

To effectuate Title II of the ADA, the Department of Justice regulation 28 CFR 35.150(d) regarding transition plans requires public entity to review and identify physical barriers and steps needed to enable accessible programs when viewed in their entirety. Public entities must ensure that people with disabilities are not excluded from programs, activities and services because of inaccessible facilities. Each facility is not necessarily required to be accessible. A public entity's services, programs, or activities, when "viewed in their entirety," must be accessible. This standard is known as "program accessibility" and is a key requirement under Title II. Structural changes are not required where there are other feasible solutions such as moving a class to an accessible location when a student with a disability needs to be in an accessible location or having a librarian retrieve books from an upper story. However, structural changes lead to increased integration and should be considered where feasible.

Where structural modifications are required to achieve program accessibility, a public entity with 50 or more employees must do a transition plan that provides for the removal of these barriers. Any structural modifications must be completed as expeditiously as possible. A transition plan should contain at a minimum:

- 1) A list of the physical barriers in a public entity's facilities that limit the accessibility of its programs, activities, or services to individuals with disabilities;
- 2) A detailed outline of the methods to be utilized to remove these barriers and make the facilities accessible;
- 3) The schedule for taking the necessary steps to achieve compliance with Title II. If the time period for achieving compliance is longer than one year, the plan should identify the interim steps that will be taken during each year of the transition period; and,
- 4) The name of the official responsible for the plan's implementation.

The ADA of 1990, Section 35.150, Existing Facilities, requires that the transition plan include a schedule for providing curb ramps or other sloped areas at existing pedestrian walkways, which applies to all facilities constructed prior to 1992. For any sidewalk installations constructed from 1992 to March 15, 2012, the curb ramps should have been installed as part of the sidewalk construction project per the 1991 Standards for Accessible Design, Section 4.7 Curb Ramp, which states, "curb ramps complying with Section 4.7 shall be provided wherever an accessible route crosses a curb."

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For sidewalk installations constructed on or after March 15, 2012, similar guidance is provided in the 2010 Standards for Accessible Design, Section 35.151 of 28 CFR Part 35, New Construction and Alterations, which states, “newly constructed or altered street level pedestrian walkways must contain curb ramps or other sloped area at any intersection having curb or other sloped area at intersections to streets, roads, or highways.”

Fanny Yu, Assistant Civil Engineer, and Husam Aburabi, served as the primary contacts and facilitators for the updated ADA transition/barrier removal plan for city buildings, facilities, parks, public rights-of-way, and parking lots.

Structural barriers of facilities and public rights-of-way are referenced in the transition plan by site and are contained in detail in individualized transition/barrier removal reports of sites inspected and are available from the ADA Coordinator and in DACTrak. It is important to note that some structural barriers may be addressed by using a programmatic methodology if they did not involve new construction or new remodeling and renovation.

IV. SELF-EVALUATION AND TRANSITION PLAN OVERVIEW

Designated ADA Coordinator

Jose L. Martinez, Interim City Building Official, is designated as the ADA Coordinator for the City of East Palo Alto facilities and parks. Kamal Fallaha, Public Works Director, is designated as the ADA Coordinator for the City of East Palo Alto public rights-of-way. The ADA Coordinators provides centralized oversight and coordination of ADA compliance efforts with city departments.

The address and contact information for the facilities and parks ADA Coordinator is:

Jose L. Martinez
1960 Tate Street
East Palo Alto, CA 94303
Phone: (650) 853-5908
jlmartinez@cityofepa.org

The address and contact information for the public rights-of-way ADA Coordinator is:

Kamal Fallaha
Public Works Director
1960 Tate Street
East Palo Alto, CA 94303
Phone: (650) 853-5908
kfallaha@cityofepa.org

The city offers alternate methods and accommodations to provide access to review or provide input into the city's plan.

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Requests for information from the ADA Coordinator can be sent by email, phone, or mail. The ADA Coordinator currently does not have a direct TTY number but uses the California relay system. Information is available in alternate formats upon request.

Requests for copies or information about the City of East Palo Alto ADA/504 Self-evaluation and Transition Plan can be obtained from the ADA Coordinator.

Public Facilities and Spaces

The infrastructure evaluation process was accomplished using field crews equipped with measuring devices and mobile software-based data collection forms. Approximately 96 miles of city public rights-of-way including 346 curb ramps were inspected by DAC between November 2017 and April 2018.

The evaluations identified physical barriers based on the 2010 ADA Standards for Accessible Design, PROWAG, and Title 24 of the California Building Code. Detailed measurements of the existing conditions, planning-level recommendations for removing the physical barriers, and photos of each facility were recorded during the evaluation process and were included in the facility reports.

The findings and recommendations for the city buildings, parks, parking lots, and public rights-of-way that were inspected have been loaded into DACTrak. Different report formats can be printed from the DACTrak software provided by DAC. The DACTrak software program provides the city with a web-based tool to update its plan, document progress, estimate costs and schedule barrier removal. DACTrak allows the user to prioritize in a variety of methods.

Common issues along the sidewalk corridors may include excessive sidewalk cross slopes, vertical surface discontinuities that caused excessive level changes, excessive driveway cross slopes, permanent obstructions in the sidewalk such as power poles or utilities, and temporary obstructions in the sidewalk or path of travel such as vegetation and low hanging branches.

Like the public rights-of-way evaluation process, the evaluation of facilities was accomplished using field crews equipped with measuring devices and mobile software-based data collection forms. The evaluations identified physical barriers based on the 2010 ADA Standards for Accessible Design and Title 24 of the California Building Code. Detailed measurements of the existing conditions, recommendations for removing the physical barriers, and photos of each condition were recorded during the evaluation process and were included in the facility reports.

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The following 22 facilities were inspected between October and November of 2017 by DAC:

1790 Bay Road	1790 Bay Road
Pump Station	1180 O'Connor Street
Gloria Well	2401-2449 Gloria Way
Rail Spur Trail	Rail Spur Trail
Vacant Lot - Corner of Bay Road & University Avenue	Corner of Bay Road & University Avenue
Vacant Lot - Corner of Purdue & Fordham	Corner of Purdue & Fordham
Vacant Land	965 Weeks Street
Pad "D"	1791 E. Bayshore
Newbridge Pocket Park	Bay Road & Newbridge
Bell Street Park	2159 University Avenue
YMCA	550 Bell Street
Senior Center	560 Bell Street
Cooley Landing Park and Educational Center	2100 Bay Road
Community & Economics Development Department	1960 Tate Street
City Hall-Office	2415 University Avenue
Maintenance Yard	160 Tara Street
Martin Luther King Park	435 Daisy Lane
Jack Farrell Park	2500 Fordham Street
Police Department-Office	219 Demeter Street
Parole Reentry Non-Profit-Office/Water Building	2277 University Avenue
Police Department-Office-3 Coaches	141 Demeter Street
Joel Davis Park	1960 Tate Street

Recognizing the city has limited funding resources and that it is not feasible to immediately correct all accessibility deficiencies, the City of East Palo Alto is prioritizing its transition/barrier removal plan. The city is planning to implement a ten-year barrier removal plan for their public rights-of-way. The city's strategy is to initially focus barrier removal and renovation efforts in the first five years on areas that are of high public use such as downtown and shopping areas, and sidewalks adjacent to facilities that would be expected to

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have a higher use by persons with disabilities such as hospitals and medical facilities, schools and senior centers.

The city is planning a twenty-year barrier removal and implementation plan for their buildings, facilities and parks. Initial priorities for the city will be to focus on the barrier removal and renovation of facilities that have existing or pending remodeling work, removal or remedy of elements which may present a safety hazard, and addressing deficiencies which are considered to be of low cost and/or low effort to repair or eradicate.

The City of East Palo Alto reserves the right to update their barrier removal priorities to allow flexibility in accommodating changes in programs, requests for reasonable accommodations, community requests, and fluctuations in funding resources.

Location of Self-Evaluation and Transition Plan

The ADA/504 Self-evaluation and Transition Plan is maintained and made available for public inspection by the city's ADA Coordinator, Jose L. Martinez. The ADA/504 Self-evaluation and Transition Plan is available in alternate formats, as requested. A copy of the ADA/504 Self-evaluation and Transition Plan is available from the ADA Coordinator.

Strengths and Opportunities

The ADA self-evaluation and transition/barrier removal plans are being prepared using information and input that was collected between November 2017 and August 2018. The City of East Palo Alto is demonstrating an ongoing commitment to provide equal access to its programs, services and activities to maintain and enhance compliance with the requirements of the Americans with Disabilities Act. The city's officials and staff believe accommodating people with disabilities is essential to good customer service while allowing all persons to seek, participate, and enjoy the programs, services, and activities offered by the City of East Palo Alto. The city understands that accessible public rights-of-way and facilities allow persons with disabilities to reach their destinations and enjoy the programs, services and activities offered by the City of East Palo Alto.

As indicative of its efforts for compliance with the Americans with Disabilities Act and related accessibility legislation, the City of East Palo Alto has continued to prioritize and develop funding projections for implementation of the ADA Self-evaluation and Transition/Barrier Removal Plan. The city continues to embrace a concept of full and equal access for all of the people it serves as is evident by its ongoing commitment to enhance its accessibility to programs, services and activities by conducting an Americans with Disabilities Act and Section 504 Self-evaluation and Transition/Barrier Removal Plan.

