

**City of Livermore
EXECUTIVE SUMMARY**



SELF-EVALUATION AND TRANSITION PLAN

**Americans with Disabilities Act
Section 504 of the Rehabilitation Act**

2021



**Prepared by
Disability Access Consultants, LLC**



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The City of Livermore ADA/504 Self-Evaluation and Transition Plan was prepared by Disability Access Consultants, LLC with the collaboration and assistance of City of Livermore staff and input by other interested individuals and community members.

Mallika Ramachandran, P.E. Assistant City Engineer coordinates the program implementation.

Jas Sidhu, Risk Manager serves as the designated ADA/504 Coordinator.

A copy of the ADA/504 Self-Evaluation and transition plan is available from the ADA Coordinator. Accessible alternate formats are available.

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ADA/504 Self-Evaluation and Transition Plan Purpose and Summary

As the City of Livermore has made an ongoing commitment to provide programs, services and activities in a nondiscriminatory manner for individuals with disabilities, the City of Livermore (City) conducted an updated Americans with Disabilities Act (ADA) and Section 504 Self-Evaluation and Transition Plan of programs, services, activities, parks, facilities and public rights-of-way. The City of Livermore Americans with Disabilities Act (ADA) Title II and Section 504 (504) Self-Evaluation documents the results of the City's review of access to programs, services, activities, events, facilities, parks, and selected public rights-of-way by persons with disabilities to determine if any discriminatory or potentially discriminatory practices, policies or procedures exist that may deny access for individuals with disabilities.

The 2021-2022 updated ADA/504 Self-Evaluation and Transition Plan provides a current benchmark of accessibility activities by the City and provides an updated framework for remediation and implementation and updates prior accessibility ADA Self-Evaluations and transition plans. The goal of the City is that potential physical and programmatic barriers for accessibility for persons with disabilities are identified and removed. As evidenced by this study and update, the City 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 accessibility for persons with disabilities. The update further serves to demonstrate the ongoing compliance efforts by the City in addition to findings and recommendations and a roadmap to assist the City with ongoing compliance.

Current City accessibility initiatives, related documents such as master plans, findings from regulatory audits, federal and state funding and Community Development Block Grant (CDBG) were reviewed and as appropriate were incorporated into the findings and recommendations of the City of Livermore ADA/504 Self-Evaluation and Transition Plan. Findings and recommendations are based on the ADA/504 review of the City of Livermore and includes a review of potential programmatic and physical barriers that may deny access for persons with disabilities.

The City of Livermore ADA/504 Self-Evaluation and Transition Plan Executive Summary details accessibility findings and recommendations for the City. The ADA/504 Self-Evaluation and Transition Plan Executive Summary includes a review of potential "programmatic" and "physical" barriers that may deny access for persons with disabilities. Noncompliant findings regarding "physical" barriers that may deny access for persons with disabilities are contained in the online DACTrak Accessibility Management software used by the City. DACTrak contains detailed findings of potential physical barriers that may deny access and includes actual findings, recommendations, photographs, references to accessibility code requirements and is a tool for the City to manage and update the City's transition plan for the removal of physical barriers. Access to information contained in the DACTrak program is available from the City's ADA/504 Coordinator. Programmatic and potential policy barriers are identified in the ADA/504 Self-Evaluation and Transition Plan Executive Summary.

As evidenced in the current updated ADA/504 Self-Evaluation and Transition Plan, the City understands that the ADA/504 Self-Evaluation and Transition Plan is not a static document but requires ongoing implementation and periodic updates. The ADA/504 Self-Evaluation and Transition Plan provides a current benchmark for accessibility efforts by the City and provides an updated framework for implementation.

The current study also incorporates recent code changes, updates in accessibility standards and regulations in addition to accessibility trends. The ADA Self-Evaluation and Transition Plan activities work together to address the requirements of the ADA. Additional accessibility

requirements that were added with the 2010 ADA for areas such as recreational sites, golf facilities, play areas, recreational boating sites, fishing piers, swimming pools, wading pools, and judicial facilities. Accessibility requirements were also changed for items such as reach range, water closets, assembly areas and other areas. The City current plan updates standards and provides safe harbor for those areas and items that were compliant under prior accessibility codes. As such, it was prudent for the City to update their ADA/504 Self-Evaluation and Transition Plan. In addition, the current ADA/504 Self-Evaluation and Transition Plan incorporates recent updates in the California Building Code, the Manual on Uniform Traffic Control Devices and the Public Right-of-Way Accessibility Guidelines (PROWAG). PROWAG was adopted by the California Department of Transportation (Caltrans). As remodeling and remediation of physical barriers would in most cases require scoping and compliance with newer accessibility regulations and requirements such as the 2010 ADA Standards and the 2019 California Building Code, the ADA plan needed to be updated to maintain compliance.

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. In addition to being required, it is recognized that input from stakeholders is a valuable component of an updated, usable, and realistic plan. In addition to input from the public, input was solicited from City staff. It is recognized that input from stakeholders is a valuable component of an updated, usable, and realistic plan. As additional input from stakeholders is received, the ADA Coordinator or designated person is responsible to evaluate the input and incorporate it into the ADA plan as appropriate.

The City of Livermore has demonstrated a commitment from the highest level of leadership with coordination of compliance activities and involvement of persons with disabilities and methodologies for compliance procedures. As evidenced in the current updated ADA/504 report, the City of Livermore understands that the ADA/504 compliance plan is not a static document but requires ongoing implementation and periodic updates. The 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 code changes, updates in accessibility standards and regulations in addition to accessibility trends. The ADA/504 Self-Evaluation and transition plan activities work together to address the requirements of the ADA.

Methodology for the Development of the Self-Evaluation and Transition Plan

Disability Access Consultants, LLC (DAC) was contracted to conduct a comprehensive accessibility review of all City programs, services, activities, policies, buildings, parks and public rights-of-way in order to develop an updated City of Livermore ADA/504 Self-evaluation and Transition Plan.

Jas Sidhu is the designated ADA/504 Coordinator for the City.

Methodology included, but was not limited to:

- A kick-off meeting was held on July 30, 2020 with DAC and City staff
- A project start date of August 18, 2020 was confirmed to begin the onsite surveys
- A website accessibility review was conducted for compliance with WCAG 2.0 Level AA
- Multiple methods and opportunities were provided for public input
- Surveys were available for the public, community members and organizations representing persons with disabilities in English and Spanish
- Surveys were distributed to City staff

- Letters and emails were sent out to targeted area organizations that serve persons with disabilities
- Information and links to respond to a survey was placed in on the City’s website
- Information requesting input from the public and organizations regarding the City’s ADA self-evaluation and transition plan update was posted on the website
- Public postings and notices requesting input were displayed on the City’s website, in City facilities, on the City’s social media accounts and on the local “NewsBreak” website
- A review was conducted of the previous accessibility activities and efforts by the City
- A review was conducted of accessibility related City policies and other documents
- A review was conducted regarding the accessibility of City programs, services, activities, and events
- Accessibility surveys were performed by DAC of City buildings, facilities, parks, public rights-of-way and other areas
- Training was provided on October 26, 2021 for City staff regarding the use of the DACTrak accessibility management and software program to manage, update and implement the City’s transition plan
- Possible implementation strategies have been discussed for barrier removal

The City is using the DACTrak accessibility management software to manage and implement the transition plan. Using DACTrak, the City can generate compliance assessment reports that provide at a minimum the following information:

- A description of the noncompliant physical element
- Identification of the reason(s) a physical element is considered noncompliant
- Applicable federal and state accessibility code references that apply to the element
- Digital photographs of the noncompliant physical element
- Recommended method to bring the item into compliance
- A construction cost estimate when applicable

The City of Livermore ADA/504 Self-evaluation and Transition Plan Executive Summary documents findings and recommendations by categories or areas reviewed for compliance and not necessarily by individual departments. Compliance areas are reported with findings followed by recommendations. Some findings and recommendations are Citywide and others to specific departments. If findings or recommendations are specific for a department, then they are reported as such. For example, if accommodation statements or procedures for requesting a reasonable accommodation by a person with a disability is not available, then access to programs, services and activities may not be available. Certain departments may have developed specific reasonable accommodation statements related to their department.

In addition to programmatic and policy barriers, physical barriers may exist and are reported in the transition plan using DACTrak. Noncompliant findings and recommendations for the removal of physical barriers that may deny access for persons with disabilities are contained in the secure, online DACTrak accessibility management software used by the City. DACTrak contains photographs of physical barriers, GIS information, findings, recommendations, estimated costs, and other information. Custom reports and transition plan information can be generated from DACTrak to monitor and track the implementation of the plan.

The City of Livermore ADA/504 Self-Evaluation and Transition Plan Executive Summary serves as a roadmap to assist the City with ongoing compliance. The results from the ADA/504 Self-

Evaluation demonstrate not only the commitment by the City to provide access to City programs, services, and activities, but documentation of the overall compliance by the City of Livermore and outlines a framework for enhancing compliance. Access to information contained in the DACTrak program is available from the City of Livermore ADA/504 Coordinator.

Requirements to Conduct an ADA Self-Evaluation and Transition Plan

Part 35.102 of Title II of the ADA describes the application of the ADA and Section 504 of the Rehabilitation Act which requires state and local governments, such as city and county governments (referred to as public entities in this document) to ensure that their facilities, public rights-of-ways, policies, procedures and practices are accessible and do not discriminate against persons with disabilities. The ADA and Section 504 require the City to provide access to City programs, services, and activities. Buildings and public rights-of-way are assessed for compliance with accessibility standards and regulations as a noncompliant building may, for example, deny access to a program, service, or activity of the City. The transition plan is to identify the physical barrier in detail, the proposed method to remove the barrier, the designated responsible person to oversee the plan and the projected (estimated) dates of barrier removal.

The ADA has five (5) separate titles:

- Title I: Employment
- Title II: Public Services: State and Local Government
- Title III: Public Accommodations and Services Operated by Private Entities
- Title IV: Telecommunications
- Title V: Miscellaneous Provisions

The focus of the City of Livermore ADA/504 Self-Evaluation and Transition plan is Title II (owned by the public and open to the public) of the ADA to provide access to public areas of facilities and access to all City programs, services and activities. Title III (privately owned and open to the public) requirements are reviewed in selected cases due to the City's use of outside vendors and private groups and agencies during the provision of City programs, services, and activities. Thus, requirements of Title III do overlap and integrate into the current study in cases where the City contracts with outside vendors. Title I of the ADA provides requirements for employees and is not the focus of this study. Individual employee access accommodations are handled on a case-by-case basis.

Section 504 requires public entities that receive federal or state funding to ensure that they do not have any discriminatory practices. As such the requirements of Section 504 are very similar to those of the ADA that was passed by congress in 1990. Section 504 of the Rehabilitation Act of 1973 (Public Law 93-112) prohibits discrimination based on disability in federally assisted programs and the flow through sub-recipients, including contractors. The Americans with Disabilities Act passed in 1990 (Public Law 101-336) is a broader civil rights statute that prohibits discrimination against people with disabilities. In addition to the Department of Justice (DOJ), the Federal Highway Administration's (FHWA) and the United States Department of Transportation (USDOT) have requirements for accessibility in accordance with the Americans with Disabilities Act (ADA) and Section 504. Pedestrians with disabilities should have an equal opportunity to use the pedestrian access routes 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 persons 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.

As the California Department of Transportation (Caltrans) is a recipient of federal funds and cities, counties and other public entities are subrecipients of the flow through funding, public entities are required to demonstrate their compliance with the ADA and Section 504 of the Rehabilitation Act. A component of the DOT requests is the development of a comprehensive ADA/504 Self-Evaluation and transition plan. As such, completion of a comprehensive ADA/504 Self-Evaluation and transition plan is an accepted practice to take the place of an updated Section 504 plan. As such, the City's ADA/504 Self-Evaluation and transition plan meets the requirements of not only the ADA plan, but the Section 504 plan as well. By completing this comprehensive plan, the City will not only meet its ADA and Section 504 compliance requirements but will have a sustainable plan that can be updated, monitored, managed and will document progress for ongoing accessibility compliance.

Several regulatory agencies require the development and implementation of an Americans with Disabilities (ADA) plan and a Section 504 Rehabilitation Act plan. The United States Department of Housing and Urban Development requires an ADA/504 Self-Evaluation and transition plan that includes the oversight of the use of Community Development Block Grant (CDBG) program funds in a nondiscriminatory manner. The CDBG program provides annual grants on a formula basis to states, cities, and counties to develop viable urban communities by providing decent housing and a suitable living environment, and by expanding economic opportunities, principally for low- and moderate-income persons. The CDBG program requires public agencies to develop, maintain and implement an Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act ADA/504 Self-Evaluation and transition plan to ensure that programs, services, activities and facilities are accessible for persons with disabilities.

The Department of Justice (DOJ) has rulemaking authority and enforcement responsibility for Title II, while USDOT is legally obligated to implement compliance procedures relating to transportation, including those for highways, streets, and traffic management. The Federal Highway Administration (FHWA) Office of Civil Rights oversees the DOT requirements in these areas. To ensure compliance, the California Department of Transportation conducts reviews to ensure that:

- FHWA recipients and subrecipients are informed of their responsibilities to provide accessibility in their programs, activities, facilities and public rights-of-way;
- Recipients and subrecipients comply with the ADA and Section 504;
- Recipients and subrecipients are applying appropriate accessibility standards to all public rights-of-way and transportation facilities;
- All complaints filed under Section 504, or the ADA are processed in accordance with established complaint procedures.

California law provides similar protections to Title II and Section 504. Government Code Section 11135 prohibits discrimination by state and local governments. The Unruh Civil Rights Act (Civil Code Section 51) and the Disabled Persons Act (Civil Code Sections 54-55.32) prohibit disability-based discrimination by business establishments also applies to government entities in some circumstances. State law or other federal laws such as Section 504 may provide a higher level of protection than Title II of the ADA. The higher standard should be applied, whether state or federal.

