



## **CITY OF SALINAS COUNCIL STAFF REPORT**

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**DATE:** JUNE 22, 2021

**DEPARTMENT:** PUBLIC WORKS DEPARTMENT

**FROM:** DAVID JACOBS, P.E., L.S., PUBLIC WORKS DIRECTOR

**THRU:** ADRIANA ROBLES, P.E., CFM, CITY ENGINEER

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**TITLE:** AMERICANS WITH DISABILITIES ACT (ADA) GRIEVANCE  
PROCEDURE AND ADA NONDISCRIMINATION POLICY  
STATEMENT

### **RECOMMENDED MOTION:**

It is recommended that City Council:

- 1) Adopt a resolution approving the update of the Grievance Procedure to resolve complaints related to the American with Disabilities Act (ADA); and
- 2) Approve an ADA Nondiscrimination Policy Statement.

### **RECOMMENDATION:**

It is recommended that City Council approve a Resolution approving an updated Grievance Procedure and an ADA Nondiscrimination Policy.

### **BACKGROUND:**

The American with Disabilities Act (ADA) of 1990 is a Federal law passed to establish a clear and comprehensive prohibition of discrimination on the basis of disability. It consists of five parts, or Titles, as follows:

- Title I – Employment
- Title II – Public Services
- Title III – Public Accommodations and Services Operated by Private Entities
- Title IV – Commercial Facilities
- Title V – Transportation

The ADA further identifies critical areas where discrimination against individuals with disabilities persists, such as employment, housing, public accommodations, education, transportation, communication, recreation institutionalization, health services, voting, and access to public services. Some of these areas (e.g., education, health services) are the responsibility of agencies other than the City of Salinas. However, the City is responsible for upholding the provisions of the ADA in areas where regulation, funding or services are provided by the City.

The Rehabilitation Act of 1973, Section 504 is a Federal law that prohibits discrimination on the basis of disability in any program or activity that receives financial assistance from any federal agency. The City is responsible to implement section 504/Title II ADA Program.

Section 504 Program requires local agencies to assign an ADA Coordinator that is responsible for coordinating the efforts of the City to comply with Title II and investigate any complaints that the entity may have violated. The City of Salinas currently has designated the City Engineer, Adriana Robles, as the ADA Coordination.

Section 504 requires that a local agency that employs fifty (50) or more persons must adopt and publish a grievance procedure that provides for prompt and equitable resolution of complaints that allege discrimination on the basis of disability. It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provisions of services, activities, programs, infrastructure or benefits by the City of Salinas. City staff have shared the Grievance Procedure and Form with Sally Swanson Architects, City ADA consultant, and with Caltrans Headquarters' Civil Rights Coordinator. Their edits are incorporated in the updated Grievance Procedure. Refer to Attachment A for the Grievance Procedure and Form.

Internal City of Salinas employment-related ADA issues will continue to be tracked and resolved by the City Engineer in accordance with existing established procedures. It is not the intent of this procedure to replace any of these existing personnel policies or procedures.

Lastly, all public agencies must provide information to the public, program participants, program beneficiaries, applicants and employees about ADA and how it applies to the City of Salinas. The ADA Nondiscrimination Policy Statement is a requirement that must be published in the City's website, social medial, notices at facilities, published in newspapers; broadcast in notices for public services announcements on radio and TV stations and included in program announcements and applications. Refer to Attachment B for the long form and short form.

#### CEQA CONSIDERATION:

**Not a Project.** The City of Salinas has determined that the proposed action is not a project as defined by the California Environmental Quality Act (CEQA) (CEQA Guidelines Section 15378).

#### STRATEGIC PLAN INITIATIVE:

The grievance procedure addresses the City Council's goal of public safety by establishing a policy that meets the requirements of the American with Disabilities Act (ADA) and Section 504, which is a civil rights law that prohibits discrimination against individuals with disabilities.

**DEPARTMENTAL COORDINATION:**

The City of Salinas will continue to use Q-Alert to track ADA complaints submitted by residents. The grievance procedure will be overseen by the Public Works Department with support from the City Attorney's and City Manager's office. The ADA Nondiscrimination Policy Statement will be implemented by all departments, City Clerk's office and Human Resources Department.

**FISCAL AND SUSTAINABILITY IMPACT:**

This procedure will not have an impact on the General Fund.

**ATTACHMENTS:**

Resolution

Attachment A: ADA Grievance Procedure and Form

Attachment B: ADA Nondiscrimination Policy Statement