Implementation of the recommendations in the self-evaluation will continue to require planning, resources, staff training, interdepartmental coordination

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and collaboration throughout the organizational structure and the public. Consideration may be given to an initial focus of:

- Including statements of accommodations on website postings of city sponsored classes, events, and activities.
- Establishing ongoing training regarding the ADA/504 and related civil rights legislation and requirements for facilities, public rights-of-way and outdoor recreation standards.
- Including information on the availability of interpreter services on all notices for public input.
- Procuring and installing assistive listening systems/devices in places of assembly.

As evidenced by this study and update, the City of East Palo Alto is committed to complying with the tenets of Title II of the Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973 (504), and other federal, state statutes and regulations to provide access for persons with disabilities. The update further serves to demonstrate the ongoing compliance efforts by the city.

As further evidenced in the ADA/504 report, the City of East Palo Alto understands that the ADA/504 Compliance Plan is not a static document, but requires ongoing implementation and periodic updates.

V. FINDINGS AND RECOMMENDATIONS

This section of the self-evaluation contains findings by DAC about the extent to which the City of East Palo Alto's policies and practices provide access to the city's programs, services and activities. It will also include recommendations by DAC.

The results from the ADA self-evaluation will demonstrate not only the commitment by the City of East Palo Alto to provide access to city programs, services and activities, but also the overall compliance by the city.

Noncompliant findings regarding physical barriers that may deny access for persons with disabilities are documented in the City of East Palo Alto transition/barrier removal plan that are detailed in DACTrak. Access to the DACTrak reports is available from the city's ADA Coordinator.

Policies and Procedures

Policies and procedures of programs, services and activities shall be reviewed for apparent and perceived discrimination practices.

Designation and Dissemination of ADA Coordinator

The regulations implementing the ADA/504 require any public entity with fifty or more employees to designate at least one employee to coordinate ADA/504 compliance (28 CFR §35.107(a)). In addition, federal regulations require public entities to make available to interested persons the name, office address and telephone number of the ADA Coordinator. Furthermore, in

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providing for notice, a public entity must comply with the requirements for effective communication in Section 35.160.

Findings

The identity of the ADA Coordinator as well as the address, phone number, and email address were noticed and posted at the commencement of this study. As published on the Community and Economic Development Department webpage, Jose L. Martinez, Interim City Building Official, is designated as the city's ADA Coordinator to oversee the development, implementation and monitoring of the ADA/504 Self-evaluation and Transition Plan.

The city has posted the identity of the ADA Coordinator on the city's website and in selected city buildings.

Kamal Fallaha, Public Works Director serves as the ADA Coordinator for city public rights-of-way.

Recommendations

Information regarding the identity of the city's ADA Coordinator should be provided to staff, posted at all city locations, incorporated into new employee orientation packets, and placed in frequently used publications, on the website and in staff and public directories.

It is recommended that the city continue to publish the name, address, email address and phone numbers of the City of East Palo Alto ADA Coordinator in appropriate public notices, brochures, pamphlets and other documents frequently distributed to the general public. Publications should also include a TDD/TYY and/or the California relay phone number.

Publications should be updated if the identity of the ADA Coordinator changes or if more than one ADA Coordinator is designated.

Posting and Dissemination of Rights

All public entities are required to provide information to applicants, participants, beneficiaries, employees and other interested persons of the rights and protections afforded by Title II of the ADA (28 CFR §35.106). In providing for notice, a public entity must comply with the requirements for effective communication in Section 35.160.

Findings

A nondiscrimination notice was easily found on the city's Website via a link on the City's "ADA Compliance" webpage. The notice includes the identity and contact information of the City's ADA Coordinator.

Recommendations

Statements of nondiscrimination should be included on selected publications, brochures describing programs, requests for proposals/qualifications, facility use agreements, contracts, services and activities offered by the city, new employee materials, recruitment materials; publications and frequently used forms and documents.

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Contracts and vendors that provide printing and publication services should be notified of required statements, required font and required contrast for accessible publications.

New employee orientation packet and volunteer information should include a statement of nondiscrimination by the city in regards to the public's access to programs, services, activities, recruitment and employment if not currently included in employee orientation packets.

The notice should include the name, title, address and phone numbers of the ADA Coordinator. The notice should include a TDD/TTY number and/or California Relay number to ensure equally effective communication. Although not required, it is recommended that the notice include the email address for the ADA Coordinator.

Notices should be posted in conspicuous locations on a regular basis.

Information regarding the requirement to post the notice of rights in accordance with the ADA/504 and related information should be sent to each department by the ADA Coordinator or other appropriate official. A standard notice should be given as an example. Each department could add specific information applicable to the provision of programs, services and activities offered. A notice, such as the following sample, could be utilized:

"The City of East Palo Alto does not discriminate on the basis of disability in admission to, access to, or operations of its programs, services or activities. The city does not discriminate on the basis of disability in its hiring or employment practices. Questions, concerns, complaints or requests for additional information regarding the Americans with Disabilities Act may be forwarded to the city's ADA Coordinator (provide contact information)."

Statement of Accommodations on Public Notices

Statements of accommodations should be available on public notices and agendas. The city is required to provide Title II information in alternative formats to ensure that the information is accessible to people with disabilities.

Findings

City council agendas include the statement: "East Palo Alto City Council Chambers is ADA compliant. Requests for disability related modifications or accommodations, aids or services may be made by a person with a disability to the City Clerk's office no less than 72 hours prior to the meeting as required by Section 202 of the Americans with Disabilities Act of 1990 and the federal rules and regulations adopted in implementation thereof."

Planning Commission, Senior Advisory Committee, and Rent Stabilization Board agendas all include a similar statement. General Plan Advisory Committee and Public Works and Transportation Commission agendas do not include an accommodation statement.

Statements of accommodations were not found on website postings of city sponsored classes, events, and activities.

Recommendations

It is recommended that a statement of accommodation be included on all postings of meetings, events and activities that are open to the public. Information should be disseminated to all departments and divisions regarding the statement for accommodations requirement.

Contact information should be included on all statements of accommodation.

The city should update its current accommodation statement and remove references to "Section 202".

A sample of an ADA/504 compliance statement that may be included on a City of East Palo Alto event notice is:

"In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this event, please contact the City Clerk. Notification 48 hours prior to the meeting will enable the city to make reasonable arrangements to ensure accessibility to this event."

Another sample statement may include the following statement with the phone and TDD/TTY numbers:

"Individuals who need auxiliary aids and or services for effective communication or to participate in programs and services of the City of East Palo Alto are invited to make their needs and preferences known to the ADA Coordinator or the alternate Contact Person. This notice is available in accessible alternate formats from the ADA Coordinator."

Accommodations to Access Programs, Services and Activities

The ADA/504 prohibits public entities from excluding persons with disabilities from programs, activities or services offered by the public entity. The law allows a public entity to use both structural and nonstructural methods to achieve accessibility to programs, services and activities (28 CFR §35.150(a)(1); (b)(1)). Policies and procedures need to ensure that individuals with mobility impairments are provided access to public meetings.

Findings

Persons needing accommodations are generally requested to contact the city in advance.

Recommendations

Information about how to request accommodations should appear on all public notices and announcements including special events.

The city should provide training for staff and volunteers regarding accommodations for individuals with disabilities. All staff, and in particular frontline staff, such as receptionists and staff with high public contact, should receive training on interacting and accommodating individuals with disabilities.

Currently, individuals requesting ADA/504 accommodations are generally directed to contact a city office. Options and methods for contacting the city such as by phone and email should be added. A form for requesting accommodations on the city website would be a welcome addition. Such a

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form should also be available in alternate formats. The ADA Coordinator should maintain records of requests, concern and comments and the status and method to resolve the concerns.

If a conclusion is reached that any particular accommodation would result in undue burden to the city, that decision should be reviewed by an additional staff in an administrative position. The test for being unduly burdensome is the proportion of the cost for accessibility improvements compared to the city's overall budget, and not simply the project cost. If a conclusion of undue burden is reached and documented, the city will need to take alternate actions to ensure that persons with disabilities receive the benefits or services provided.

Access to Programs, Services and Activities

A public entity may not adopt official policies that are discriminatory or engage in practices that are discriminatory. This prohibition applies to policies that are explicitly exclusionary and to those which appear to be neutral but have a discriminatory effect (28 CFR §35.130(b)(3)). All Title II entities must ensure that all public meetings and events sponsored are readily accessible to persons with disabilities. Policies and procedures need to ensure that individuals with mobility impairments are provided access to public meetings.

Findings

City programs, services, activities, policies, procedures and practices were reviewed and none are found to be discriminatory. Public input was sought regarding access to programs, services and activities to help identify any perceived discrimination.

The city is commended for live broadcasting, recording, and publishing audio and video files of public meetings on their website. The video files are also able to be downloaded for viewing offline at the convenience of the viewer. These audio and video files provide an option for persons who are unable to attend the meetings. The city's live broadcast of regularly scheduled city council meetings allows additional opportunities for people with various disabilities access to city information and meetings.

Members attending city council meetings may address the city council on any agenda item or item of interest within the council's purview, before or during the council's consideration of the item. Persons wishing to address the city council during meetings are required to first fill out a "Speaker Sheet" and give it to the Deputy City Clerk. When their name is called, the person can then step to the podium and address the city council. Speakers are limited to two minutes each, and presentations are limited to 10 minutes. The Mayor has the discretion to lengthen or shorten the allotted times.

Recommendations

The ADA/504 does not specifically state how a public entity provides for accessibility to programs, services and activities. One method is to disseminate information in a variety of locations and formats to enhance the access to programs, services and activities.