Differences Between a Self-Evaluation and a Transition Plan

The self-evaluation component of the ADA/504 plan identifies any barriers or potential barriers for persons with disabilities and includes a review of policies, programs, activities, services, and facilities. Barriers identified may include policies or procedures that could inadvertently discriminate against persons with disabilities. An example of a Self-Evaluation component that was reviewed is the City's website. The accessibility review of the website was conducted to determine if changes are needed to make the website more accessible. Many persons with disabilities use the information on the website to view activities, enroll in courses or to provide input. Another example may be the use of inappropriate terminology such as the word "handicapped" instead of the term person with a disability. A key and required component of the Self-Evaluation is the opportunity for input by the public, organizations that represent persons with disabilities, staff, and other interested persons. The City conducted activities to solicit comments and input by the public using a variety of methodologies to incorporate comments into the overall content and prioritization of the plan. Public outreach activities are discussed in the public outreach portion of this report.

The transition plan on the other hand, assigns estimated (projected) dates for the removal of physical barriers identified in the plan as required by the ADA for public entities with more than 50 employees and for 15 or more employees in accordance with Section 504 of the Rehabilitation Act. The City, using DAC's recommended priority worksheet as one method for prioritization, is assigning dates for barrier removal in the City's transition plan and is developing an implementation plan over time that will incorporate priorities identified by the public and staff, concerns or complaints, prevalence of use by persons with disabilities, current remodeling and construction projects, funding sources, resources and other variables related to the removal of physical barriers.

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 to oversee the implementation of the plan and the projected schedule for barrier removal of "structural" barriers. The transition plan provides a schedule for the removal of barriers with estimated projected timelines. The Self-Evaluation, on the other hand focuses on the identification of physical and programmatic barriers that may deny access to programs services and activities. The two plans work congruently to remove the structural and programmatic barriers.

To effectuate Title II of the ADA, Department of Justice regulation 28 CFR 35.150(d) Transition Plan, requires public entities 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 of the ADA.

A comprehensive transition plan should contain the following:

1. A list of the physical barriers in a public entity's facilities that limit the accessibility of its programs, activities, or services to persons 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 of the ADA and the plan should identify the interim steps that will be taken during each year of the transition period
4. The name of the designated person responsible for the plan's implementation (usually referred to as the ADA Coordinator or ADA/504 Coordinator).

Structural changes are not always required where there are other feasible solutions such as moving a service from a nonaccessible location to an accessible location. However, structural changes leading to increased integration should be considered where feasible. Where structural modifications are required to achieve program accessibility, a city government with 50 or more employees must complete a transition plan that provides for the removal of these barriers. Any structural modifications must be completed as expeditiously as possible and are required to be in the City's transition plan.

Duties and Fundamental Alteration

ADA Part 35.164 does not require a public entity to take any action that it can demonstrate would result in a fundamental alteration in the nature of a service, program, or activity or in undue financial and administrative burdens. If the public entity believes that the proposed action would fundamentally alter the service, program, or activity or would result in undue financial and administrative burdens, a public entity has the burden of proving that compliance would result in such alteration or burdens. The decision that compliance would result in such alteration or burdens must be made by the head of the public entity or his or her designee after considering all resources available for use in the funding and operation of the service, program, or activity and must be accompanied by a written statement of the reasons for reaching that conclusion.

Classification of the City of Livermore

The City of Livermore 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 a state or local government. 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. It also applies to contractors and vendors of the public entity. 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.

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 B, covering public transportation is implemented by the Department of Transportation's regulation implementing Subtitle B, are not addressed in this study. The City did, however, perform surveys and incorporate findings from City owned and maintained public rights-of-way. In accordance with the ADA and Section 504, public rights-of-way are considered programs, services and activities of the public entity.

Subtitle A, the focus of the City of Livermore Self-Evaluation and Transition Plan, is intended to protect qualified persons 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.

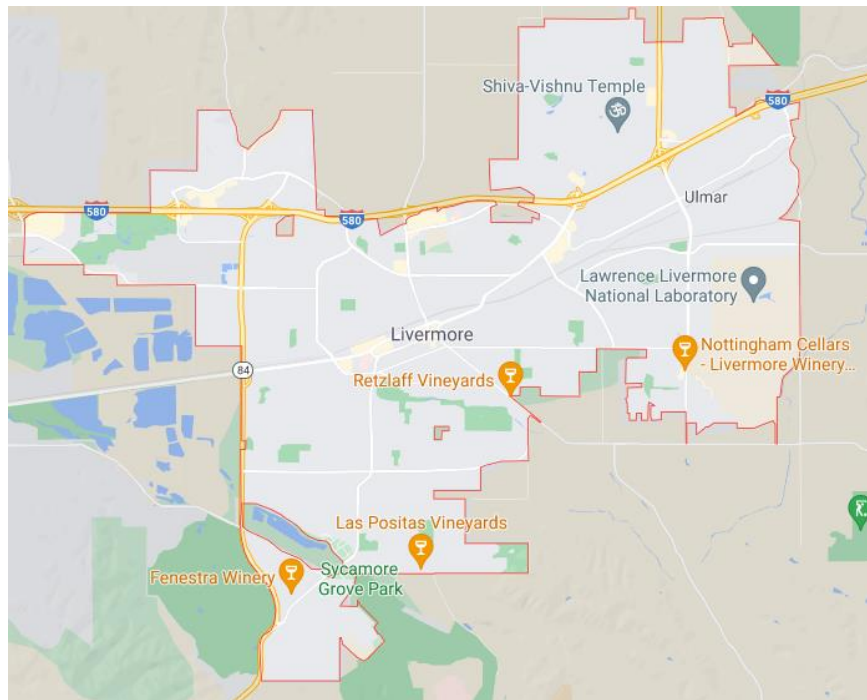
General Information About the City of Livermore

The following information regarding the City is extracted from the City's General Plan.

"Livermore is situated in the Livermore Valley, in eastern Alameda County. The Livermore Valley is edged to the north, south and east by rolling hills, within which the urbanized area of the City lies. Livermore is bisected by Interstate 580 (I-580) which runs east-west through Alameda County. The Union Pacific Railroad, which now serves the ACE train commuter rail service, roughly parallels the freeway to the south. The most distinctive features of Livermore's natural setting are the hills and ridgelines that surround the City, most of which lie outside the City limits. Ridgelines are pronounced along the southern edge of the City, where views of rolling hills, interspersed with sycamore woodland areas, are complemented by intervening vistas of agricultural land and vineyards. Significant ridgelines are also located north of the I-580 corridor, particularly those associated with Brushy Peak to the northeast, as well as the Altamont Hills east of Vasco Road and Greenville Road. Other open space to the north consists of more moderate topography, with rolling hills and rangelands. Several creeks and arroyos lie within the Planning Area, including Altamont Creek, Arroyo Seco, Arroyo Mocho, Arroyo Las Positas, Collier Canyon Creek, and Arroyo del Valle. These creeks support vegetation and trees for portions of their length, imparting important topographical and visual features to the general landscape.

Livermore's historic Downtown lies south of the railway corridor and I-580, in an area bounded roughly by the railway to the north, Fourth Street to the south and east, and Murrieta Boulevard to the west. Residential development extends outwards from the Downtown core. Older residential developments, mostly built before Livermore's major growth period in the 1950's, lie adjacent to the Downtown to the north, south and east. Streets in these areas generally conform to the more traditional grid pattern seen in Livermore's Downtown. Beyond the center of the City, radiating outward to the urban edge, are numerous residential subdivisions. Mostly built since 1950, these residential neighborhoods occupy the greater part of the City's land area. The urban fabric of these areas reflects a classic suburban development pattern; large tracts of one- and two-story single-family homes of largely similar arranged on cul-de-sacs and curvilinear local streets. Multi-family housing and apartment complexes are generally located along larger streets and arterials.

Other significant features of the urbanized area include a large triangular land area of low- density light industrial development that radiates northeast between the railway and I-580 from east of Downtown to the City limits, Lawrence Livermore National Laboratory (LLNL) and Sandia National Laboratories in the southeastern part of the City, and the Municipal Airport to the west, south of I-580. The outlying urban edge reflects the interface of the City and surrounding open space and agricultural areas. Here, newer residential development is interspersed with older ranches, generally consisting of a clustered home and outbuildings, surrounded by pasture or other cultivated lands."



City Government

According to the City Government webpage on the City's website, the City Government the City of Livermore operates under the Council-Manager form of government. The City Council, as the legislative body, represents the entire community and is empowered under the General Law of California to formulate City-wide policy.

The City Council is comprised of four Council Members and the Mayor. City Council elections began the transition from at-large voting to district-based voting in 2020. The Mayor continues to be elected at-large. Council Members serve four-year terms, and the Mayor serves a two-year term. The City Manager is appointed by the Council and serves as the chief executive officer responsible for day-to-day administration of City affairs and implementation of Council policies.

City Departments

- Administrative Services
 - City Clerk
 - Finance
 - Human Resources
 - Information Technology
- City Attorney
- City Manager
- Community Development
 - Building
 - Engineering
 - Housing & Human Services
 - Permit Center
 - Planning
 - Neighborhood Prevention
- Office of Innovation & Economic Development
- Fire Department
- Library
- Police Department
 - Horizons

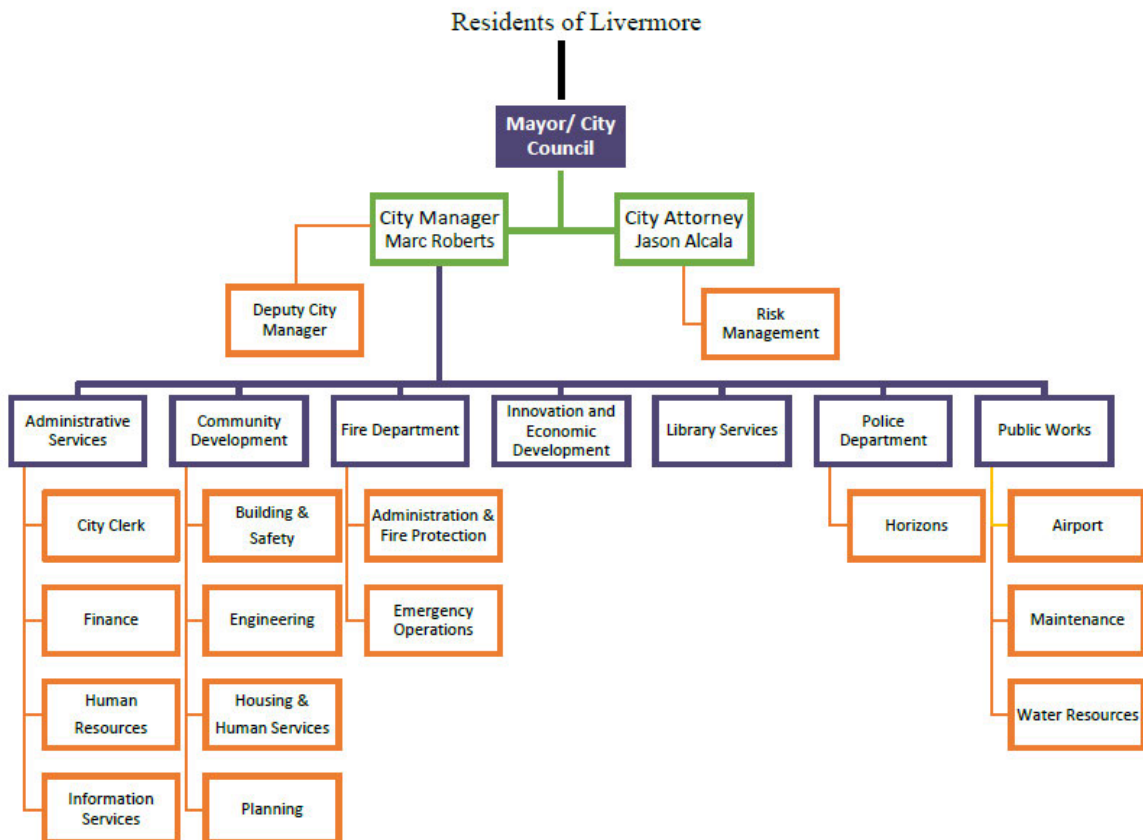
- Public Works
 - Livermore Municipal Airport
 - Maintenance
 - Environmental Services
 - Water Resources

Boards & Commissions

- Airport Commission
- Beautification Committee
- Commission of the Arts
- General Plan Advisory Committee
- Historic Preservation Commission
- Housing Authority
- Human Services Commission
- Library Board of Trustees
- Planning Commission
- Livermore Area Youth Advisory Commission
- Community Asset Management Program Committee (CAMP)
- Climate Action Plan Advisory Committee (CAPAC)
- Alameda County Transportation Commission
- Council Subcommittee on Equity and Inclusion

City Organizational Chart

The following Organizational Chart is from the City Government page of the City’s website.



Prior ADA Self-Evaluation and Transition Plan

The 2020-2021 City of Livermore ADA/504 Self-Evaluation and Transition Plan update was conducted by DAC and updates accessibility surveys and studies that were conducted previously in 1998 and in 2007.

Location of Self-Evaluation and Transition Plan

The City of Livermore ADA/504 Self-Evaluation and Transition Plan will be maintained and made available for public review by the City's ADA/504 Coordinator. The City of Livermore ADA/504 Self-Evaluation and Transition plan is available in alternate formats as requested.

Regular Self-Evaluation and Transition Plan Updates

The ADA/504 plan is a living, ongoing document and requires regular updates to keep it current. As barriers are removed it is important to update the plan to reflect the current barrier removal progress. If for some reason existing sites are acquired by the City, new facilities are built or acquired or no longer used by the City, the City will need to update the ADA/504 plan. Many city and county governments have a practice of updating their plan on an ongoing basis to prepare a progress update.