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Methods for submitting information should also be expanded to include a method for online input in addition to appearing in person and submitting written comments.

Meetings and events open to the public should be held in buildings that meet accessibility requirements, or in the accessible portion of the building with accessible elements that serve the area where the meeting or event is held. For example, parking, restrooms and drinking fountains that serve the area where the meeting or event is held should also be accessible.

Facility information should include information on accessible features and elements of the site. For example, accessible parking, accessible restrooms and other items and elements should be indicated on documents and on the website. Indicating accessible paths of travel and accessible entrances also provides valuable information for individuals with disabilities. A contact number and email address should be provided for additional assistance.

Consistent with best practices, when private organizations sponsor special events on city property, the city should provide those entities with a checklist informing them of their responsibilities under the ADA. The city should periodically review its practices for allowing special events, including but not limited to festivals, fairs, indoor and outdoor concerts, plays, town hall meetings, luncheons, and ceremonies that are open to the public, whether held on city property or at other sites.

The ADA Coordinator should continue to monitor and receive information regarding concerns or issues about access to programs, services and activities and take the appropriate action regarding any potential discriminatory practices for persons with disabilities.

Additional and ongoing training should be provided regarding the requirements of the Americans with Disabilities Act and accommodations that provide equal access to programs, services and activities.

Grievance/Uniform Complaint Procedures

A public entity that employs 50 or more persons shall designate at least one employee to coordinate its efforts to comply with and fulfill its responsibilities under Title II, including the investigation of complaints. A public entity shall make available the name, office address, and telephone number of any designated employee. In addition, the public entity must adopt and publish grievance procedures providing for prompt and equitable resolution of complaints alleging any action that would be prohibited by Title II.

Findings

The city has complaint and grievance procedures which include a grievance form. The policy and procedure include the name and contact information for the ADA Coordinator as well as alternate contact and appeal information. The procedure contains information with options for a grievant to initiate a complaint in writing and submit it by mail, email, or in person. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint, are made available for persons with disabilities upon request.

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If additional accommodations are needed, persons may contact the ADA Coordinator. The availability of the grievance form allows for undemanding user input and ensures the city receives the needed information to investigate and resolve a complaint within the stated timelines.

A copy of the grievance procedure and form may be found in the appendix section of this report.

Recommendations

The city should continue to inform staff and the public of the existence of the City's ADA Coordinator, grievance procedures, the steps for handling grievances, and the city policies for remediation of grievances.

Information regarding complaint procedures should be readily available to members of the public in addition to employees and applicants.

Grievance procedures should be a part of the new employee orientation packet if not currently.

A method to collect data and collect a profile of complaints should be developed. The status of the complaint and the time from complaint to resolution should be documented to assist with interventions and staff development to reduce or eliminate repeated complaints.

Complaint procedures and forms should continue to be available at all city buildings and in all departments.

The city might consider the centralization of complaint handling to assist with the tracking of complaint resolution. A centralized database and analysis of types and locations of complaints may also assist with developing profiles to assist with targeting quality control and training measures. Centralized record keeping of such information will help the city to regularly update its compliance efforts, and plan for additional compliance implementation for training and budget considerations.

The ADA Coordinator or designated staff can develop updated reports based on a profile of concerns or complaints to determine the needs for proposed training materials, agenda items, and proposed budget expenditures.

Procedures should continue to be developed, implemented and institutionalized to provide consistency for complaint resolution and record keeping.

Eligibility Criteria

Public entities cannot use eligibility criteria that tend to exclude or screen out persons with disabilities (28 CFR §35.130(b)(8)).

Findings

No discriminatory practices were found regarding eligibility criteria for program access.

Recommendations

Program eligibility criteria should be reviewed as policies are drafted or modified to ensure that eligibility criteria doesn't put additional burdens or requirements on individuals with disabilities.

The city should continue to ensure that all eligibility criteria allow for accommodations for individuals with disabilities.

Fees and Surcharges

Public entities may not charge a fee or add a surcharge to a fee to cover the cost of making its facilities, programs, services or activities accessible to persons with disabilities. (28 CFR §35.130(f)).

Findings

City Municipal Code requires an annual license fee be paid for every dog over the age of four months and further states that no license fee shall be payable for the licensing of any dog which is being trained for guide or hearing purposes by a resident of the County, or used for guide or hearing purposes by a resident of the County with a disability and which has come from a guide or hearing dog training facility, or for dogs which have served as a member of the Armed Forces of the United States of America.

The City of East Palo Alto ADA Nondiscrimination Notice states it will not place a surcharge on an 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.

Recommendations

The ADA Coordinator should randomly review policies and practices to ensure that fees and surcharges are not charged to individuals with disabilities that are not charged to individuals without disabilities.

The City Municipal Code should be updated and have requirements removed for service dogs that come from a training facility.

Emergency Evacuation Procedures

One of the primary responsibilities of state and local government entities is to protect residents and visitors from harm, including assistance in preparing for, responding to, and recovering from emergencies and disasters. This requirement applies to programs, services, and activities provided directly by state and local governments as well as those provided through third parties. The city is required to plan to meet the needs of persons with disabilities in an emergency and provide access to emergency shelter services. This may require the installation of visual and audible warning signals and special procedures for assisting individuals with disabilities from a facility during an emergency.

Findings

The City of East Palo Alto includes emergency phone numbers, websites, and additional information on their website. East Palo Alto provides equal access

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to 9-1-1 services for callers who use Telecommunications Devices for the Deaf (TTY). TTY users may call 9-1-1, or use the 7-digit emergency line (321-1112). TTY users can expedite recognition of their call by the 9-1-1 dispatcher by tapping the spacebar on the TTY every few seconds. Tapping the spacebar sends tones to equipment at the 9-1-1 center notifying the dispatcher that the call may be a TTY call.

The San Mateo County Office of Emergency Services (OES) website provides a wealth of information on preparedness. OES coordinates countywide preparedness, response and protection services and activities for large-scale incidents and disasters.

Community members may register to receive alerts via the SMC ALERT notification system. The system is free and is used to immediately contact persons during urgent or emergency situations. Alerts can be received via text and voice messages to email accounts, cell phones, smartphones, tablets; and/or voice messages to landline phones (home & work).

The Menlo Fire Protection District Community Crisis Management division provides various training opportunities to equip East Palo Alto neighborhoods with tools and programs designed to create safe, clean, and economically resilient communities.

American Red Cross Bay Area Chapter provides a variety of trainings for individuals, families, organizations and communities including first aid, CPR, and how to prepare for and safely respond to emergencies.

The Menlo Fire Protection District provides Community Neighborhood Emergency Response Team (CERT), a community-based training program dedicated to a neighbor-helping-neighbor approach. The course teaches emergency preparedness and response basics through free hands-on training so persons are ready to take care of themselves and others.

Recommendations

The city should consider the development of a voluntary registry for individuals whom may need additional evacuation assistance due to a disability or medical need. Such assistance may include accessible transportation resources for persons with mobility disabilities.

The city should be prepared to publish designated locations to be used as shelter in emergencies on their website. A provision should be noted to allow service animals and training should be provided to shelter staff to understand the difference between pets and service animals. The city's website should include the locations that persons who need transportation to evacuate can meet buses that will take them to shelters. Persons with disabilities who need assistance should be instructed to call a designated number for help to evacuate.

The city should make sure that evacuation routes and procedures continue to be posted at all city sites in accordance with ADA/504 regulations. All staff should be made aware of the location of the posted evacuation routes within

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their facilities. The city should develop procedures and a mechanism to monitor the posting of emergency evacuation routes and procedures.

Shelters should be surveyed to determine that they are accessible for individuals with disabilities prior to being designated as an evacuation shelter. Noncompliant findings for any designated shelters will be found in the City of East Palo Alto ADA/504 Transition/Barrier Removal Plan. Designated evacuation shelter sites should also be inspected on a regular basis to determine that the shelter continues to be accessible for persons with disabilities.

Specific guidance for complying with Title II of the ADA in the preparation of evacuation plans and procedures may be found in Chapter VII of the ADA Best Practices Tool Kit for State and Local Governments.

Policies for the Use of Facilities

Review policies and procedures to ensure that persons with disabilities are not discriminated in the reservation process. Under Title II of the ADA, the city is responsible for providing access to its programs, services and activities in both owned and leased facilities. California Civil Code requires commercial property owners or lessors to state on every lease form or rental agreement executed on or after January 1, 2017, whether or not the subject premises have undergone inspection by a Certified Access Specialist (CASp).

Findings

Persons interested in reserving space at an East Palo Alto park or facility, are to contact the city at 650-853-3100.

The city has a Facility Use/Special Event Permit Application form. Other than asking for the number of ADA compliant portable toilets that will be rented, the form does not address accessibility requirements such as access to stage and performance areas, accessible parking spaces, accessible routes, height of concession counters and dining areas, accessible seating, sign language interpreters, etc.

Recommendations

The city should consider the development of a facility rental policy which includes a nondiscrimination clause. The inclusion of nondiscriminatory language in policy and on forms would help ensure that outside groups and organizations would agree to abide by all applicable local, state and federal laws and city policy regarding nondiscriminatory practices during the utilization of city facilities. Such policies should also mention that service dogs are allowed in parks and facilities where pets are prohibited, as appropriate.

The city should update policies and procedures for facility use and special events to assure city sponsored and non-sponsored events on city owned or leased properties provides equal access to persons with disabilities. Accessibility criteria should be considered in granting or denying event permits.

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The city should also make additional methods available to rent or reserve facilities. Application forms should be available in alternate formats and online. It would be beneficial to persons with disabilities if information on accessible routes and maps, accessible parking locations, restrooms, and wayfinding was available for all facilities.

Lease or rental agreements executed on or after January 1, 2017 should be reviewed and updated for compliance with California Civil Code statements regarding CASp inspections.

Contractors and Contracted Services

Public entities cannot use contract procurement criteria that discriminate against persons with disabilities (28 CFR 35.130(b) (5)). Nor may public entities "contract away" their obligations to provide full and equal enjoyment of goods and services. Contractors should be held to the same nondiscrimination rules that apply to public entity employees.

Findings

Discriminatory or exclusionary practices were not evident in the selection of contractors and contracted services.

A review of request for proposal documents did not reveal stipulations for nondiscrimination.

Contract documents and specifications include labor nondiscrimination clauses.

Recommendations

The city should continue to monitor use of standard agreements and leases by all city departments. It is recommended that the city consider one or more of these avenues to maintain compliance when contracting for services or when leasing facilities:

- Include ADA/504 compliance requirements in new requests for proposals.
- Review ADA/504 requirements when contracts or leases are negotiated, revised or renewed.

Purchasing policies should require information on accessibility such as Voluntary Product Accessibility Templates (VPAT).

Building and Construction

Review building and construction policies to ensure that the construction of each new facility or part of a facility, or the alteration of existing facilities after January 26, 1992, conforms to the standards designated under the Title II regulation.

Findings

The Building Services Division is responsible for the protection of public health, safety and welfare through the enforcement of local and state building, housing, zoning, and related codes. The division provides plan check services, permit issuance, inspections and general record keeping.

Recommendations

The city should assure compliance with Senate Bill 1608 stating:

(d) (1) Commencing July 1, 2010, a local agency shall employ or retain at least one building inspector who is a certified access specialist. The certified access specialist shall provide consultation to the local agency, permit applicants, and members of the public on compliance with state construction-related accessibility standards with respect to inspections of a place of public accommodation that relate to permitting, plan checks, or new construction, including, but not limited to, inspections relating to tenant improvements that may impact access. If a local agency employs or retains two or more certified access specialists to comply with this subdivision, at least one-half of the certified access specialists shall be building inspectors who are certified access specialists. (2) Commencing January 1, 2014, a local agency shall employ or retain a sufficient number of building inspectors who are certified access specialists to conduct permitting and plan check services to review for compliance with state construction-related accessibility standards by a place of public accommodation with respect to new construction, including, but not limited to, projects relating to tenant improvements that may impact access. If a local agency employs or retains two or more certified access specialists to comply with this subdivision, at least one-half of the certified access specialists shall be building inspectors who are certified access specialists. (3) If a permit applicant or member of the public requests consultation from a certified access specialist, the local agency may charge an amount limited to a reasonable hourly rate, an estimate of which shall be provided upon request in advance of the consultation. A local government may additionally charge or increase permitting, plan check, or inspection fees to the extent necessary to offset the costs of complying with this subdivision. Any revenues generated from an hourly or other charge or fee increase under this subdivision shall be used solely to offset the costs incurred to comply with this subdivision. A CASp inspection pursuant to subdivision (a) by a building inspector who is a certified access specialist shall be treated equally for legal and evidentiary purposes as an inspection conducted by a private CASp. Nothing in this subdivision shall preclude permit applicants or any other person with a legal interest in the property from retaining a private CASp at any time.

City municipal ordinances should be established requiring waste and recycling receptacles not be placed within the pedestrian path of travel.

When the City Manager or designee authorizes the temporary or periodic placement of objects and/or merchandise for sale within the sidewalk area of the public rights-of-way, minimum accessible route requirements should be maintained. If the minimum accessible route cannot be maintained, a pedestrian detour route (consistent with the MUTCD and PROWAG) should be

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implemented for the duration that the obstruction is in place. There is no mention of these stipulations in the ordinance.

It is recommended that the 2011 PROWAG be adopted by the city and utilized for the design, review, and construction of facilities within the public rights-of-way.

It is recommended that the city contract for an independent review of plans, remodeling efforts and new construction for accessibility requirements with the Americans with Disabilities Act Standards (ADA) and Title 24 of the California Building Code. It is important and required that accessibility barrier removal efforts meet federal and state accessibility codes. The ADA and California Building Code require alteration projects which affect usability of facilities containing a primary function, that the path of travel to the altered area including restrooms, telephones, and drinking fountains serving the altered area be brought into compliance to the extent of 20% of the cost of the alteration.

Contractors performing construction activities adjacent to or within the public right-of-way must maintain or provide alternate accessible routes throughout the duration of the project. Advance warning of street and sidewalk closures and information on alternate routes should be posted on the city's website as well as on site.

The city may consider requiring architects, engineers, consultants, and contractors who perform work for them to become certified in the PROWAG through ADA training. Offering classes or training sessions to staff, contractors, inspectors, designers, and consultants on Title II ADA requirements for the built environment and requiring such training activities be mandatory for the architects, engineers, and contractors performing work for them is another consideration.

Post construction inspections of accessibility should be conducted to insure compliance.

Maintenance of Accessible Features

The ADA requires public entities to maintain their accessible features and elements.

Findings

Public Works/Maintenance is responsible for the day-to-day operation and maintenance of city infrastructure including streets, 13 signalized intersections, 70 miles of public sidewalk, approximately 5,000 trees in public rights-of-way, landscape medians, five parks, one nature preserve, open spaces, drainage facilities, street lights, and city buildings.

The city has an online form available for community members to report concerns.

The Engineering and Maintenance Divisions keep records of sidewalk problem areas within the city that are in need of urgent repair and which must be addressed as soon as possible to remedy hazards. The division also maintains

records of sidewalks that can be programmed into the CIP over a 3 to 5-year period based on availability of funds and city priorities.

Recommendations

In many instances city residents and businesses are likely unaware that common items such as street furniture, temporary signs, branches and shrubs can create unintended barriers on sidewalks and walkways. Even though the city may have a sidewalk maintenance ordinance, it needs to assume responsibility for communicating requirements, addressing complaints, inspecting conditions, and ultimately enforcing regulations. It should be recognized that while sidewalk maintenance may be required of property owners, it does not absolve the City of East Palo Alto of the ADA requirement to provide accessible, well-maintained pedestrian facilities.

The city may consider developing internal procedures or policies to maintain accessible features which require general maintenance. A few examples include re-stripping of parking, trimming vegetation or items that interfere with sidewalks and paths of travel, and adjusting the push/pull force and closing speeds of door closers.

The United States Department of Justice (DOJ) has issued a briefing memorandum on clarification of maintenance versus projects. Information contained in the briefing memorandum is below. It is recommended this clarification be disseminated to the appropriate city staff for when a curb ramp installation is required as part of a project.

The Americans with Disabilities Act of 1990 (ADA) is a civil rights statute prohibiting discrimination against persons with disabilities in all aspects of life, including transportation, based on regulations promulgated by the United States Department of Justice (DOJ). DOJ's regulations require accessible planning, design, and construction to integrate people with disabilities into mainstream society. Further, these laws require that public entities responsible for operating and maintaining the public rights-of-way do not discriminate in their programs and activities against persons with disabilities. FHWA's ADA program implements the DOJ regulations through delegated authority to ensure that pedestrians with disabilities have the opportunity to use the transportation system's pedestrian facilities in an accessible and safe manner.

FHWA and DOJ met in March 2012 and March 2013 to clarify guidance on the ADA's requirements for constructing curb ramps on resurfacing projects. Projects deemed to be alterations must include curb ramps within the scope of the project.

This clarification provides a single Federal policy that identifies specific asphalt and concrete-pavement repair treatments that are considered to be alterations – requiring installation of curb ramps within the scope of the project – and those that are considered to

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be maintenance, which do not require curb ramps at the time of the improvement.

This approach clearly identifies the types of structural treatments that both DOJ and FHWA agree require curb ramps (when there is a pedestrian walkway with a prepared surface for pedestrian use and a curb, elevation, or other barrier between the street and the walkway) and furthers the goal of the ADA to provide increased accessibility to the public right-of-way for persons with disabilities. This single Federal policy will provide for increased consistency and improved enforcement.

Planning and Budgeting for Accessibility

There is not a specific requirement in the ADA/504 for planning and budgeting for barrier removal. There is a requirement for public entities to incorporate a projected schedule for barrier removal into the transition/barrier removal plan. A public entity that is budgeting or seeking funds to use for ADA/504 barrier removal and to improve access to programs, services and activities shows intent to implement the barrier removal/transition plan.

Findings

The city has either completed or is currently working on several projects to help improve accessibility throughout the city.

A project is progressing to upgrade traffic signals and various other improvements on and along University Avenue including the installation of safety and ADA improvements at various intersections.

A project estimated at \$40,000 to improve pedestrian accessibility including but not limited to curb ramps in the city is also progressing.

Improvements of an estimated \$132,000 to design and construct sidewalks and curb ramps on Scofield Avenue has been budgeted for.

The City's Capital Improvement Program proposes \$400,000 annually be budgeted towards providing maintenance and reconstruction of damaged and inadequate city sidewalks. The program involves the evaluation of the condition of existing sidewalks and the development of a strategy for prioritizing and scheduling repair/reconstruction.

Recommendations

The city should continue with its efforts to develop methods and procedures to update and maintain a current plan, budget funds, schedule, implement, document, and monitor barrier removal activities. Funds should continue to be allocated for ADA projects and removal of ADA/504 and Title 24 barriers to accessibility, in addition to components of PROWAG and the California MUTCD. The city should develop a method to maintain an ongoing barrier removal implementation plan and document the city's progress, initiatives and funds expended.