In its continuing efforts to maintain compliance, the City has several mechanisms in place to provide for an ongoing update of the Self-Evaluation and transition plan to provide a realistic and manageable plan to remove barriers. The City has the use of a secure online accessibility management software called DACTrak, to update, document and track the findings and the implementation of the plan, including progress reports. The City understands that the ADA/504 Self-Evaluation and transition plan is a living, ongoing document and requires regular updates to keep it current.

In accordance with Part 35.150 of Title II of the ADA, the City's designated ADA Coordinator is empowered with oversight responsibility for implementation of the requirements of the ADA and related accessibility standards and regulation.

Accessibility standards and regulations may change and will be incorporated into the plan as appropriate. Updates may also be necessitated by changes in the ADA, the California Building Code, Proposed Right-of-Way Accessibility Guidelines (PROWAG), Caltrans Standards and the Manual of Uniform Traffic Control Devices (MUTCD). An example requiring updates that was facilitated by litigation is on-street parking. Another example is the FHWA and DOT memorandum clarifying what is maintenance and what is an alteration and when alterations trigger curb ramp installations. Due to the intake methodology for the site inspections that captured actual and detailed field measurements, DACTrak can be updated as codes change, which allows the ADA/504 plan to stay current without the need to do any re-inspections.

Although the City actively solicited comments and surveys of programs, services and activities from City staff, community organizations and members of the public, it is anticipated that additional comments and input may be received and incorporated into the plan as appropriate. As public input is important to develop and prioritize the plan, the City solicited input from the public and staff as described in the public input portion of this document. It is recognized that input from stakeholders is a valuable component of an updated, usable, and realistic plan.

Designated ADA and 504 Coordinator

The regulations implementing the ADA require any public entity with fifty (50) or more employees to designate at least one employee to coordinate ADA 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 providing for notice, a public entity must comply with the requirements for effective communication in Section 35.160.

Although the law does not refer to this person as an “ADA Coordinator,” this term is commonly used in state and local governments across the country and will be used in this chapter. Part 35.107 states that “a responsible person should be designated” to oversee and implement the plan. The ADA Coordinator is responsible for coordinating the efforts of the government entity to comply with Title II and the investigation of complaints. A government entity may elect to have more than one ADA Coordinator; however, this may be confusing for the public. Another option is to designate “ADA Liaisons” for departments or key areas of government in addition to the City’s ADA Coordinator.

The requirement for designation of a particular employee and dissemination of information about how to locate that employee helps to ensure that members of the public, organizations and staff can easily access the ADA Coordinator who is familiar with the requirements of the ADA.

The information below in the indented paragraph is extracted from the Department of Justice (DOJ) publication entitled “ADA Best Practices Tool Kit for State and Local Governments” regarding the requirements to designate a responsible person to oversee the ADA plan and initiatives, known as the ADA Coordinator.

“If a public entity has 50 or more employees, it is required to designate at least one responsible employee to coordinate ADA compliance in accordance with 28 C.F.R. part 35.107. A government entity may elect to have more than one ADA Coordinator. Although the law does not refer to this person as an “ADA Coordinator,” this term is commonly used in state and local governments across the country and will be used in this chapter. The ADA Coordinator is responsible for coordinating the efforts of the government entity to comply with Title II and investigating any complaints that the entity has violated Title II. The name, office address, and telephone number of the ADA Coordinator must be provided to interested persons.”

According to the DOJ Publication, an effective ADA Coordinator has, but is not limited to, the following skills:

- Familiarity with the state or local government’s structure, activities, services
- Knowledge of the ADA and other laws addressing the rights of people with disabilities, such as Section 504 of the Rehabilitation Act 29 U.S.C. § 794
- Experience and understanding of a broad range of disabilities and acceptable terminology regarding disabilities
- Knowledge of effective communication for persons with disabilities, accessible alternative formats, technologies that enable people with disabilities to communicate, participate, and perform tasks
- Ability to work cooperatively with the local government and people with disabilities

- Familiarity with any local disability advocacy groups or other disability groups
- Skills and training in negotiation and mediation
- Organizational and analytical skills

FINDINGS

The findings are primarily compliant with a few recommendations to enhance accessibility.

- ✓ The identity of the ADA/504 Coordinator is posted in the City's "Notice Under the Americans with Disabilities Act".
- ✓ Requests for information from the ADA/504 Coordinator can be sent by multiple methods and include email, phone, mail and TDD number.
- ✓ As noted in the City's "Notice of ADA Rights" and the City's grievance procedure states that information is available in alternate formats upon request.
- ✓ The City's Americans with Disabilities Act (ADA) webpage provides ADA related information and includes the identities of the ADA/504 Coordinator.
- ✓ Information taken from the City's website located on the ADA Notice page designate an ADA Coordinator and a Section 504 Coordinator.

Janet Hamilton
City of Livermore ADA/Section 504 Coordinator
1052 S. Livermore Avenue
Livermore, CA 94550
adacoordinator@cityoflivermore.net
(925) 960-4170
(925) 960-4104 TDD

RECOMMENDATIONS

Additional recommendations listed will maintain and enhance the requirements and do not reflect corrective action, except for the need to provide more information in multiple methods regarding the identity of the ADA or ADA/504 Coordinator.

- The identity of the ADA or ADA/504 Coordinator should be maintained and updated to correctly identify the current identity of the ADA/504 Coordinator if the City staff member holding that position changes.
- Information regarding the identity of the City's ADA/504 Coordinator should continue to be provided to staff, posted at all City locations, incorporated into new employee orientation and volunteer packets, and placed in frequently used publications, on the website and in staff and public directories.
- It is recommended that the City publish the name, address, email address and phone number of the City's ADA/504 Coordinator using multiple methods in appropriate public notices, brochures, pamphlets, press releases, the website 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/504 Coordinator changes or if more than one ADA/504 Coordinator is designated.
- If additional City staff are assigned ADA duties specific to each department, the City could consider designating "ADA Liaisons" for certain areas in addition to the overall ADA/504 Coordinator. This method will avoid confusion by the public regarding who to contact and may increase the communication between departments.
- City staff should receive information or training regarding the requirements and role of the ADA Coordinator and the 504 Coordinator when designated.

Grievance and Complaint Procedures

A public entity that employs fifty (50) or more people must adopt and publish grievance procedures and forms which provide for the prompt and equitable resolution of complaints alleging any action that would be prohibited by the ADA (28 CFR § 35.107(b)). Seasonal, part-time and contracted employees are included in the total count. If the City is a recipient of federal or state funds, Grievance procedures are required if the City employs 15 or more people. As such and in accordance with the ADA and Section 504, the City is required to have grievance procedures available to the public. The term "grievance procedure" is used by the Department of Justice. City governments may use the term "complaint" or "uniform complaint procedures" which may be identical or very similar.

A public entity that employs 50 or more people shall designate at least one employee to coordinate its efforts to comply with and fulfill its responsibilities under Title II of the ADA, including the investigation of complaints. This person is frequently named the ADA Coordinator. 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 of the ADA.

FINDINGS

Grievance procedures were found to be primarily compliant with the exception of a few recommendations.

- ✓ Although not required to be adopted, the City of Livermore established an ADA/Section 504 Grievance Procedure Administrative Regulation Number 23 on March 10, 1998. The adoption of the grievance procedure and the designation of an ADA Coordinator formalizes the established procedures and communicates the requirements in accordance with Title II of the ADA.
- ✓ The City of Livermore grievance procedure is publicly available on the City's website. Hard copies of the policy and procedures are also made available. Procedures for submitting a grievance are included.
- ✓ Alternative means of filing complaints are provided, such as personal interviews or tape recordings of the complaint, are available for persons with disabilities upon request.
- ✓ The grievance procedure states that if a grievant is not satisfied with the decision of the ADA Coordinator, the City Manager may be contacted for appeal.

RECOMMENDATIONS

- The City should develop a grievance form to accompany the grievance procedure.
- The City's grievance procedure should include contact information such as phone number, TDD number and an email address.
- The City should continue to make efforts to inform staff and the public of the existence of the City's ADA or ADA/504 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, as well as to employees and applicants. Procedures should outline the steps needed to resolve a complaint.
- The City can provide the grievance procedure and form in accessible alternate formats on the City's website.
- The City's grievance procedure provides only a title of the "ADA Coordinator/Risk Manager" and address 1052 S. Livermore Avenue Livermore, CA 94550. No other contact information is provided, such as name, email address, phone number or TTY information.
- Although the City has a grievance procedure, no grievance form was found to submit the grievance. The City should develop a grievance procedure.
- The grievance procedure is provided only in a PDF format on the City's website. The City's Notice under the Americans with Disabilities Act states that the ADA Coordinator can be contacted for documents in an alternative format.
- Tracking procedures to document grievances and their resolution specifically for ADA related grievances were not found. However, the City's grievance procedure states, All written complaints received by the ADA Coordinator or his/her designee, appeals to the City Manager or his/her designee, and responses from these two officials will be retained by the City of Livermore for at least three years."
- A method to collect data and collect a profile of complaints and grievances 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 be available at all City buildings and in all departments in addition to the website.
- Training should be provided to staff regarding the requirement and purpose of the grievance procedure.
- 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/504 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.
- Grievance procedures should continue to provide an alternate point of contact other than the ADA Coordinator.

ADA Notice of Rights and Nondiscrimination Statements

In accordance with Title II of the ADA, the ADA notice is required to be posted and disseminated and should include the rights afforded to persons with disabilities. Public entities, such as the City of Livermore, 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 (26 CFR §35.106). In providing for notice, the City must comply with the requirements for effective communication in Section 35.160. The notice of rights afforded to persons with disabilities includes a nondiscrimination statement and the method to request a reasonable accommodation.

The notice is required to include relevant information regarding Title II of the ADA and how it applies to the programs, services, and activities of the public entity to provide access for persons with disabilities in a nondiscriminatory manner. The notice should include the contact information for the ADA Coordinator.

FINDINGS

The City's "ADA Notice of the Rights Afforded to Persons with Disabilities" is compliant and includes the following information:

- ✓ The City will not discriminate against qualified persons with disabilities on the basis of disability in its services, programs, or activities.
- ✓ The City will make reasonable modifications to policies and programs and provide auxiliary aids or services to ensure equal opportunity to participate in a City program, service or event.
- ✓ Methods to request an accommodation and/or to file a complaint are available and are posted on the City's website, in addition to posting in frequently visited locations throughout the City.
- ✓ The notice is located on the City's website on the ADA accommodation contacts page.
- ✓ The City will not place a surcharge on a particular individual with a disability or any group of persons 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

Additional recommendations listed will maintain and enhance the requirements and do not reflect corrective action.

- In addition to the designated ADA Coordinator, the City might consider the designation of “ADA liaisons” for City Departments that would be designated for the majority of the departments as the City grows in size. The designation of ADA liaisons may increase the communication between departments and the ADA Coordinator. The designation of one ADA Coordinator with ADA Liaisons will assist with the requirement to track complaints and their resolution (ADA and 504 requirement) and facilitate timely communication.
- Information regarding the identity and contact information of the City’s ADA/504 Coordinator should continue to be provided to staff, posted at all City locations, incorporated into new employee orientation and volunteer packets, and placed in frequently used publications, on the website and in staff and public directories.
- The notice should also be provided using multiple methodologies, such as in applicable newspaper advertisements, on applications, at program sites, in program handbooks, in regular mailings, on legal notices, in requests for proposals/qualifications, on facility use agreements, and in contracts.
- The notice should include the name, title, address, and phone numbers of the ADA/504 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/504 Coordinator.
- Notices should be posted in conspicuous, high use locations on a regular basis in addition to the City’s website.
- Information regarding the requirement to post the identity of the ADA/504 Coordinator, notice of rights in accordance with the ADA/504 and related information should be sent to each department by the ADA/504 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.
- Posting and notice requirements should be updated if the identity of the ADA/504 Coordinator changes or if more than one ADA/504 Coordinator is designated.
- Nondiscrimination statements should be posted on frequently used publications for the public.
- Policies, practices, and procedures for nondiscrimination should refer to members of the public, in addition to employees, and address nondiscrimination regarding access to all programs, services and activities for persons with disabilities and not be limited to employment. The City should consider adopting a general nondiscrimination policy for access to programs, services, activities, applicants, and employees.
- Statements of nondiscrimination should be included on selected publications, brochures describing programs, services and activities offered by the City, new employee materials, recruitment materials, publications and frequently used forms and documents.

- Contracts and vendors that provide printing and publication services should be notified of required statements, required font, and required contrast for accessible publications.
- The City should consider adding a “How do I” section to the website to assist with finding items such as the identity of the ADA Coordinator, how to request a reasonable accommodation and other items such as providing accessibility input regarding a concern or compliment.
- Training should be provided to not only the ADA Coordinator, but to ADA departmental liaisons.
- City staff should receive information or training regarding the requirements and role of the ADA Coordinator and the 504 Coordinator when designated.
- The new employee orientation packet and volunteer information should include a statement of nondiscrimination by the City regarding the public’s access to programs, services, activities, recruitment, and employment.

Opportunities for Input

The regulations which implement the ADA require public entities to provide an opportunity to interested persons and organizations to participate in the Self-Evaluation process. For three years after completion of the Self-Evaluation, the public entity must keep records of any problems identified (28 CFR §35.105 (a)(b)).

Findings

The City provided multiple and comprehensive opportunities for the public and staff using multiple methodologies. As such, there are no additional recommendations for opportunities for input.