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The ADA Coordinator, or designated staff, should be empowered with the authority to make recommendations and monitor the current City of East Palo Alto ADA/504 Self-evaluation and Transition Plan.

In addition to the removal of structural barriers, departments should consider budgeting for accessibility items, especially in the area of communication, such as TTY/TDD's and alternate formats. The city should assist departments with planning and budgeting for selected accommodations, such as large print, cassettes, CD-ROMs, Braille materials, etc.

Staff Training

Review to ascertain whether measures have been taken to ensure that employees of a public entity are familiar with the policies and practices for the full participation of individuals with disabilities. If appropriate, training should be provided to employees. Determine whether employees and officials are familiar with the public entity's ADA obligations, including the requirement to make reasonable modifications to policies, practices and procedures.

Findings

None.

Recommendations

Although training is not required by the ADA/504, training regarding the requirements of the ADA/504 is recommended. Compliance with the ADA and successful implementation of transition plans has a high correlation with providing dedicated and knowledgeable staff on ADA/504 requirements. The city should establish ongoing training regarding the ADA/504 and related civil rights legislation and requirements for facilities, public rights-of-way and outdoor recreation standards. Educated department staff in the requirements of Title II of the ADA results in better flow of information regarding non-compliant programs, services, and activities and can create buy-in to the process by all staff. DAC is also available to provide additional accessibility related training for administrative and facilities staff.

Suggested training topics should include, but are not limited to:

Recommended for all City Staff

- Requirements of the ADA/504 for the City of East Palo Alto
- Individuals with Disabilities
- Acceptable Terminology and Expressions
- Noncompliance Consequences
- Accessible vs. Compliant
- Barriers – Programmatic or Physical
- Special Events
- City of East Palo Alto Responsibilities
- Notice of the ADA Coordinator
- Individuals with Disabilities Participation
- Use of City Facilities By Organizations and Individuals
- Accessible Websites
- Volunteers

- Staff Development

Additional Recommendations for Administrative Staff

- Providing Services for Individuals with Disabilities
- Accessible Locations for Meetings
- Events & Voting
- Auxiliary Aids and Services
- Notice and Rights Posted for individuals with disabilities
- TDD/TTY
- Assistive Listening Systems and Devices
- Grievance Complaint Procedures
- Statement of Accommodations
- Reasonable Accommodations
- Effective Communication
- Alternate and Accessible Formats

Additional Recommendations for Facilities Staff

- Leased Sites
- Construction & Remodeling
- Maintenance of Accessible Features
- Community Donation and Construction Projects

The city should provide staff training in additional formats other than a classroom session, if needed. Training methodologies could include videos (captioned) that could be viewed at the training or checked out by departments and agencies.

Additional training videos should be purchased and maintained for checkout, or borrowed from a variety of agencies, such as the Department of Rehabilitation, ADA.gov, and the United States Access Board.

Handouts and training materials should be prepared, if needed, in alternate accessible formats.

The ADA Coordinator should continue to provide or coordinate additional ADA/504 training to all management and staff who have regular contact with the public.

New Employees and Volunteers

Review employment practices to ensure that they comply with other applicable nondiscrimination requirements, including Section 504 of the Rehabilitation Act and the ADA regulation issued by the Equal Employment Opportunity Commission. It is unlawful to discriminate against a qualified applicant in any aspect of employment including: application, interviewing, testing, hiring, evaluation, compensation, benefits, promotion, discipline, and termination.

Findings

To be considered for employment opportunities, applicants are to download and complete a city application or apply by going to www.Calopps.gov where they may submit their application online. Applicants not applying online are asked to mail or hand-deliver their application to Human Resources.

ADA Self-Evaluation and Transition Plan DRAFT

The following statement was found on a job classification specification: "Any essential function or requirement of this class will be evaluated as necessary should an incumbent/applicant be unable to perform the function or requirement due to a disability as defined by the Americans with Disabilities Act (ADA). Reasonable accommodation for the specific disability will be made for the incumbent/applicant when possible."

Various job opening advertisements include statements such as:

"Candidates with a disability which may require special assistance in any phase of the application or testing process should submit a request for accommodation with the application. Documentation of the need for accommodation must accompany the request."

or:

"Anyone requiring auxiliary aids or services to attend or participate in the examination should contact the Human Resources Department at least (7) seven working days in advance to arrange for accommodation."

Equal Employment Opportunity statements are included on various employment documents and postings.

Recommendations

The city should include and maintain information as to the identity, title, address, phone number and e-mail address of the ADA Coordinator in new employee orientation and volunteer information. The city should be consistent with including a statement of accommodation and nondiscrimination in its information and applications.

The city should consider revising requirements which instruct applicants to document the need of an accommodation when submitting a job application. This requirement would be more appropriately applied later on in the hiring process such as when and if applicants are required to take tests or attend interview sessions.

The city should develop training materials and videos for new employees and volunteers regarding information and requirements of Title I and Title II of the ADA and Section 504. Materials could also be offered on providing accommodations for individuals with disabilities.

City employee orientation documents should include a reasonable accommodation policy and statement of nondiscrimination. The city's new hire packet should describe the general procedure for filing a grievance of any kind.

Appropriate Terminology

Review of public entity's written and audio-visual materials to ensure that individuals with disabilities are not portrayed in an offensive or demeaning manner.

Findings

Instances referencing “handicapped resident” and “handicapped property owners” were noticed in the City Municipal Code.

Recommendations

The words “individuals with disabilities” or “persons with disabilities” should replace “handicapped”. The term “disabled person” should also be avoided. Information regarding acceptable terminology in “people first language” should also be provided to staff. All departments should review all audio and visual materials to ensure demeaning stereotypes and outdated language are not contained in any publication. Printed publications should be updated as they are reprinted.

Ticketing

Ticketing policies and practices of public entities for events that have seating are subject to Title II’s nondiscrimination provisions. A public entity that sells tickets for events shall modify its policies, practices, or procedures to ensure that individuals with disabilities have an equal opportunity to purchase tickets for accessible seating.

Findings

No evidence of discriminatory practices in ticketing policies and practices were found.

Recommendations

The city ADA Coordinator should assure that city sponsored events which include the purchase of tickets for seating continue to allow for accessible seating.

Equally Effective Communication

Public entities must ensure that applicants, participants and members of the public with disabilities have communication access that is equally effective as that provided to persons without disabilities (28 CFR §35.160(a)). The following section is a review of policies to ensure communication with applicants, participants, and members of the public with disabilities is in a manner that is as effective as its communications with others.

Auxiliary Aids, Services and Alternate Formats

A review of policies to ensure they include provisions for readers for individuals with visual impairments; interpreters or other alternative communication measures, as appropriate, for individuals with hearing impairments; and amanuenses for individuals with manual impairments. Information regarding programs, services and activities should be available in alternate formats to assist individuals with disabilities and include information on how to request an accommodation. Statements of accommodations should inform persons with disabilities that alternate formats are available.

Findings

A city employment advertisement was found stating: "Anyone requiring auxiliary aids or services to attend or participate in the examination should contact the Human Resources Department at least (7) seven working days in advance to arrange for accommodation".

Meeting agendas typically state that requests for disability related aids or services may be made by a person with a disability to the City Clerk's office no less than 72 hours prior to the meeting.

Access to information informing of upcoming meetings, agendas and minutes is significantly enhanced due to the city providing documents online. Previous city council meeting audio/video files are available for download.

The city's ADA Nondiscrimination Notice under the Americans with Disabilities Act states that upon request the city will provide appropriate aids and services leading to effective communication.

City council meeting agendas and hearing notices do not include information on who persons with disabilities should contact to request assistance for participating in meetings.

Copies of city council agendas and agenda packets may be viewed and/or downloaded from the city website or picked up at City Hall.

Recommendations

Persons with disabilities will not participate in city sponsored programs, services, or activities if they can't understand what is being communicated. Information on the availability of auxiliary aids, services and alternate formats should be included in departmental policies, procedures, and guidelines.

Information regarding programs, services and activities should be available in alternate formats to assist individuals with disabilities and include information on how to request an accommodation.

It should be determined whether employees and officials know how to arrange for auxiliary aids, services and alternate formats, such as qualified interpreters, material in Braille, notetakers, large print materials, audio recordings, and assistive listening systems; to ensure that communication with people with disabilities is as effective as others.

A method for securing auxiliary aids, services and alternate formats should be developed, including guidance on when and where these services will be provided. Where equipment is used as part of a public entity's program, activity, or service, an assessment should be made to ensure that the equipment is usable by individuals with disabilities, particularly individuals with hearing, visual, and manual impairments. In addition, a public entity should have policies in place to ensure that its equipment is maintained in operable working order.

The city should expand current statements and postings of accommodation to inform of the availability of alternate formats.

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Application processes should be designed so persons with disabilities are not excluded from applying because of the availability of only one particular type of application process. Alternate formats should be available as part of the process.

The city may consider a method to centralize a department which would provide documents and materials in alternate accessible formats. A centralized approach to developing and maintaining alternate accessible formats may be more cost effective and timely.

The city should provide staff training regarding the requirements for accessible alternate formats, what accessible alternate formats are and how to provide accessible alternate formats.

Procedures should be put in place for the development of accessible alternate formats. The city should produce accessible alternate formats for high use areas where the probability for a request for an alternate format is high. Examples include provision of audiocassettes, large print, information sent via email, screen readers, Braille, and pictograms.

It is recommended that the city consider contracting out selected services to organizations which have the ability to develop Braille documents for brochures, pamphlets, applications, documents and other public information written in text.

Online public notices informing of city events and meetings should have a statement of accommodations which includes who to contact for an accommodation. A TTY/TDD and/or Relay number should also be included on city notices which allow for public input.

Interpreter Services

Interpreters should be provided as determined through the request for accommodation process or in circumstances where an interpreter is known to be required.

Findings

Information regarding the process to request interpreter services was not found when conducting this report.

Recommendations

All notices for public input should include information on the availability of interpreter services.

Interpreters should be provided as determined through a request for accommodation process or in circumstances where an interpreter is known to be required. The city may want to inquire about a contract for County-wide interpreter services for departments to utilize as needed to provide a quicker response at a lower cost.

The city must ensure that those individuals utilizing a language other than English and are deaf, are also provided interpreter services that specialize in signing for that language.

ADA Self-Evaluation and Transition Plan DRAFT

The city may consider the use of a video relay interpreter system to augment contracts and arrangements for interpreters.

Telecommunications Devices for the Deaf and Hard of Hearing

If a public entity communicates with applicants and beneficiaries by telephone, it should ensure that TDD's or equally effective telecommunication systems are used to communicate with individuals with impaired hearing or speech. If a public entity provides telephone emergency services, it should review its policies to ensure direct access to individuals who use TDD's and computer modems.

Findings

Information on the availability of TeleType/Telecommunications Device for the Deaf (TTY/TDD) was not found. The city utilizes the California Relay service of 7-1-1, and does not have a dedicated TTY/TDD number.

Recommendations

The city should install telecommunications devices for the deaf (TTY/TDD) or purchase a network compatible system that would reside on the server.

The city might consider the purchase of a network PC compatible TTY/TDD system that would allow individual computers to be networked and access TTY/TDD calls, instead of purchasing separate TTY/TDD units that require a dedicated line. The advantages of the networkable system are allowing the user to transfer calls, conduct conference calls and utilize voice mail.

Title II entities providing emergency telephone services must ensure that emergency operators are trained to use the TTY not only when they recognize the tones of a TTY at the other end of the line, but also when they receive a "silent call".

When a public entity uses an automated-attendant system, including, but not limited to, voicemail and messaging, or an interactive voice response system, for receiving and directing incoming telephone calls, that system must provide effective real-time communication with individuals using auxiliary aids and services, including TTYs and all forms of FCC-approved telecommunications relay systems, including Internet-based relay systems.

Employees who communicate with the public should become familiar with the use of TDD/TTY communications and how to maintain the TDD/TTY in an operable condition. The development of TDD/TTY help sheets noting abbreviated words commonly used in TDD/TTY communications would be helpful to staff when communicating via TDD/TTY. Posting the help sheet near TDD/TTY's would also be helpful to the user.

Procedures should be developed and institutionalized to ensure that TDD/TTY and other communication devices are maintained in working and operable order at all times.

The city may wish to purchase additional back up TDD/TTYs for replacement, in the event that permanently located TDDs may be temporarily out of commission.

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Publication of all TDD/TTY numbers must be provided in program literature, in phone directories and on selected publications.

Assistive Listening Systems for the Deaf and Hard of Hearing

Assistive listening systems are required in assembly areas and where audible communication is integral to the use of the space. Signs are to be provided informing patrons of the availability of the assistive listening systems.

Findings

None.

Recommendations

Assistive listening systems and devices should be procured, installed, and made available in places of assembly.

Signs should be posted in a prominent place at or near the assembly area entrance stating "Assistive-Listening System Available" and include the International Symbol of Access for Hearing Loss.

Website Accessibility

People with disabilities also rely on the internet. Blind and print-disabled users employ screen access software that reads the code of a website and then renders it in whatever format is accessible to that person (speech, refreshable Braille, etc.). Deaf users rely on captioning of aural content. Users with limited manual dexterity or motion use dictation software to give commands instead of mouse and keyboard control. There are three levels of website accessibility recognized by the World Wide Web Consortium (W3C). The standards are referred to as Web Content Accessibility Guidelines 2.0 (WCAG 2.0). An updated version (WCAG 2.1) of the guidelines was published on June 5, 2018. The updates are mainly related to mobile devices, disabilities that affect vision and cognitive function, criteria addressing text spacing, and criteria addressing timeouts and animations from interactions. Websites for Title II entities such as the City of East Palo Alto are required to comply with WCAG 2.0 Level AA. WCAG 2.1 AA will most likely become the new compliance standard. Level AA requirements include all minimum standards of Level A as well.

Findings

It is part of the city's FY 2018-19 budget and strategic priorities and goals to improve communication and enhance community engagement by establishing and implementing a website maintenance and management plan.

The City of East Palo Alto states on its website the accessibility design guidelines the city considered when designing its website. The following guidelines are listed:

- The standard font used throughout the site has been chosen to be easily legible.
- Wherever possible, we use live text instead of graphics to reduce the download time of pages and increase your control.

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- No information is exclusively conveyed using color. This doesn't mean that colors are not used to organize information; instead it means there are also other, non-color dependent ways of doing this.
- Our pages are designed to display without horizontal scrollbars when they are viewed at a screen resolution of 800 x 600 pixels.
- All images and hyperlinks, where appropriate, have an alternative text attribute. This means when an image or hyperlink is conveying important information its content is described with an alternative text.
- We have attempted specifically to comply with Section 508 referring to website accessibility standards.

The guidelines webpage also includes an email link for persons having difficulty accessing website materials and to provide feedback.

Video and audio files do not have written caption of spoken communication to provide access to people who are deaf or hard of hearing.

A cursory review was conducted by DAC of the City of East Palo Alto home page. The review was performed using the WAVE Web Accessibility Evaluation Tool Chrome Extension and checked for compliance with WCAG 2.0 AA standards. The evaluation tool reported six style errors consisting of empty buttons and links. Four errors of very low contrast were also reported. In addition, the evaluation tool reported twenty-three accessibility alerts mainly consisting of broken same-page links, redundant title text, and device dependent event handlers.

Recommendations

As people have turned to the internet as a primary source of information regarding services, programs, and activities, the city's website assumes increased importance as a communications tool. The city should initiate the development of procedures for increasing accessibility to their website in order that people with low vision or whom are blind (and use screen readers) have access to city information. Establishing accessibility requirements and training opportunities for those responsible for creating and editing city web pages will mitigate additional concerns. A written plan establishing procedures and timeframes for making all website content accessible should be developed. Procedures should be developed to ensure that content is not added to the city website until it has been made accessible.

Efforts should be made to encourage the public to submit feedback and suggestions on how to improve the structure and organization of the city's website to make it easier to navigate and more intuitive.

Procedures should be developed to assure a quick response to website visitors with disabilities who are having difficulty accessing information or services available via the website.

Practices should be established to provide video and audio files on the city's website with captions of spoken communication.

In-house and contractor staff who create web content or post it on the city's website should be provided with copies of the Department of Justice's technical assistance document "Accessibility of State and Local Government Websites to People with Disabilities".

Public Outreach and Public Input

Outreach Efforts and Input

Title II of the ADA/504 requires opportunity for input into the self-evaluation process by individuals with disabilities, organizations representing individuals with disabilities and other interested individuals.

Findings

The city initiated a public input process to seek input from agencies, organizations, individuals with disabilities, and the general public to help the city enhance accessibility to its facilities, programs, services, and events. Realizing the city has limited funding resources and cannot immediately make all of its facilities and public rights-of-way fully accessible, the City of East Palo Alto solicited community input on where to prioritize its access modifications. Notices were posted on the city website informing of the availability of surveys online or in print form. Alternate formats were made available by contacting the city's ADA Coordinator. A copy of the notice is in Section VI Appendixes of this report.

The public input process began June 25, 2018 and ending August 24, 2018. Stakeholders were invited to complete a survey. Surveys were available by various methods including:

- An online survey
- Downloading a Word or PDF survey document and submitting per instructions
- Going to City Hall to receive a print version of the survey and then completing and returning it to the receptionist
- Contacting the ADA Coordinator for additional options

The city reached out to organizations and agencies which represent the disability community. Community organizations representing individuals with disabilities and other interested individuals were provided opportunities for public input into the City of East Palo Alto ADA Self-evaluation and Transition Plan by contacting the City's ADA Coordinator and/or by completing a survey online or in written formats. The surveys include questions regarding contact with city programs, if there were any current complaints or problems, what information or resources the organization could provide that would assist the city and what general guidance or assistance the organization could provide. Completed surveys were not received back from community organizations representing individuals with disabilities or from other community members.

Recommendations

As the city will always benefit from ongoing interaction with the public regarding accessibility, organizations representing individuals with disabilities and areas with an increased population of individuals with disabilities could be targeted for input regarding additional methods to disseminate information regarding programs, services and activities of the city.

The city may want to consider developing a network of accessibility liaisons from within each of its departments to make it easier for members of the community to identify someone to assist with answering questions about disability discrimination. This would allow for department specific questions to be answered quickly and consistently while creating a team effort for moving compliance plans forward. It would be appropriate for names and contact information of departmental liaisons to be published on the city's homepage. Department liaisons would be responsible for bringing all department programs, policies, and procedures into compliance and overseeing public outreach programs with the goal to disseminate information about the department's efforts of barrier removal. Additional responsibilities would include coordinating training efforts of fellow staff members to ensure their knowledge of responsibilities under the ADA.