- ✓ The City provided a comprehensive process for input by the public, organizations and staff using multiple methodologies to reach a large group of diverse stakeholders.
- ✓ Multiple types of surveys were developed and disseminated to solicit input into the City of Livermore ADA/504 Self-evaluation and Transition Plan. Surveys were developed to encourage input from the public, organizations and City staff.
- ✓ Surveys and postings were used to solicit input from the public, organizations, and City staff. Select responses are included throughout this report. The complete surveys and responses are in available as supplementary records. Survey comments are the actual comments submitted and have not been redacted for spelling or grammar. The summary of the number of responses that the City received to each survey is as follows:
 - Survey for Staff and Administrators: 37 survey responses
 - Survey for Public Input: 92 online survey responses
 - Survey for Organization Input: 8 online survey responses, 1 hard copy response
- ✓ For the purpose to develop an updated ADA/504 self-evaluation and transition plan and to provide opportunities for input, public notices regarding the City of Livermore ADA/504 Self-evaluation and Transition Plan were developed and disseminated for public and staff input soliciting input into the development of the City of Livermore ADA/504 Self-evaluation and Transition Plan. The City’s public input timeframe took place from October

12, 2020 to December 4, 2020 for the public and organizations and from August 24, 2020 to September 25, 2020 for staff. Surveys for the public and organizations were made available in both English and Spanish.

- ✓ The City provided public notice through a variety of methods that included public input information placed on the City’s website, in social media accounts, online surveys, hard copy surveys, and emails to City employees. Hard copies of notices were placed in high traffic areas throughout the City. The following are screenshots of the announcement on the City’s website.
- ✓ The City provided opportunities using different methodologies to solicit input into the City plan:
 - Links to online surveys for the public and organizations were made available on the City’s website.
 - Surveys in PDF format were available on the City’s website in both English and Spanish.
 - Surveys were available in hard copy format at City facilities and upon request.
 - An email was sent to City employees that included a link to the online staff survey.
 - Letters and emails were sent out to targeted area organizations that serve persons with disabilities.
 - The City posted notices of the surveys for public input on the City’s NextDoor, Twitter, Facebook and Instagram social media accounts.
- ✓ Survey questions and responses collected during the public input process have been compiled and will be maintained by the ADA Coordinator in a supplementary documentation file. Selected survey responses that have a higher prevalence and relevance are reported in this summary.
- ✓ The following are screenshots of the public input process:



ADA Public Input Survey

The City of Livermore is in the process of updating its Americans with Disabilities Act (ADA) Self-evaluation and Transition Plan. As part of this process, the City is asking for your input by completing this questionnaire which addresses accessibility of programs, services, and activities offered to the public.



The purpose of this survey is to gather information on how City department and division programs or services are, or are not, accessible to persons with disabilities. The goal is that when each program, service or activity is viewed in its entirety, it is readily accessible to and usable by persons with disabilities.

News Details

News Details

Americans with Disabilities Act – Public Input Survey



The City of Livermore is completing an Americans with Disabilities Act (ADA) transition plan and self-evaluation to ensure people with disabilities are able to access City facilities, parks, programs, services, activities, and events.

The City is seeking input from individuals with disabilities, organizations and agencies that serve people with disabilities, and from the community at large about accessibility in Livermore. Your feedback will assist in addressing and prioritizing current and future accessibility needs.

Take the surveys **online** (available in English and Spanish):

- [Survey for Public Input](#)
- [Survey for Organizational Input](#)

Download Word versions of the surveys:

- [Public Input Survey \(English\)](#)
- [Public Input Survey \(Spanish\)](#)
- [Organizational Input Survey \(English\)](#)
- [Organizational Input Survey \(Spanish\)](#)

Return surveys via email to adaordinator@cityoflivermore.net or via mail to:

Julie Chiu, Engineering
 City of Livermore
 1052 S. Livermore Avenue
 Livermore, CA 94550

Request a hard copy survey be mailed to you by contacting adaordinator@cityoflivermore.net or (925) 960-4170 or TTY at (925) 960-4104.

View more information about the Americans with Disabilities Act on the City of Livermore website [here](#).

Latest News

Water Professionals Appreciation Week

It's Water Professionals Appreciation Week and the City of Livermore is celebrating by shining a spotlight on some of the...

Americans with Disabilities Act – Public Input Survey

The City is seeking input about accessibility in Livermore

Council Member Munro Pens a New Community Letter

Council Member Munro addresses the community about equity and inclusion and a recent Downtown tree sweater incident

Events Calendar

« October 5, 2020 »

Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

Tuesday, October 6, 2020

All Day Event

[LEGO Challenge for Kids](#)

Selected survey responses that have a higher prevalence and relevance are reported in this summary. Most comments are verbatim. A few comments have been edited for clarity and spelling. It is important to note that some of the comments may not directly relate to programs, services and activities of the City, but may be located in the City. Respondents were asked for what they considered to be high priorities for accessibility and to provide comments and suggestions. A summary of the responses from the public and organizations include:

- Need more accessible parking spaces near public buildings, businesses and in town, by the theatre as people with disabilities may have mobility difficulty and must be provided with parking near businesses and public areas.
- I almost never go downtown due to lack of disabled parking on First Street. There are days that every step is painful so having disabled parking in the parking garage doesn't work for me. We used to enjoy going to the Vine Theatre and several of the downtown restaurants and I like to shop at Main Street Designs but I've all but given up on this. There is (limited) disabled parking behind Main Street Designs but the back door entrance doesn't accommodate my walker.
- All sidewalk corners in residential neighborhoods should be ADA compliant
- Tree roots upending sidewalks and other poorly maintained walkways
- I wish you would offer alternative days and sites for the prescription drug acceptance program. I can't get to the City Center because I do not have a car and the bus does not go there. When I have called about it, I have not gotten a very good answer.
- The slate sidewalks all throughout town are terrible for wheelchair users! It is bumpy and uneven which is hard on someone with limited body control. Walking with a walker or roller is downright dangerous. Trip and fall hazards. We seldom go downtown and just walk around because it is hard work and nerve wracking. Parking spots on a slant are also challenging. Some restaurants (pre Covid of course) have tables so packed together it is nearly impossible to maneuver inside the restaurant. Places can say they are wheelchair accessible but are not wheelchair friendly.
- Very little handicap parking in downtown area other than parking garage and even that fills up quickly. Also when there are events downtown, etc. it would be nice to have an

area reserved for those with wheelchairs like they do for concerts and such at various fairgrounds, etc.

- In general there are very few van accessible spots in town. For a while there was a good number of them but then Stockman's Plaza took them over.
- Tranquility Circle is a city owned street that has no accommodations for the handicap
- Downtown is not "friendly" for people with mobility challenges. Handicapped parking spaces are lacking and not in useful locations (especially around the movie theater), the steps up from curbside parking are not accessible, the slate sidewalks are not good for wheelchairs and create a tripping hazard.
- Disabled parking in general in downtown, especially with outdoor dining blocking parking spaces/sidewalks.
- Lack of parking for disabled people.
- Parking is a major problem, not enough disabled parking at any well attended event anywhere in the city
- First Street is highly challenging to navigate for wheelchairs
- Fix the sidewalks. Manage the trees so they do not break the sidewalks
- Provide ADA parking near businesses and public areas.
- Help us contact a person who can do things. Make sure every part of the city is handicapped accessible. Make sure website, apps, and all communications can be understood by people with all disabilities.
- Follow ADA guidelines and use signage for universal access. Just addressing 'disabilities' seems outdated. Children, people with a temporary impairment, pregnant women, elderly etc. can all have issues with accessibility and not necessarily be disabled.
- More handicap spots, more spaces in restaurants for those with disabilities.
- More handicap parking downtown at closer intervals. Now, they are too spread out. None on 1st St at all!
- To educate merchants that their entrance and/or bathroom doors should not have so much pressure on them that it makes it difficult for people with disabilities to open them. If the doors are too heavy, or they have too much hydraulic pressure, then merchant should have the button that people with disabilities can push to open the door.
- Parking, ramps and level surfaces in the public domain plus easy accessibility into businesses and seating inside businesses.
- New housing being built should be more accommodating.
- Make all facilities accessible and useful to all.
- Sidewalk cuts, access to businesses, handicapped parking
- Accessible parking and paved trails
- A wheelchair accessible shuttle to go wine tasting. This would be HUGE Napa doesn't even have this. Paratransit is a joke, so accessible taxis are very much needed. Have a travel tip page for people in wheelchairs, which I can create via wheelchairtraveling.com. A presence on a public website to let people know they've been thought of. Has to be real genuine with real tips, not sugar-coated ADA nonsense. Again, I'm very skilled in this area.
- Many sidewalks and curves are very difficult to navigate for a person with disabilities especially in the neighborhoods. Some of the sidewalk cracks are very large and curbs are steep. Parks should do a better job including children with disabilities.
- Available ADA approved parking - I had a hip replacement recently and found out how hard it was to find disabled parking in the downtown area.
- Outdoor accessibility.
- More handicap parking and enforcement of violators. I see people park in them to pick up food from restaurants all the time or park in the striped areas so it's impossible to get out of our car.

- Much more disabled parking that is close to businesses. As baby boomers age, there will be a growing need for more disabled parking.
- More disabled parking slots downtown on fourth street, ADA sidewalks in residential neighborhoods and enforcing trucks/cars that block sidewalks.
- Fix bad sidewalks
- High especially with those disabled people that you can't physically see the disability such as autism
- It is hard in this time of the pandemic, but please keep working for paratransit and good public transit options. Hopefully, they can continue and expand when things start to improve.
- The sidewalks need to be redone. I hate to say that because of the cost involved, but honestly we haven't gone downtown in years for that very reason. Second, provide more ADA parking- not on a slant!
- To address EVERYONE who has a disability not just those with physical disabilities.
- Parking.
- Some street corners do not have a ramp. businesses should try a little harder to accommodate those with disabilities
- Making sure sidewalks and roadways are safe for crossing, walking, etc.
- Should have adaptive equipment at playgrounds, also areas in parks designated towards wheelchairs trails
- More frequent inspection of private businesses to ensure compliance with ADA regulations. For example, if a downtown business blocks the sidewalk so that a mobility device can't get through, who can I call?
- More parking spaces, repair the sidewalks so that they are smooth.
- more audio signals at stoplights throughout the city, not just downtown
- Awareness that not all disabilities are visible and not all people with disabilities can advocate for themselves effectively.
- If the city meets the current Federal guides for accessibility there should be no issues
- Ensure sidewalks and walkways are accessible
- Every new development should accommodate for the handicap
- Curbs can be difficult for wheelchair bound as myself. Also, the bumpy slate sidewalks are problematic too
- More handicapped parking and in the right places. It's too late to fix the steps at curb-side parking but that was not a good choice so don't do that again in future developments. Check the slate sidewalks for loose and uneven panels. On a different note, how are the new stack and pack houses ADA accessible? (They are not!)
- Streets and sidewalks
- More handicap parking spaces through the city, especially in downtown area and ENFORCEMENT for the existing and future handicap spots.
- It's not just accessibility, but it's jobs, transitional services for teens to young adults for independent living, it's job training, etc.
- Proactive attitude
- I know this is repetitive, but better parking downtown. I have a family member and friends who need that parking. Some friends don't go downtown because of the lack of handicap parking.
- Parking, more disabled parking and more drop-offs
- Making downtown area more accessible for those with mobility issues and their caregivers

Input from Staff

- Meetings for the public are generally inaccessible for people with auditory barriers. For instance, I am personally paying for closed captioning for a community meeting since

there is no budget and I want to proactively outreach to seniors and people with disabilities. I also don't believe our website is screen reader friendly.

- Ramp requests at various locations, Building access at City Hall rear entry, Downtown Accessibility for ADA Parking and sidewalks, Multi-Service Center Building accessibility for clients and staff
- We have tenants at the Multi Service Center that use a wheelchair and the building is not accessible
- ADA access at the multiservice center
- sidewalk offsets ADA ramp compliance
- We have received a request for an accessible golf cart, better audio for hearing impaired at a City Council meeting, additional accessible parking downtown and near a branch library.
- I hear concerns over the number and location accessible public parking, particularly in and around the Downtown
- ASL service
- For my role, I would like to see the ADA options better explained so I can assist the public if needed.
- Equal employee and public access for all accommodations.
- Building access number one and number two making city council and public meetings more accessible (e.g., closed captioning and ASL interpretation)
- City Facilities path of travel access City Programs access for hearing and site impaired and disabled Citywide mobility enhancements
- 1)Make access ramps available from the upper parking lot in front of police dept. 2) webinar training every few years 3) Materials available in multiple languages and interpretation skills.
- Building accessibility and then webpage accessibility
- Physical safety issues/concerns and communication methods
- Accessible pathways and bathrooms
- Facilities where all members of the public should have unfettered access such as City Hall, parks, Council Chambers
- Automatic door openers at entrances to City buildings.
- At the division level, it would be advising staff of what is available and providing it upon request.
- Accommodation to allow for the greatest access.
- Good policies
- Training and education
- I believe an inventory of the buildings and make sure that all staff and citizens could access all areas without issue is an important step.
- Education to staff and funding for improvements to facilities, sidewalks, and street parking.
- Restroom Access. Most disabled with wheelchairs can get into City Hall and the MSC (when the MSC front automatic doors are set correctly); however, maneuvering into the restrooms and into a stall depends on the size & capabilities of their chair. The MSC does not have much maneuvering room in both the employee and public restrooms (public the men's and women's doors open into each other so if someone is in a chair, cane or crutches someone else could be coming out of the other restroom and hit them. Maneuvering on the rug through the building, thru heavy doors (I try to keep them propped open) and over the doorway floor plates). The employee bathroom angling has made it difficult for a tenant employee to angle in and then get out of these restrooms. This person has once been stuck in another facilities bathroom until someone came to assist.

- Access to the public areas of City Facilities.
- Establish need-based priorities. Implement low-cost improvements and those that give greatest bang for buck first.
- Ensuring outreach materials, website, etc. meets guidelines.
- Maintaining access
- Meeting requirements.

RECOMMENDATIONS

- As the City met and exceeded the requirements for soliciting input into the development of the plan, no additional activities are required. However, the City may wish to conduct periodic customer satisfaction surveys targeted for persons with disabilities or gather input from recipient of services as an ongoing activity. An additional emphasis may include outreach activities to collect and integrate input from persons with disabilities and organizations representing persons with disabilities on an ongoing basis.

Accommodations for Persons with Disabilities

Statements of accommodations should be available on public notices, agendas, and other documents. A statement regarding reasonable accommodations or modifications that can be provided by the City generally affords persons with disabilities an opportunity to participate in meetings, events, and programs of the City. For example, a sign language interpreter or assistive listening device may be needed in order to participate.

A public entity must administer services, programs, and activities in the most integrated setting appropriate to the needs of qualified persons with disabilities, *i.e.*, in a setting that enables persons with disabilities to interact with nondisabled persons to the fullest extent possible, and that persons with disabilities must be provided the option of declining to accept a particular accommodation (§ 35.130(d)(e)).

FINDINGS

The majority of the findings for accommodation statements are compliance, but a few recommendations are made to enhance compliance.

- ✓ The City's Notice Under the Americans with Disabilities Act contains an accommodation statement and states that "The City of Livermore 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."
- ✓ The City's notice states, "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 Livermore should contact the City's ADA Coordinator at (925) 960-4170, (925) 960-4104 TDD or adacoordinator@cityoflivermore.net (<mailto:adacoordinator@cityoflivermore.net>)"
- ✓ The City's ADA notice provides a section on effective communication which states, " The City will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the City of Livermore's services, programs, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments."

- ✓ In the Livermore Planning and Zoning Code Chapter 9.06 it states "Reasonable accommodations is a procedure to request a necessary adjustment to the development standards specified in this Development Code in order to accommodate persons with disabilities seeking equal access to housing under the California Fair Employment and Housing Act, and the Americans with Disabilities Act (ADA)(also known as the Acts) in the application of zoning laws and other land use regulations, policies, and procedures. A Reasonable Accommodation is typically an adjustment to physical design standards (e.g., setbacks) to accommodate the placement of wheelchair ramps or other exterior modifications to a dwelling in response to the needs of a disabled resident." In most cases, a statement of accommodation with consistent content was found on reviewed meeting agendas for City Council and Commissions, requesting that the City be contacted to request an accommodation at least 3 days in advance of the meeting. Statements on most agendas direct persons requesting an accommodation to the ADA Coordinator. Statements include the phone number, TDD number and email to request an accommodation, as in the following example screen shot from a July, 26 2021 City Council Meeting.

PURSUANT TO TITLE II OF THE AMERICANS WITH DISABILITIES ACT (CODIFIED AT 42 UNITED STATES CODE SECTION 12101 AND 28 CODE OF FEDERAL REGULATIONS PART 35), AND SECTION 504 OF THE REHABILITATION ACT OF 1973, THE CITY OF LIVERMORE DOES NOT DISCRIMINATE ON THE BASIS OF RACE, COLOR, RELIGION, NATIONAL ORIGIN, ANCESTRY, SEX, DISABILITY, AGE OR SEXUAL ORIENTATION IN THE PROVISION OF ANY SERVICES, PROGRAMS, OR ACTIVITIES. TO ARRANGE AN ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS PUBLIC MEETING, PLEASE CONTACT THE ADA COORDINATOR AT ADACoordinator@CityofLivermore.net OR CALL (925) 960-4170 (VOICE) OR (925) 960-4104 (TDD) AT LEAST THREE (3) BUSINESS DAYS IN ADVANCE OF THE MEETING.

- ✓ The Hiring Process page of the City's website has a section for ADA/Reasonable Accommodation which states, "If you are a qualified individual with a disability as defined by the ADA and you need reasonable accommodation to participate in any of the tests, you must notify the Human Resources Division by the filing date for the specific job. Official documentation of your functional limitations to support your request may be required."

RECOMMENDATIONS

- To provide consistent and accurate statement of accommodations, it is recommended that a standardized "statement of accommodation" be included on postings (hard copy and on the website) of agendas, meetings, events, programs, and activities for public facing documents. The standardized accommodation statement should include language regarding a minimum timeframe to request an accommodation and includes the contact person, address or location, phone number and email address.
- Information regarding the purpose and requirement for an accommodations statement and training should be developed and disseminated to all City departments.
- Accommodation statements and procedures should be added for public records requests.

- Alternate methods for requesting an accommodation should be added to all statements of accommodation and should include phoning in the request, postal mail, email, or dropping off the request for accommodation at City sites.
- Contact information including a TDD/TTY or California Relay number for requesting an accommodation should be included on all statements of accommodations.

Access to Programs, Services, Activities and Events

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)). Title II of the ADA requires public entities to ensure that all public meetings and events sponsored are readily accessible to persons with disabilities and provide opportunities for participation. Policies and procedures need to ensure that persons with disabilities are provided equal opportunity to access programs, services, and activities of the City. Part 35.149 specifically requires nondiscriminatory practices in order to have program accessibility. The ADA/504 does not specifically state how a public entity provides for accessibility to programs, services, and activities.

Under the ADA, the City is required to “make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability.” The City is required to do so unless it can demonstrate “that making the modifications would fundamentally alter the nature of the service, program, or activity” [28 CFR § 35.130 (7)]. Public entities are subject to all applicable state and federal laws that govern accessibility for persons with disabilities. These laws include the Americans with Disabilities Act, the federal Section 504 of the Rehabilitation Act of 1973, and state constitutional provisions.

Except as otherwise provided in § 35.150, no qualified individual with a disability shall, because a public entity's facilities are inaccessible to or unusable by persons with disabilities, be excluded from participation in, or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any public entity.

FINDINGS

Overall access to programs, services, activities were compliant and provided access with a few exceptions.

- ✓ No intentional discriminatory practices were found regarding access to programs, services, and activities.
- ✓ Many examples and evidence were found of the City providing access to programs, services and activities for compliance with the ADA, Section 504, housing, facilities and public rights-of-way.
- ✓ The City’s ADA Notice Under the Americans with Disabilities Act states, “In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990, the City of Livermore will not discriminate against qualified individuals with disabilities on the basis of disability in the City's services, programs, or activities”.
- ✓ The ADA Notice Under the Americans with Disabilities Act states, “The City of Livermore 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 Livermore offices, even where pets are generally prohibited.”

- ✓ To provide effective communication for persons with disabilities, the City of Livermore affirms in the ADA Notice Under the Americans with Disabilities Act that “The City will, 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 Livermore’s services, programs, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.”
- ✓ Housing Authority of the City of Livermore -Section D Fair Housing Policy 982.54 (d) (6)) states:

“It is the policy of the Livermore Housing Authority to comply fully with all Federal, State, and local nondiscrimination laws and with the rules and regulations governing Fair Housing and Equal Opportunity in housing and employment.

The LHA shall not deny any family or individual the opportunity to apply for or receive assistance under the Section 8 Programs on the basis of race, color, sex, religion, creed, national or ethnic origin, age, family or marital status, handicap or disability or sexual orientation.

To further its commitment to full compliance with applicable Civil Rights laws, the LHA will provide Federal/State/local information to voucher holders regarding “discrimination” and any resource available to them if they are victims of discrimination. Such information will be made available during the family briefing session, and all applicable Fair Housing Information and Discrimination Complaint Forms will be made a part of the Voucher holder’s briefing packet.

Except as otherwise provided in 24 CFR 8.21 I (1), 8.24 (a) and 8.31, no individual with disabilities shall be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination because the LHA’s facilities are inaccessible to or unusable by persons with disabilities.”

- ✓ Housing Authority of the City of Livermore- Section E Reasonable Accommodations Policy states:

“It is the policy of the LHA to be service directed in the administration of our housing programs, and to exercise and demonstrate a high level of professionalism while providing housing services to families.

Request for Accommodation

A participant with a disability must first ask for a specific change to a policy or practice as an accommodation of their disability before the LHA will treat a person differently than anyone else. The LHA’s policies and practices will be designed to provide assurances that persons with disabilities will be given reasonable accommodations, upon request, so that they may fully access and utilize the housing program and related services. The availability of requesting an accommodation will be made known by including notices on LHA forms and letters. This policy is intended to afford persons with disabilities an equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as those who do not have disabilities and is applicable to all situations described in this Administrative Plan including when

a family initiates contact with the LHA, when the LHA initiates contact with a family including when a family applies, and when the LHA schedules or reschedules appointments of any kind.

To be eligible to request a reasonable accommodation, the requester must first certify and /or verify that they are a person with a disability under the following ADA definition:

A physical or mental impairment that substantially limits one or more of the major life activities of an individual;

A record of such impairment; or

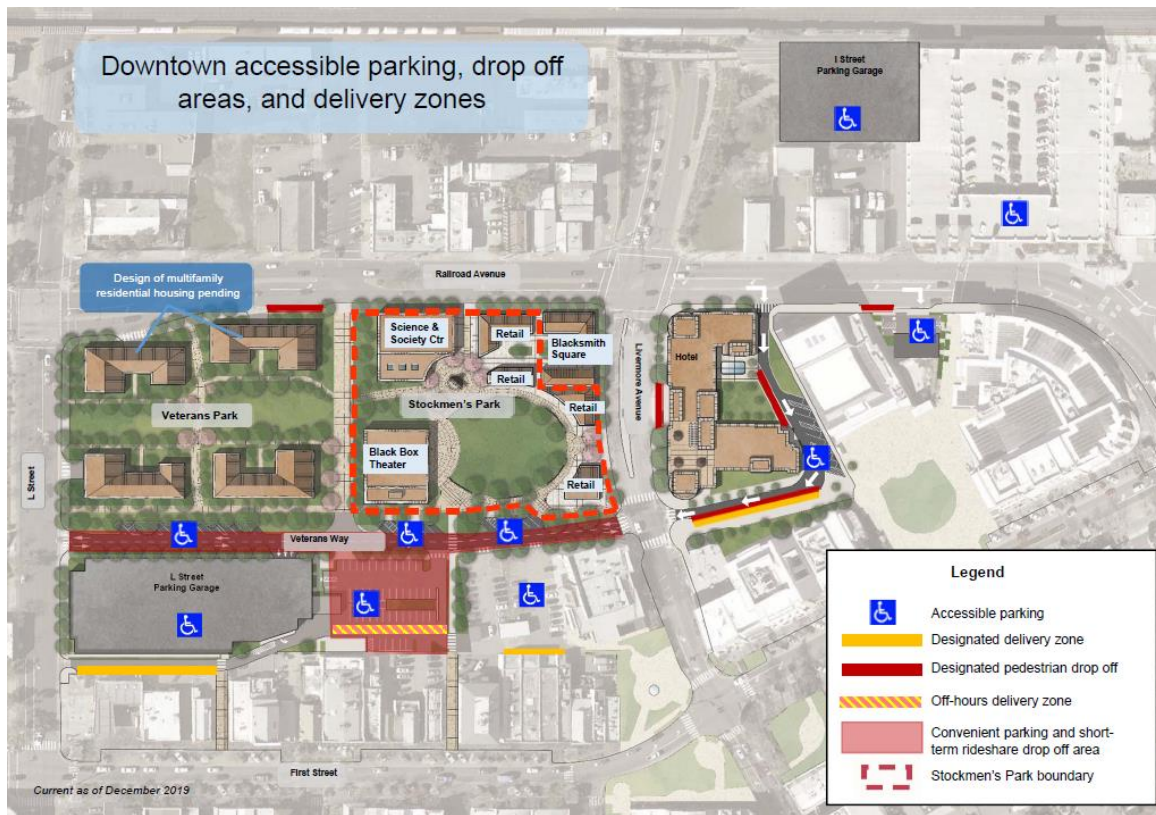
Being regarded as having such an impairment”

- ✓ The City has developed a Complete Streets Policy that describes a comprehensive, integrated transportation network with infrastructure and design that allows safe and convenient travel along and across streets for all users, including pedestrians, bicyclists, persons with disabilities, motorists, movers of commercial goods, users and operators of public transportation emergency responders, seniors, children, youth and families. The City recently received national recognition for its Complete Streets Policy which helps implement the City’s vision to make streets safer and more convenient for everyone who uses them. This policy was developed to provide guidance for residents, decision makers, staff, and various partners to ensure that multimodal elements are incorporated into all transportation improvement projects. Potential improvements that will be considered with these goals include travel lanes that accommodate commercial and transit vehicles, sidewalks, shared use paths, bicycle lanes, bicycle routes, paved shoulders, traffic signals, trails, street trees and landscaping, planting strips, accessible curb ramps, crosswalks, refuge islands, pedestrian signals, signs, street furniture, bicycling parking facilities and lockers, public transportation stops and facilities, transit priority signalization, and other features assisting in the provision of safe for all users.
- ✓ The City has a Citizen Self-Service Portal to increase access and search records such as permits, planning applications and business tax records without requesting them in person.
- ✓ The City has Ordinance 8.08.410 entitled ADA compliance regarding accessible provisions for persons with disabilities regarding containers and placement of containers that provides access to persons with disabilities at no extra cost.

With regards to all requirements of this chapter, the franchisee shall make reasonable accommodations with regards to container and collection requirements (e.g., with regards to the container size and type, placement of containers for collection, etc.) for any individual with a disability in compliance with the Americans with Disabilities Act at no additional cost to the customer. (Ord. 1978 § 1 (Exh. A), 2013; Ord. 1816 § 2, 2007)

- ✓ City Council and Commission meetings are able to be live streamed or viewed from an archive of recorded meetings on the City’s website.
- ✓ Although not a direct program of the City, the City has access to a “Wheels Dial-A-Ride” ADA paratransit program that provides door-to-door shared-ride transportation for ADA paratransit eligible passengers.

- ✓ Information regarding accessible parking for select locations was included on the website in order to enhance access to programs, services and activities for persons with disabilities in the City as shown in the following screenshot.