It is recommended the city consider developing and publishing accessibility progress reports on its website. Such reports could include information on the number of newly constructed curb ramps, funding sources and the amount of funding expended towards accessibility improvements, efforts to obtain external funding, a summary of requests/complaints received and resolved, targeted goals, efforts towards community outreach, facility improvement projects large and small, and other information relative to the long-term progress of the ADA Self-evaluation and Transition Plan.

Another recommendation is that the city utilize their website to create a one-stop portal for accessibility by expanding their current ADA web page to host all accessibility related information. Suggestions include information related to pedestrian accessibility, transition plan status, links to relative policies and procedures, means to file a complaint or submit suggestions, links to ADA laws and regulations, city design standards and procedures for accessibility, information on facility accessibility, accessible routes and maps, accessible parking locations, wayfinding, emergency evacuation plans and procedures for persons with disabilities, etc. Compiling this information into a centralized location allows for undemanding education of the public and employees and facilitates the communication of information with persons in the disability community.

The city should consider including additional pictures and references to individuals with disabilities in publications, brochures and materials.

In city publications, areas or services that are accessible should be indicated with descriptive text and the International Symbol of Accessibility (ISA). For example, accessible restrooms and routes can be designated on the website, on maps and in publications.

ADA Self-Evaluation and Transition Plan DRAFT

The ADA/504 does not require staff or teams to directly participate with organizations representing persons with disabilities, however, opportunities to network and develop collaborative partnerships with individuals and organizations representing persons with disabilities are available to ensure that current and future programs, services and activities are accessible. The city may want to enhance public engagement opportunities by inviting persons with disabilities to serve on committees and advisory boards.

It is recommended that the City of East Palo Alto maintain a continuing outreach component to inform the public on the progress made under the ADA transition plan.

ADA Self-Evaluation and Transition Plan DRAFT

VI. APPENDICIES

Public Notice and Posting

The Americans with Disabilities Act (ADA) is a civil rights law that mandates equal opportunity for individuals with disabilities. The ADA prohibits discrimination in access to jobs, public accommodations, government services, public transportation, and telecommunications.

The City of East Palo Alto, in keeping with its ongoing efforts to serve all members of the community, is updating its Americans with Disabilities Act (ADA) transition plan and self-evaluation. The accessibility plan provides a comprehensive plan for access for individuals with disabilities to City facilities, parks, programs, services, activities, and events.

The City will use the ADA transition plan to determine where improvements can be made and how to incorporate the needed improvements into future projects. The plan will guide the planning and implementation of necessary program and facility modifications over the next several years. The ADA Self-Evaluation and Transition Plan is significant in that it establishes the City's ongoing commitment to the development and maintenance of policies, programs, and facilities that include all of its citizenry.

The City is currently undergoing a public input process to seek input from agencies, organizations, individuals with disabilities, and general public to help the City enhance accessibility to its facilities, programs, services, and events. The public input process will last 60 days from **June 25, 2018** and end **August 24, 2018**. Below are directions on how to complete the survey:

- Complete an online survey. Click [HERE](#)
- Download the survey and submit per the instructions at the bottom of the survey
 - For Program & Facility Users: [WORD](#) | [PDF](#)
 - For Program & Site Administrators: [WORD](#) | [PDF](#)
 - For Organizations Representing Individuals with Disabilities: [WORD](#) | [PDF](#)
- Go to City Hall to receive a hardcopy of the survey, complete, and provide it to the receptionist.
- If for any reason the options above doesn't suit you, please contact the ADA coordinator.

ADA Coordinator

Jose L. Martinez | Interim City Building Official
650-853-5908
1960 Tate Street
East Palo Alto, CA 94303
jlmartinez@cityofepa.org

Nondiscrimination Notice

If you have experienced any grievances regarding ADA compliance, please review the [ADA Grievance Procedure](#). If you would like to file a grievance, please complete a [Grievance Form \(WORD | PDF\)](#).

Nondiscrimination and Rights Notice

City of East Palo Alto

ADA Nondiscrimination Notice



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

Employment: The City of East Palo Alto 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 of East Palo Alto 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 of East Palo Alto's programs, services, and activities.

Modifications to Policies and Procedures: The City of East Palo Alto 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 of East Palo Alto 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 of East Palo Alto, should contact the office of the program, service or activity coordinator as soon as possible but no later than 48 hours before the scheduled event.

The ADA does not require the City of East Palo Alto to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

Complaints that a program, service, or activity of the City of East Palo Alto is not accessible to persons with disabilities should be directed to:

Jose L. Martinez
1960 Tate Street
East Palo Alto, CA 94303 jlmartinez@cityofepa.org
Phone: (650) 853-5908

The City of East Palo Alto 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.

This notice is available in alternate formats from the ADA Coordinator.

ADA Grievance Procedure

City of East Palo Alto

Complaint and Grievance Procedure under the Americans with Disabilities Act and Section 504 of the Rehabilitation Act

The Complaint and Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 ("ADA") and Section 504 of the Rehabilitation Act of 1973. It may be used by anyone who wishes to file a complaint or grievance alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the City of East Palo Alto. The City of East Palo Alto's Personnel Policy governs employment-related complaints of disability discrimination.

The City of East Palo Alto wants to hear concerns and complaints from citizens in order to provide accessible programs, services and activities. A citizen can call with a comment, concern or complaint without filing a formal grievance. A formal grievance can be filed by completing the grievance and complaint form by contacting the ADA Coordinator, Jose L. Martinez or the designated alternative person.

If the citizen wants to file a formal grievance, grievance procedures and forms are provided. It is preferred that the grievance be in writing and contain information about the alleged discrimination such as name, address and contact information of the grievant. A description of the problem that includes location and date is requested.

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. If additional accommodations are needed, please contact the ADA Coordinator.

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

ADA Coordinator and Interim Chief Building Official (C.B.O.)
City of East Palo Alto
1960 Tate Street
East Palo Alto, CA 94303
Email: jlmartinez@cityofepa.org
Phone: (650) 853-5908

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

If the response by Jose L. Martinez or his/her designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 calendar days after receipt of the response to Public Works Director, Kamal Fallaha or his/her designee.

Within 15 calendar days after receipt of the appeal, Public Works Director, Kamal Fallaha or his/her designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the Public Works Director, Kamal Fallaha or his/her 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 Jose. L Martinez or his/her designee, appeals to the Public Works Director, Kamal Fallaha or his/her designee, and responses from these two offices will be retained by the City of East Palo Alto for at least three years. A copy of the City of East Palo Alto's ADA/504 Selfevaluation and Transition Plan is available from the ADA Coordinator.

ADA-504 Grievance Form
Americans with Disabilities Act
Section 504 of the Rehabilitation Act of 1973
Grievance Form

Instructions: Please fill out this form completely. A printed or typed response is recommended. Sign and return to the address on last page by email, fax, mail or in person. If you need an accommodation to complete or submit this form, please contact the ADA Coordinator as indicated on this form.

1. Complainant: _____

Address: _____

City, State and Zip Code: _____

Telephone: Home: _____ Business: _____

2. Person Discriminated Against: (if other than the complainant): _____

Address: _____

City, State, and Zip Code: _____

Telephone: Home: _____ Business: _____

3. Department or person which you believe has discriminated (if known):

Name: _____

Address: _____

City, State and Zip Code: _____

Telephone Number: _____

When did the discrimination occur? Date: _____

4. Describe the acts of discrimination providing the name(s) where possible of the individuals who discriminated:

5. Have efforts been made to resolve this complaint?

Yes _____ No _____

If yes: what efforts have been taken and what is the status of the grievance?

Has the complaint been filed with another bureau, such as the Department of Justice or any other Federal, State, or local civil rights agency or court?

Yes _____ No _____

If yes:

Agency or Court:

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Contact Person:

Address: _____

City, State, and Zip Code:

Telephone Number: _____ Date Filed: _____

6. Do you intend to file with another agency or court?

Yes _____ No _____

Agency or Court:

Street Address:

City, State and Zip Code:

Telephone Number:

7. Additional comments or information:

Signature: _____ Date: _____

Return to:

Jose L. Martinez

ADA Coordinator and Interim Chief Building Official (C.B.O)

City of East Palo Alto

1960 Tate Street

East Palo Alto, CA 94303

Email: jlmartinez@cityofepa.org

Phone: (650) 853-5908

Program and Facility Users Survey



Survey for City of East Palo Alto Program and Facility Users

The City is seeking input from agencies, organizations and individuals with disabilities to help the City enhance accessibility to its facilities, programs, services and events.

First Name (Optional)

Last Name (Optional)

Date (Optional)

Address (Optional)

Phone (Optional)

E-mail address (Optional)

Name of City of East Palo Alto facility or location, or type of program or service for which you are providing input

1. What is your relationship to the City of East Palo Alto? (check all that apply)

Resident

Employee

Visitor

Participant of a Program, Service or Activity

Contractor

Other

If other please describe.

2. Check all programs, service or activities in which you participate at the facility, site or location.

Classes

Seminars

Recreation

Work (Volunteer)

Meetings

Work (Employee)

Sporting Events

Other

If other please describe.

3. Do you know who to contact if you need assistance, have a concern or complaint, or need an accommodation to access a facility, service or event?

Yes

No

If yes, who would you contact?