RECOMMENDATIONS

- The City should continue to disseminate information in a variety of locations and methodologies with accessible formats to enhance the access to programs, services, and activities.
- If City programs, services and activities are not offered at all locations, the City should make efforts to place programs, services and events in accessible locations.
- 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.
- Social media platforms should be reviewed on a regular basis to make sure that they are accessible for persons with disabilities.
- The ADA Coordinator should continue to monitor programmatic access and the removal of structural barriers in the transition plan.
- 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.

- 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 and event is held should also be accessible.
- Information regarding a facility should include information regarding 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 persons with disabilities. A contact number and email address should be provided for additional assistance.
- Information about how to request accommodations should appear on public-facing notices, announcements, flyers, publications and agendas. Information should be disseminated to all departments and divisions regarding the statement for accommodations requirement.
- The City should provide training for staff and volunteers regarding accommodations for persons 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 persons with disabilities.
- Additional training materials and videos should be purchased or developed to assist with training efforts and to allow for access by City staff as schedules permit.
- The City's ADA Coordinator should assist departments with planning and budgeting for selected accommodations, such as large print, Braille materials and other accessible formats.
- A centralized method for producing alternate formats, such as Braille, may provide a cost savings and reduce the timelines to produce alternate formats.
- Applications should be available in other methods and not only online.
- All open meetings of the City must be accessible to persons with disabilities. Meeting locations must be accessible without the need for special assistance.
- Sign language interpreters for deaf or hearing-impaired persons must be provided, subject to reasonable advance notice.

Outreach Materials and Activities

The ADA/504 does not specifically state how a public entity provides for accessibility to the City's 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 of the City.

FINDINGS

- ✓ Multiple methods of communicating with the public that take advantage of the City's programs, services and activities were found during the assessment.

- ✓ The City of Livermore’s website provides an opportunity for interested community members to discuss and provide comments or complete surveys on a wide variety of topics involving the City’s programs, and topics related to local businesses.
- ✓ The City’s website includes a page for “Affordable Homeownership Program” also known as the Below Market Rate (BMR) Program. Although the focus of the program is to assist how low-and moderate-income households can purchase a home at a below market rate, persons with disabilities would be included in the process. The Affordable Homeownership Program states that US Department of Housing and Urban Development (HUD) Policy Priorities includes providing increased homeownership and rental opportunities for low and moderate-income persons, persons with disabilities, the elderly, minorities, and families with limited English proficiency and to encourage accessible design features.
- ✓ The Community Asset Management Program (CAMP) Outreach Committee provides advice and direction on educating and engaging the community in decisions related to the short-term and long-term maintenance of the City's infrastructure. CAMP members provide input into the development of a communication and outreach campaign; provide input on discussions related to specific priorities, and help extend the reach and effectiveness of the City's efforts. CAMP members serve in an advisory capacity, with their input serving as recommendations that inform strategy, approach, and decision making.

RECOMMENDATIONS

- The City should consider including additional pictures and references to persons with disabilities in publications, brochures, and materials.
- Organizations representing persons with disabilities and areas with an increased population of persons with disabilities could be targeted for input regarding additional methods to disseminate information regarding programs, services, and activities of the City.
- The City should consider targeted methods to increase the inclusion of persons with disabilities on commissions and committees.
- In City publications or on the website, 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.

Service Animals

Persons with disabilities shall be permitted to be accompanied by their service animals in all areas of a public entity's facilities where members of the public, participants in services, programs or activities, or invitees, as relevant, are allowed to go (28 CFR § 35.136(g)).

The Department of Justice (DOJ) published revised final regulations implementing the Americans with Disabilities Act (ADA) for Title II (State and local government services) and Title III (public accommodations and commercial facilities) on September 15, 2010, in the Federal Register. These requirements, or rules, clarify and refine issues that have arisen over the past 20 years and contain new, and updated, requirements, including the 2010 Standards for Accessible Design (2010 Standards).

Beginning on March 15, 2011, only dogs and miniature horses are recognized as service animals under Titles II and III of the ADA. A service animal is a dog (in some cases a miniature horse) that is individually trained to do work or perform tasks for a person with a disability. Public entities, such as the City, must permit service animals to accompany people with disabilities in all areas where members of the public are allowed to go.

FINDINGS

Some compliant findings were noted. Recommendations to enhance compliance are outlined in the recommendations section.

- ✓ Multiple methods of communicating with the public that take advantage of the City's programs, services and activities were found during the assessment.
- ✓ The City's Emergency Operations Plan states that "the City will ensure that individuals with disabilities are not separated from service animals and assistive devices, and that they will receive disability-related assistance."
- ✓ As a step towards compliance, the City of Livermore Municipal Code 6.14.060 provides for exceptions for "guide dogs for the blind or deaf" while performing their duties. The wording should be more inclusive and use the term service animals to include the additional duties of a service animal.

6.14.060 Exceptions.



A. No dog may be declared potentially dangerous or vicious if any injury or damage is sustained by a person who, at the time the injury or damage was sustained, was committing a willful trespass or other tort upon the owner's premises, or the injured party was tormenting, abusing, or assaulting the dog, or was committing or attempting to commit a crime. No dog may be declared potentially dangerous or vicious if the dog was protecting or defending a person within the immediate vicinity of the dog from an unjustified attack or assault. No dog may be declared potentially dangerous or vicious if an injury or damage was sustained by a domestic animal which at the time of the injury or damage was sustained was tormenting, abusing or assaulting the dog.

B. No dog may be declared potentially dangerous or vicious if the injury or damage to a domestic animal was sustained while the dog was working as a hunting dog, herding dog, or predator control dog on the property of, or under the control of, its owner, and the damage or injury was to a species or type of domestic animal appropriate to the work of the dog.

C. This chapter does not apply to humane society shelters, animal control facilities, or veterinarians or to dogs while utilized by any police department or any law enforcement officer in the performance of police work; guide dogs for the blind or deaf while performing their duties; dogs participating in field or obedience trials or conformation exhibitions; dogs assisting their owner in legal hunting activities or in the herding of livestock. (Ord. 1643 § 1, 2001)

RECOMMENDATIONS

- Staff should be provided information regarding service animals to understand the definition of a service animal and that service animals must be permitted to go to all public areas with a few exceptions such as spas. Information should be provided to staff to assist them to recognize a service animal and to understand the questions that they can ask. It should be clarified that it is never acceptable to ask about the person's disability.
- The City should develop policies regarding service animals for all applicable programs, services, and activities of the City.

- The City should not exclude certain breeds of dogs as restrictions for a particular breed may be discriminatory and may exclude a qualified, trained service animal.
- Information about service animals should be provided to City staff in addition to training regarding service animals and in publications.
- Language in any pet ordinance should be modified or updated to ensure it is inclusive and not limited to only dogs or guide dogs or to a specific type of disability.

Other Power-Driven and Shared Mobility Devices

According to the Department of Justice: "Other power-driven mobility device means any mobility device powered by batteries, fuel, or other engines whether or not designed primarily for use by persons with mobility disabilities that is used by persons with disabilities for the purpose of locomotion, including golf cars, electronic personal assistance mobility devices (EPAMDs), or any mobility device designed to operate in areas without defined pedestrian routes, but that is not a wheelchair within the meaning of this section."

A public entity is required to make reasonable modifications to their policies, practices, and procedures when necessary to enable an individual with a disability to use a power-driven mobility device to participate in its services, programs, or activities unless doing so would result in a fundamental alteration of their services, programs, or activities (28 CFR § 35.137(b)). A public entity shall permit persons with mobility disabilities to use wheelchairs and manually powered mobility aids, such as walkers, crutches, canes, braces, or other similar devices designed for use by persons with mobility disabilities in any areas open to pedestrian use, unless the public entity can demonstrate that the class of other power-driven mobility devices cannot be operated in accordance with legitimate safety requirements that the public entity has adopted pursuant to 35.130.

In determining whether a particular other power-driven mobility device can be allowed in a specific facility as a reasonable modification, a public entity may consider:

- The type, size, weight, dimensions, and speed of the device;
- The facility's volume of pedestrian traffic;
- The facility's design and operational characteristics (*e.g.*, whether its service, program, or activity is conducted indoors, its square footage, the density and placement of stationary equipment, furniture or devices);
- If legitimate safety requirements can be determined to permit the safe operation of the other power-driven mobility device; and
- If the use of the other power-driven mobility device creates a substantial risk of serious harm to the environment.

FINDINGS

- ✓ No policies or procedures were found regarding other power-driven mobility devices (OPDMD).

RECOMMENDATIONS

- It is recommended that the City develop a policy for other power-driven mobility devices (OPDMD) that are owned and operated by persons with disabilities and disseminate the information Citywide.

Ticketing and Seating

The Department of Justice published revised final regulations implementing the Americans with Disabilities Act (ADA) for title II (State and local government services) and title III (public accommodations and commercial facilities) on September 15, 2010, in the Federal Register. These requirements, or rules, clarify and refine issues that have arisen over the past 20 years and contain new, and updated, requirements, including the 2010 Standards for Accessible Design (2010 Standards).

Providing equal opportunity to people with disabilities is the fundamental principle of the Americans with Disabilities Act (ADA). This publication provides guidance on the Department's new nondiscrimination requirements that apply to selling tickets for assigned seats at events such as concerts, plays, and sporting events. The requirements, which are identical for title II and title III entities, apply to tickets sold for single events and those sold for a series of events (e.g., subscriptions or season tickets).

A public entity that sells tickets for a single event or series of events shall modify its policies, practices, or procedures to ensure that persons with disabilities have an equal opportunity to purchase tickets for accessible seating (28 CFR § 35.138).

FINDINGS

- ✓ No City policies were found for providing accessible seating for programs, services, activities and special events.

RECOMMENDATIONS

- The City should develop policies regarding ticketing and seating for persons with disabilities.
- The City should continue to provide ADA notices and other documents that it will make all reasonable accommodations and modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities.
- The City should describe the features of available accessible seating to permit a person with a disability to assess independently whether or not a given accessible seating location meets their accessibility needs.
- The City should provide materials, such as seating maps, plans, brochures, pricing charts, or other information to identify the location and type of accessible seating.

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

- ✓ There was no evidence of discriminatory practices regarding eligibility criteria for access to programs and services.

RECOMMENDATIONS

- Program eligibility criteria should be reviewed on an ongoing basis as they are drafted or modified to ensure that eligibility criteria do not put additional burdens or requirements on persons with disabilities.
- The City should continue to ensure that all eligibility criteria allow for accommodations for persons 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

- ✓ The City's ADA Notice states that the City "will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy."

RECOMMENDATIONS

- The City's ADA Coordinator should continually review fee policies and practices for consistency and to ensure that fees and surcharges are not charged to persons with disabilities that are not charged to persons without disabilities.

Emergency Procedures

Under Title II of the ADA, emergency programs, services, activities, and facilities must be accessible to people with disabilities and generally may not use eligibility criteria that screen out or tend to screen out people with disabilities. The ADA also requires making reasonable modifications to policies, practices, and procedures when necessary to avoid discrimination against a person with a disability and taking the steps necessary to ensure effective communication with people with disabilities. The ADA generally does not require state or local emergency management programs to take actions that would fundamentally alter the nature of a program, service, or activity or impose undue financial and administrative burdens (28 CFR § 35.130(b)(1)) (28 CFR § 35.149).

The City is required to plan to meet the needs of persons with disabilities in an emergency and provide access to emergency shelter services.

FINDINGS

- ✓ The City has a "Special Situations" informational flyer prepared by the Livermore Fire Department that addresses planning for individuals with special needs and individuals with disabilities. The flyer also discusses service animals being permitted.
- ✓ The Emergency Operations Plan states that the City will provide "ADA compliant access to City facilities". The City's website provides information on emergency preparedness for a variety of situations and includes a document specifically developed to assist caregivers and persons with special needs in planning for emergencies.

- ✓ The City has an Emergency Operations Plan as a participating member of the Alameda Operational Area. The plan was updated in 2018. Section 1.3 of the Emergency Operations Plan references documents such as the ADA, Section 504 of the Rehabilitation Act and California Accessibility Codes and states references are for conducting and supporting emergency operations. Although the Administrative Features section of the plan states that it includes California and Federal Codes for persons with disabilities no specific procedures for persons with disabilities are specifically outlined in the plan. The plan uses the term “handicapped” instead of persons with disabilities.
- ✓ The Emergency Operations Plan in Section 1.6.1 discusses access and functional needs populations and contains references and requirements for assistance with persons with disabilities and service animals but does not contain specific procedures that are recommended to implement the plan and states that the city must address how it will serve individuals with disabilities. Some examples of accommodations are given such as accessible vans or American Sign Language interpreters.
- ✓ The majority of City staff responded that an evacuation route and instructions are posted in a visible and accessible area of each floor in all facilities used by their department or program.
- ✓ The public can register to be trained to participate in the Community Emergency Response Team (CERT), which is a program designed to train citizens to assist their own community members in the event of an emergency.
- ✓ Emergency evacuation maps were found in surveyed City facilities. The following example of an emergency plan map found at the Senior Center includes instructions for evacuation for persons with disabilities. Some of the emergency evacuation maps also contain an international symbol of accessibility (ISA) and a statement that if you are “disabled” to activate the fire alarm pull station or dial 9-911.
- ✓ The Emergency Preparedness link on the City’s website directs users to the Livermore Consolidated Fire Department (SMCFD) which has many resources for information, including a link to “DisabilityDisasterAccess.org” which provides information on assisting persons with disabilities in an emergency.
- ✓ Policy 370 Communications with Persons with Disabilities was adopted by the Livermore Police Department. Policy 370 is comprehensive and provides valuable information regarding communicating with persons with disabilities, background regarding the ADA, the ADA Coordinator, types of assistance, effective communication and other related assistance for persons with disabilities.

RECOMMENDATIONS

- The City should provide additional training and information regarding emergency evacuation procedures, particularly regarding the evacuation of persons with disabilities.
- The City should post evacuation routes and procedures at all City sites and on the website.
- The City should develop procedures and a mechanism to monitor the posting of emergency evacuation routes and procedures.
- The City should consider the development of a voluntary registry for individuals that may need additional assistance that may not have access to technology.

- Shelters should be surveyed to determine that they are accessible for persons with disabilities prior to be designated as an evacuation shelter. 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.
- 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. Noncompliant findings for designated shelters can be found in the City Transition Plan.

Policies for the Use of City Facilities

The use of City facilities cannot discriminate against persons with disabilities and applications for the use of City facilities should include nondiscrimination statements. City facilities that are leased should be accessible for persons with disabilities.

FINDINGS

- ✓ The City provides opportunities for the public, organizations and businesses to lease recreational facilities and picnic shelters for private events. The City offers a hard copy, a PDF copy and an online version of an application to reserve a facility or picnic shelter.

RECOMMENDATIONS

- The City should consider the inclusion of a nondiscrimination clause in their facility rental policy. The inclusion of nondiscrimination 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.
- 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 on the City's website.
- The City should provide the application form and facility use agreement in multiple formats, ensuring at least one is accessible, and offer multiple methods to submit the application. A policy that would prohibit pets in a facility or park should include a notice allowing service dogs, when appropriate.

Lease and Joint Use Agreements

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. Leased sites should be accessible and have provisions in the lease to ensure accessibility.

FINDINGS

- ✓ Selected joint use and lease agreements were reviewed. Most agreements did not contain accessibility provisions.
- ✓ The City does, however, have a LARPD/City Facility Exchange of Maintenance Responsibilities Term Sheet (Exhibit A) to maintain applicable buildings, parks and trails throughout the City. The two agencies ownership and maintenance responsibilities are described in various agreements including the Master Property Agreement and the Joint

use Agreement Livermore Maintenance Service Center. The City has a core mission to maintain streets within the City of Livermore in the joint agreement.

- ✓ The agreement with the City and the franchise agreement for solid waste (Resolution No. 2020-051) should contain additional provisions for accessibility.
- ✓ Policies and practices to ensure that the City leases accessible space from others or to others were not found.

RECOMMENDATIONS

- The City should review the accessibility of sites that are and may be leased in the future prior to engaging in a lease or renewal and establish a procedure for a pre-lease inspection.
- When considering a leased space, the ADA/504 Coordinator, or designated staff member, should be trained to conduct or have a designee or consultant conduct a field inspection of the prospective building to assess the building for a general, functional level of accessibility. The ADA/504 Coordinator could utilize an abbreviated checklist to determine general accessibility of facilities that the City is considering a lease. A more comprehensive inspection could be conducted if the initial review appears to be favorable.
- Language in lease agreements should be reviewed to clearly delineate the responsibility for accessibility and if it lies with the lessee or lessor or both.
- A pre-lease inspection process should be implemented for buildings that are not City owned but may be leased by the City.
- Language in lease agreements should be reviewed for ongoing compliance standards.
- Joint use agreements should outline accessibility provisions.

Special Events and Activities

Special events sponsored by the City are considered a program, service or activity of the City and are required to be accessible in accordance with ADA requirements.

FINDINGS

- ✓ The majority of the special events and activities were accessible. However, some applications, permits and other methods to hold special events did not consistently contain accessible assurances. For example, the City Temporary Use Permit Packet for Seasonal Outdoor Uses had limited information for accessible features with the exception of item g. Parking, which states "check with the Building Division for any accessible compliant parking requirements."
- ✓ Another example is the lack of accessibility provisions in City standards for temporary and intermittent uses (page 4 and 5). Page 6, however, contains a general statement for project authorization that states in item # 1 that "The project shall be in conformance with all City Ordinances, rules, regulations and policies". Item # 7 under Project Specific Conditions (page 6) states that "no driveways or fire protection equipment shall be blocked by this use."

- ✓ The Block Party policy included accessible provisions regarding the provision that accessible features, such as sidewalks not being blocked.

RECOMMENDATIONS

- ADA accessibility information should be added to the Special Events section of the City's website.
- Accessible features and elements for special events and activities should be indicated in publications, brochures and on the website. Accessible features may include accessible parking and restrooms, for example.
- The City's special events policies, procedures, and applications should be updated to include ADA accessibility information.
- The City's special events policies, procedures and applications should be updated and maintained to include ADA accessibility information and provisions that the event comply with federal, state and local accessibility requirements for persons with disabilities. ADA accessibility requirements should be included in event applications and procedures clarified for event organizers. For example, information regarding accessible parking, accessible restrooms and accessible emergency communications should be included in the special event application.
- Planning for accessible provisions should include a checklist and training for City staff regarding the ADA requirements for special events.
- A statement of accommodation should be included on the website and on flyers and publications regarding the special event or activity.

Contracted Services

Public entities cannot use contract procurement criteria that discriminate against persons with disabilities (28 CFR § 35.130(b) (5)). Contractors should be held to the same nondiscrimination rules that apply to City employees.

FINDINGS

- ✓ Provisions for contractors, vendors and other third parties were not consistently found to ensure accessibility. Some agreements such as the Agreement for Professional Consultant Services have included a nondiscrimination statement in Section 18.

RECOMMENDATIONS

- The City should consider revising Section 17 in the Agreement for Professional Consultant Services to replace physical handicap to "disability" to be more inclusive and not using outdated language such as "handicap".
- The City should continue to monitor use of standard agreements and contracts by all City departments, as well as monitor agreements that are not standardized.
- 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.
- The City should consider including requirements for the purchasing or licensing of accessible information technology hardware and software when the program or devices will be available for use by the public.

Building and Construction

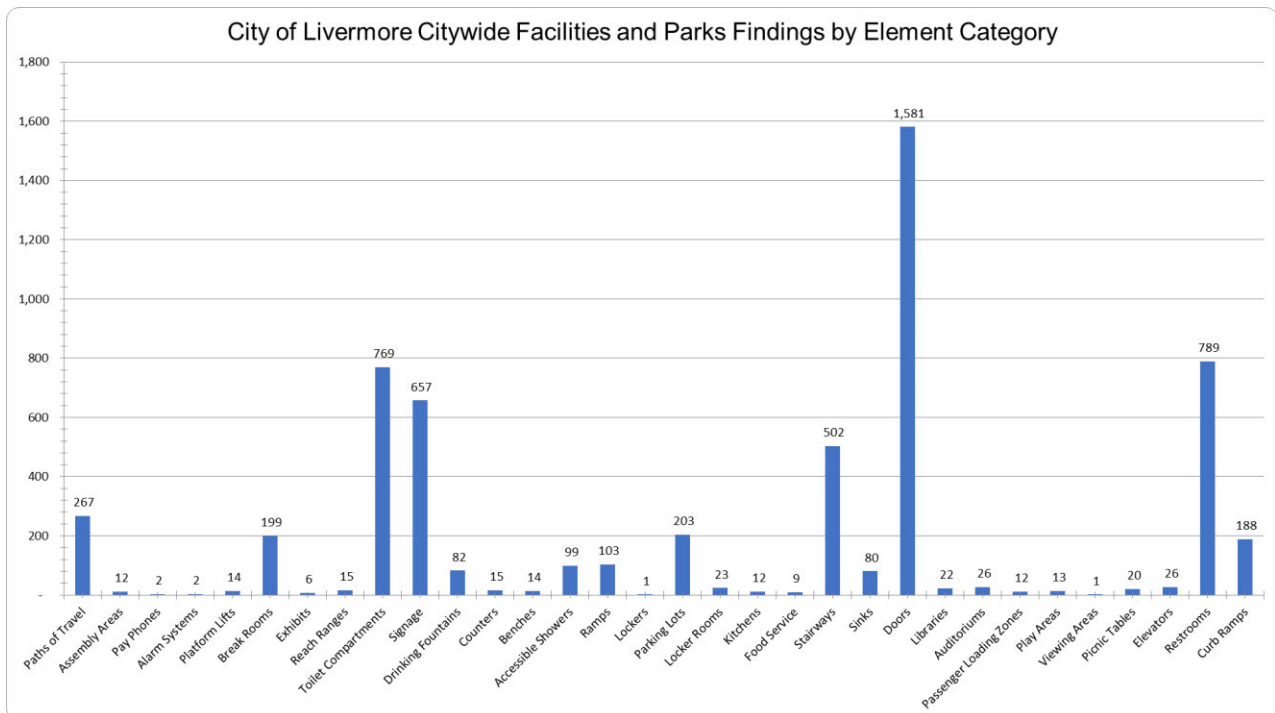
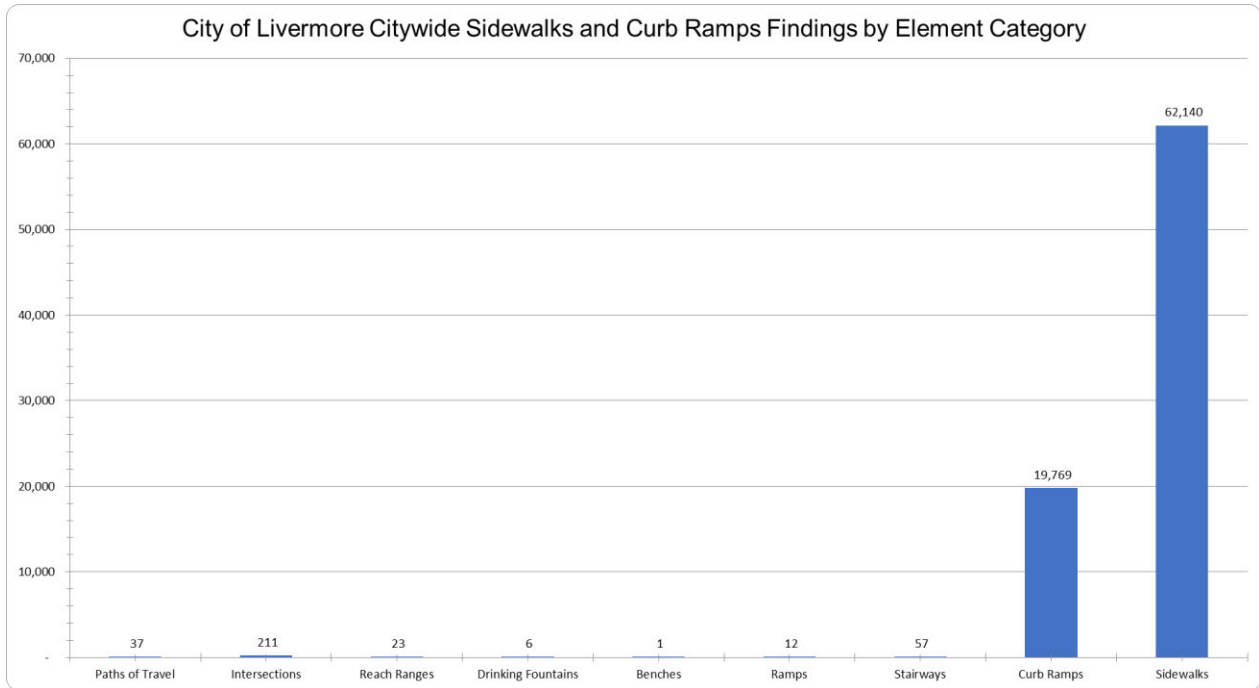
Each facility or part of a facility constructed by, on behalf of, or for the use of a public entity shall be designed and constructed in such manner that the facility or part of the facility is readily accessible to and usable by persons with disabilities, if the construction was commenced after January 26, 1992 (35.151). Building and construction policies require 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 of the ADA regulation. Buildings constructed after January 26, 1992 are considered new buildings and should be compliant with the current accessibility standards and state accessibility standards and requirements at the time of construction.

Existing buildings are defined as those buildings or sites that were constructed prior to 1992 and that have not had any major remodeling or renovation. If an existing building has had major remodeling or renovation, portions of the building would need to be brought up to the new standards. In addition, the path of travel to the building may be “triggered” and require renovation or remodeling to meet the current accessibility standards. A public entity may comply with the requirements for “existing buildings” by making programmatic changes. Full compliance of existing buildings may not be required where a public entity can demonstrate that it is structurally impracticable to meet the requirements.

FINDINGS

- ✓ The City publishes accessible standards in accordance with state and federal requirements.
- ✓ The City has adopted applicable state accessibility policies, standards and regulations.
- ✓ The City has checklists for commercial and residential accessibility compliance.
- ✓ The City has an Existing Building Accessibility Quick Checklist (CBC 11B) to assist with accessibility compliance.
- ✓ The City has provisions for the protection and accessibility of pedestrians during construction or demolition that provides for accessibility assurances for sidewalks, streets, alleys and pedestrian travel. The policy also states that work shall not be placed on public property that may obstruct pedestrian travel.
- ✓ The City has a Request for Unreasonable Hardship policy and form in accordance with the 2019 California Building Code, Section 11B-202.4.
- ✓ Although not uncommon with other city governments, noncompliant findings in accordance with Title II of the ADA, the California Building Code (CBC) and other accessibility standards and provisions were found during the on-site accessibility review

of buildings, parks and other City facilities. Detailed findings and photographs are included in the online DACTrak software program that contains the findings from the on-site field surveys conducted by DAC. A summary of noncompliant findings based on recent on-site field assessments are indicated in the column chart graphs that follow:



RECOMMENDATIONS

- Due to the number of noncompliant findings of new construction and remodeling, the City should enhance their oversight of projects to ensure that remodeling and new construction meet applicable accessibility standards.