ADA Self-Evaluation and Transition Plan DRAFT

4. Have you ever requested an accommodation for a disability from the City of East Palo Alto?

- Yes
- No
- Not Applicable
- Don't Know

5. If an accommodation was requested, was your accommodation made by the City of East Palo Alto?

- Yes
- No
- Not Applicable
- Don't Know

If yes, what accommodations were made? If no, were you given a reason why it was not provided?

6. Have you experienced any barriers, nonaccessible areas, or nonaccessible programs? (Examples: no accessible parking spaces, difficulty reaching an accessible entrance, steep ramps, uneven sidewalks, need for assistive listening device, large print, etc.)

- Yes
- No
- Not Applicable
- Don't Know

If yes, please describe.

7. Have you attended any special events in the City?

- Yes
- No

If yes, did you encounter any barriers to accessibility?

8. Is accessible seating provided for individuals with disabilities at meetings, classes, programs, etc. held at the facility?

- Yes
- No

ADA Self-Evaluation and Transition Plan DRAFT

- Not Applicable
- Don't Know

If no, please describe.

9. Are you aware of any programs, service or activities that are not accessible to individuals with disabilities?

- Yes
- No
- Not Applicable
- Don't Know

If yes, please describe.

10. Are you aware of any areas or elements of the facility that are not accessible to individuals with disabilities?

- Yes
- No
- Not Applicable
- Don't Know

If yes, please describe.

11. Is information provided regarding accommodations, auxiliary aids (such as assistive listening systems, interpreters, alternate formats, specialized equipment, or assisted services, etc.?) Yes

- No
- Not Applicable
- Don't Know

Please describe.

12. Is there adequate directional and informational signage provided at the facility?

- Yes
- No
- Not Applicable
- Don't Know

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If no, please describe.

13. If you have requested auxiliary aids, an interpreter or specialized equipment, was your request accommodated?

- Yes
- No
- Not Applicable
- Don't Know

If no, please describe.

14. Has the attitude of the staff of the City of East Palo Alto towards you or someone you know with a disability been generally helpful, supportive, positive and proactive in solving accessibility issues?

- Yes
- No
- Not Applicable
- Don't

Know Please describe.

15. Other comments:

16. What do you feel is the highest priority for accessibility in the City of East Palo Alto Accessibility Plan?

Additional copies of the survey, in hard copy or electronic format, can be obtained from Disability Access Consultants (DAC) by calling 530-533-3000 or by sending an email request to bthorpe@dac-corp.com.

Please return this survey by August, 10 2018 to:

Jose L. Martinez, ADA
Coordinator City of East Palo
Alto
1960 Tate Street
East Palo Alto, CA 94303

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By email to jlmartinez@cityofepa.org

You may also return the completed survey to:

Barbara Thorpe
Disability Access Consultants
2243 Feather River Boulevard
Oroville, CA 95965
By email to bthorpe@dac-corp.com

Thank you for your input!

ADA Self-Evaluation and Transition Plan DRAFT

Program and Site Administrators Survey

The City of East Palo Alto is in the process of updating an Americans with Disabilities Act Selfevaluation. This survey has been developed to gather input regarding the City's provision of programs, services and activities for individuals with disabilities. Your assistance in completing this survey is appreciated. If needed, please fill out a separate survey for each program and facility or attach information as needed.

Name of person completing this form and title:

Date

A. Please list the programs, services, activities and special events for which you are responsible:

B. Are the events, programs or activities for which you are responsible provided at one location or at multiple locations in the City? For example, swimming lessons at several pools:

C. List the location where your office is located:

D. How do recipients access or request information about your programs, services or events (come to your office, call, email, other, etc.)?

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E. Hours of operation by program (if applicable):

F. What organizations or groups utilize all or part of your site? (Describe use and location):

G. Are there any recent or current complaints from employees, members of the public or other stakeholders regarding accessibility for individuals with disabilities at your site? (If so, please describe):

H. Are you aware of any barriers to program accessibility? Please describe:

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I. What would you consider to be the highest priority to make programs, services, activities or events offered by the City of East Palo Alto more accessible for individuals with disabilities?

Please respond to the following questions as it relates to you, or your program or administration.

DK = Don't Know NA = Not Applicable

QUESTION	YES	NO	DK	NA	COMMENTS
1. Do you know who the designated ADA Coordinator is for the City?					If yes, name person:
2. Have you posted and noticed the name and address of the ADA Coordinator?					If yes, where:
3. Have you posted and noticed the rights afforded individuals with disabilities?					If yes, where:
4. Do you have access to current City policies, procedures or practices?					
5. Are grievance procedures or uniform complaint procedures noticed and posted at your site?					If yes, where:
6. Are accessibility grievance procedures available for employees and members of the public?					
7. Do you have emergency evacuation plans posted at your site that includes procedures for individuals with disabilities?					If yes, where:
8. Are assistive listening devices available for individuals with hearing impairments at your site?					If yes, state location, number fixed or portable, and if they are operable:
9. Do you have a Telecommunications Device for the Deaf (TDD/TTY) at your site?					If yes, state location, number, and if they are operable:

ADA Self-Evaluation and Transition Plan DRAFT

QUESTION	YES	NO	DK	NA	COMMENTS
10. Is your staff trained regarding the use of a TDD/TTY?					If yes, state when and how:
11. Have you reviewed your website for accessibility for persons with vision impairments?					If yes, when:
12. Do you have a statement of accommodations in your literature or on public notices?					
13. Are individuals with disabilities included in, or have an opportunity to participate in, all programs, activities, and services provided by your site?					
14. Are individuals with disabilities served or located in segregated areas of your facility?					
15. Do you require persons with disabilities to receive or participate in services at an alternate location?					If yes, describe:
16. Do you provide public transportation for your programs, services or activities?					If yes, describe transportation and its accessibility:
17. Do you offer programs at your site that are not offered at other sites in the City?					If yes, describe:
18. Do you follow a specific procedure or policy for use of the facility by organizations or members of the public?					If yes, describe:
19. Are you aware of any community members or recipients of services with disabilities who utilize your site?					

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20. Have you made accommodations for individuals with disabilities (employees, patrons, members of the public, etc.)?					If yes, describe:
21. Do you have any employees, volunteer or interns with disabilities at your site (if known)?					
22. Have you provided training or information to your staff regarding the requirements of the Americans with Disabilities Act?					If yes, describe:
23. Do you have any volunteers or interns?					
24. If you have volunteers or interns, have they received training on providing services or activities for individuals with disabilities?					
25. Would you like additional training regarding the Americans with Disabilities Act?					
26. Does your site offer any exemplary programs or services for individuals with disabilities?					If yes, describe:
27. Have you received any awards or special recognitions regarding programs or services for individuals with disabilities?					If yes, describe:
28. Do you have any construction or remodeling projects currently underway or planned for the next 5 years?					If yes, describe:
29. Do you already have an Accessibility Survey or report for your site or the sites for which you are responsible?					If yes, please attach to the survey.

ADA Self-Evaluation and Transition Plan DRAFT

30. Other Comments (if more space is needed, please write on the back of the survey or attach additional sheets):

Additional copies of the survey, in hard copy or electronic format, can be obtained from Disability Access Consultants (DAC) by calling 530-533-3000 or by sending an email request to bthorpe@daccorp.com.

Please return this survey by August 10, 2018 to Jose L. Martinez, ADA Coordinator, 1960 Tate Street, East Palo Alto, CA 94303 by email to jlmartinez@cityofepa.org, or to Barbara Thorpe, Disability Access Consultants, 2243 Feather River Boulevard, Oroville, CA 95965 or by email to bthorpe@dac-corp.com.

Thank you for your input!

Organizational Survey

Americans with Disabilities Act

Survey for Organizations Representing Individuals with Disabilities

City of East Palo Alto

The City of East Palo Alto is currently updating its Americans with Disabilities Act Self-Evaluation and Transition/Barrier Removal Plans. In order to enhance access to programs and services for individuals with disabilities, the City is asking for your input.

Name of Organization:

Address: _____ Contact person: _____

_____ Position: _____

Phone: _____ Today's date: _____

Name of person completing this form: _____

Name of the ADA Coordinator(s) for your organization: _____

The following questions have been developed to determine how organizations and advocacy agencies perceive the City of East Palo Alto's ability to provide services and accommodations for individuals with disabilities and to ask for input regarding how programs, services and activities can be more accessible for individuals with disabilities.

1. What direct communications have you had with the City of East Palo Alto to facilitate services and accommodations for individuals with disabilities?
2. Are there any specific complaints or problems regarding access for individuals with disabilities to any of the programs, services or activities provided by the City of East Palo Alto?
3. What information or other resources can you supply to help educate or inform the City of East Palo Alto about your organization and your services for individuals with disabilities?
4. What general guidance, advice or assistance could your organization provide to the City of East Palo Alto to protect against potential discrimination of individuals with disabilities in its programs, services and activities?
5. What do you feel is the highest priority for the City of East Palo Alto to improve accessibility for individuals with disabilities?

Please add any additional comments on the back of this survey or attach any additional documents.

Thank you for your input.

Please return this survey by August 10, 2018 to Jose L. Martinez, ADA Coordinator, City of East Palo Alto, 1960 Tate Street, East Palo Alto, CA 94303. Comments can also be made by calling (650) 853-5908, or by email at jlmartinez@cityofepa.org.

Surveys can also be returned to Disability Access Consultants, 2243 Feather River Boulevard, Oroville, CA 95965. Comments can also be emailed to bthorpe@dac-corp.com, faxed to (530) 533-3001 or made by phone to (800) 743-7067.

THIS SURVEY IS AVAILABLE IN ALTERNATE FORMATS