- In selected cases, it is recommended that the City contract for an independent review of plans, remodeling efforts and new construction for accessibility requirements for the Americans with Disabilities Act Standards (ADA), the California Building Code and other applicable building standards and regulations to provide additional oversight. It is important and required that the accessibility barrier removal efforts for new and remodeled buildings, parks and public rights-of-way meet federal and state accessibility codes.
- City project specifications that are issued by the Community Development division should include information regarding accessibility requirements.
- As privately developed commercial publications are placed on the City's website the City may want to consider placing disclaimers on their website that the publications were developed by private sources and not governing authorities. In addition, the site should be monitored to remove any outdated publications that do not reflect current standards.
- The City should review policies, practices, and procedures to review remodeling and construction activities to ensure that they meet the applicable accessibility standards.
- Internal policies and procedures focusing on the review of design and construction activities specific to ADA compliance and accessibility compliance should be added.
- The City should ensure that accessibility inspections are conducted as work progresses and is completed.
- Language in contracts with outside vendors should state that work will be performed with all applicable state and federal accessibility standards and regulations.
- The City should ensure that contractors are informed when performing construction activities adjacent to or within the public right-of-way that accessible and safe pedestrian routes must be maintained throughout the project. Information on alternate accessible pedestrian routes and detours should be posted on the City's website, as well as at the site during construction.
- Procedures should be established to ensure 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 with ADA standards to the extent of 20% of the cost of the alteration.
- The City should continue to remove barriers identified in the City's ADA/504 Self-Evaluation and transition plan.
- As barriers are removed, they should be documented in the City's transition plan.
- The City should keep the transition plan current and produce progress reports on a regular basis.

Maintenance of Accessible Features

The ADA requires that accessible features be maintained (35.133). Accessible features and elements may include examples such as maintaining door pressures, elevators, trimming vegetation so that it does not encroach on accessible paths of travel, maintaining clear areas to

access display areas, access to brochures, access to posted agendas and replacing damaged or missing signage.

The ADA requires that, to the maximum extent feasible, facilities must be accessible to, and usable by, persons with disabilities. This section recognizes that it is not sufficient to provide features such as accessible routes, elevators, or ramps, if those features are not maintained in a manner that enables persons with disabilities to use them. Inoperable elevators locked accessible doors, or "accessible" routes that are obstructed by furniture, filing cabinets, plants or displays, for example, are neither "accessible to" nor "usable by" persons with disabilities.

FINDINGS

- ✓ Although the City did not have formal maintenance policies and procedures in most departments, the City demonstrated a practice of maintaining accessible features in accordance with the work order process.
- ✓ The City previously received national recognition for its Complete Streets Policy which helps implement the City's vision to make streets safer and more convenient for everyone who uses them. Smart Growth America is a national organization that has been reviewing and ranking Complete Street policies annually since 2006. In 2013 more than 80 communities adopted Complete Street policies. Livermore's policy was ranked 11th and was one of only three California cities ranked in the top 15. Smart Growth America's report of the Best Complete Streets Policies of 2013 features a cover photo of First street in Downtown Livermore and can be read here: <http://www.smartgrowthamerica.org/complete-streets-2013-analysis>. The national recognition is based on the City of Livermore's Complete Streets Policy which the City Council unanimously passed on January 28, 2013. As evidenced by this policy, the City of Livermore is committed to creating and maintaining Complete Streets that provide safe, comfortable, and convenient travel through a comprehensive, integrated transportation network that serves all categories of users, including pedestrians, bicyclists, persons with disabilities, motorists, movers of commercial goods, users and operators of public transportation, emergency responders, seniors, children, youth, and families. This policy was developed to provide guidance for residents, decision makers, staff, and various partners to ensure that multimodal elements are incorporated into all transportation improvement projects. Potential improvements that will be considered with these goals include travel lanes that accommodate commercial and transit vehicles, sidewalks, shared use paths, bicycle lanes, bicycle routes, paved shoulders, traffic signals, trails, street trees and landscaping, planting strips, accessible curb ramps, crosswalks, refuge islands, pedestrian signals, signs, street furniture, bicycle parking facilities and lockers, public transportation stops and facilities, transit priority signalization, and other features assisting in the provision of safe travel for all users.
- ✓ The City does, however, have a LARPD/City Facility Exchange of Maintenance Responsibilities Term Sheet (Exhibit A) to maintain applicable buildings, parks and trails throughout the City.

RECOMMENDATIONS

- The City should continue to monitor accessible items and elements that are required to be accessible and therefore need to be maintained in an accessible manner.

- The City should continue to interface with other local jurisdictions to coordinate ADA efforts and staff training.
- The City may consider developing internal procedures or policies to maintain and track 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.

Equally Effective Communication

Public entities, such as the City of Livermore, must ensure that applicants, participants, and members of the public with disabilities have communication that is equally effective as that provided to persons without disabilities in accordance with 35.160. The ADA requires that a public entity shall take appropriate steps to ensure that communications with applicants, participants, members of the public, and companions with disabilities are as effective as communications with others.

A public entity is required to furnish appropriate auxiliary aids and services where necessary to afford qualified persons with disabilities, including applicants, participants, companions, and members of the public, an equal opportunity to participate in, and enjoy the benefits of, a service, program, or activity of a public entity. When determining what types of auxiliary aids and services are necessary, a public entity is required to give primary consideration to the requests of persons with disabilities. Auxiliary aids and services should be provided in accessible formats, in a timely manner, and in such a way as to protect the privacy and independence of the individual with a disability.

Effective communication may include auxiliary aids and services, sign language interpreters, video remote interpreting (VRI), telecommunications devices (TTY/TDDs), information and signage, assistive listening devices, accessible fonts and formats and other communication such as Braille, large print, recordings and videos.

FINDINGS

- ✓ The City has an effective communication assurance in its ADA Notice of Rights Afforded to Persons with Disabilities that states:

Effective Communication: The City of Livermore 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 Livermore's services, programs, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

- ✓ The notice is posted on the website.
- ✓ The City Library posts resources and information regarding effective communication and resources on the City website.
- ✓ The City has TDD/TTY numbers posted on several publications.

RECOMMENDATIONS

The City should consider training for staff for users of the assistive technology.

- The City should provide staff with information regarding assistive technology that is available.

- Persons with disabilities may not participate in or participate as frequently in City sponsored programs, services, or activities if they do not understand what is being communicated. Information on the availability of auxiliary aids and services should be included in departmental policies, procedures, and guidelines.
- When equipment is used, as part of a public entity's program, activity, or service, an assessment should be completed to safeguard that the equipment is usable by persons with disabilities, particularly persons with hearing, visual, and manual impairments. In addition, a public entity should have policies in place to ensure that its equipment is well maintained and in operable working order.
- Training should be provided so that staff are aware of and understand how to arrange for auxiliary aids and services, such as sign language interpreters, material in Braille and assistive listening systems; to support effective communication with persons with disabilities.
- Notices for public input should include information on the availability of interpreter services and other services.
- Sign language interpreters should be provided as determined through the request for accommodation process for qualified persons with disabilities or in circumstances where a sign language interpreter is known to be required.
- 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 must ensure that those persons utilizing a language other than English and are deaf, are also provided interpreter services that specialize in signing for that language.
- The City may consider the use of a video relay interpreter system to augment contracts and arrangements for interpreters.
- 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 persons 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 or relay communications. Assistive Listening Systems for the Deaf and Hard of Hearing or the relay system.
- Assistive listening systems are required in assembly spaces 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.
- The City should post the number of the California Relay when other methods are not available.
- Information regarding assistive listening systems should be readily available.

- Signs should be posted in prominent places at or near the assembly area entrance stating “Assistive-Listening System Available” and include the International Symbol of Access for Hearing Loss.
- The City should provide notice regarding the method and availability for alternate formats.
- 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 to constituents.
- The City should produce accessible alternate formats for high use areas, such as libraries, where the probability for a request for an alternate format is high. Examples include provision of audiocassettes, CDs, large print, information sent via email, screen readers, Braille, and pictograms.
- Online public notices and publications 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.
- The City should continue to provide information on its website and publications regarding the City’s branding policy, if available. The City might consider adding information to the City’s branding policy regarding accessible fonts and documents.
- The possibility of a central City-wide department or method to provide Braille and other accessible documents should be assessed to assist with providing accessible alternate formats.
- The City should have an existing contract with one or more firms or organizations to provide accessible documents, such as Braille, in a timely manner.

Website Accessibility

Websites are required to meet accessibility standards and comply with Web Content Accessibility Guidelines (WCAG 2.0) standards for compliance. Websites for Title II of the ADA public entities such as the City currently required to comply with WCAG 2.0 Level AA.

Persons with disabilities frequently use the internet to access information about the City. Persons who are blind and persons with low vision may 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 (sound or spoken) content. Users with limited manual dexterity or motion use dictation software to give commands instead of mouse and keyboard control.

The World Wide Web Consortium (W3C) sets the main international standards for the World Wide Web and its accessibility. There are three levels of WCAG 2.0 website accessibility recognized by the World Wide Web Consortium (W3C):

1. Level A is the minimum level of conformance with the fewest requirements. A couple of examples of Level A requirements are that all non-text components such as images


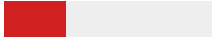

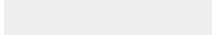
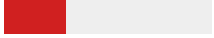
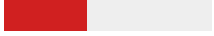
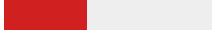
include an alternative text component and that captions are provided for all prerecorded audio content.

2. Level AA compliance must satisfy all the Level A requirements and additional criteria such as providing captions for all live broadcasted audio content.
3. Level AAA satisfies all Level A and Level AA criteria as well as additional requirements such as providing sign language interpretation for all prerecorded audio content.

An updated version of the guidelines (WCAG 2.1) was published on June 5th, 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. While public entities are encouraged to begin applying compliance with WCAG 2.1 success criteria into their website design, it is not yet the required standard.

FINDINGS

- ✓ An accessibility website review of the City of Livermore’s newly published public facing website was conducted in October 2021 by Disability Access Consultants, LLC (DAC) for compliance with WCAG 2.0 Level AA standards.
- ✓ The review was performed using the SortSite Website Accessibility Testing Software to evaluate a website’s HTML content by testing against published website accessibility guidelines. The City of Livermore’s home page, major web pages, links and sub-links were reviewed for accessibility for persons with disabilities. Links that direct users to external sites and web pages were not evaluated.
- ✓ The most common error that is being found is frequent instances of broken links. Broken links commonly occur when the page, document or file has been removed from the site, or renamed, which prevents the link from taking the user to the correct target. Website users receive an error message when clicking the link.
- ✓ The accessibility review has also found numerous pages with generic link labels like "click here" or "read more" which makes it hard for users to know where clicking the link will take them.
- ✓ The accessibility review also found that many pages do not have a sufficient color contrast ratio between the text and background on the page.

Category		Results
Overall Quality		4,515 pages with quality issues
Errors		3,071 pages with broken links or other error
Accessibility		4,509 pages with accessibility problems
Compatibility		16 pages with browser specific issues
Search		3,171 pages with search engine issues
Standards		3,177 pages have W3C standards issues
Usability		3,181 pages with usability issues

Totals 9,035 pages and images checked

- ✓ The City of Livermore has a website use policy and accessibility guidelines that states:

“This website was coded to comply with both the Americans with Disabilities Act (Section 508) and the Priority 1 Level Checkpoints of the World Wide Web Consortium (W3C) Web Content Accessibility Guidelines 1.0. The City will continue to develop future releases of this site and remains committed to maintaining its compliance and serving the widest possible audience.

The City of Livermore’s Official Website (“website”) is a fundamental communication tool for providing City information and interactive services to its residents and the Internet connected world. The purpose of the website is to encourage user participation in City government, to enable electronic service delivery to the public, and to communicate with residents and businesses.

The City of Livermore has links to other websites. These may include links to websites operated by other government agencies, nonprofit organizations, and private businesses. The City states that when a user links to another site, the user is no longer on the City’s website and the City’s policies no longer apply.

Any external links allowed by the City must not compromise the security and integrity of the City’s website. The City expressly reserves the right to terminate, in its sole discretion, the opportunity to link to external Websites without recourse by any linked website.

If the City provides an opportunity for external links, their placement shall be limited to the number and locations specified by the City.

Entities and organizations wishing to establish external links on the City’s official website must submit an application on a form provided by the City Manager’s department which shall contain all information necessary to verify the facts stated and as may be necessary to establish that the proposed link complies with this policy.

The City of Livermore is not responsible for, and accepts no liability for, the availability of these outside resources. Linked websites are not under the control of, nor maintained by, the City. The City is not responsible for the content of these websites, which can and do change frequently; nor for any internal links the displayed Websites contain. In addition, inclusion of the linked websites does not constitute an endorsement or promotion by the City of any persons or organizations sponsoring the displayed website.”

RECOMMENDATIONS

- Correct accessibility errors in the City’s website and regularly review the website for compliance, especially in situations where City staff may be adding information to the City’s website.
- Develop procedures to maintain the accessibility of the City’s website and provide training to staff.
- If the accessibility and maintenance of the City’s website is contracted to an outside vendor, contractual language should be included regarding the website accessibility

requirements and that the responsibility for the development of and maintenance of an accessible website.

Social Media

Website accessibility also extends to social media platforms that are used by a Title II entity to deliver information and notices to the public. Content and information created and shared via social media by a Title II entity is required to comply with WCAG 2.0 Level AA requirements. Level AA requirements include all minimum standards of Level A as well.

Although the information shared by the City may be designed by the City to be accessible, the City may not be able to assure that it is accessible when placed in a third-party social media platform.

FINDINGS

- ✓ The City uses social media as an additional communication tool for its stakeholders. As social media platforms use third-party vendors, the City usually cannot be responsible for content that may not be accessible. The City's website policy statement provides this information to users.

RECOMMENDATIONS

- Provide the information through more than one platform.
- Avoid using acronyms and abbreviations that would not be understandable if read by a screen reader.
- Post or upload a captioned video instead of relying on automatic captioning tools that may be inaccurate.
- Before linking to content that was created by a third party, test the content for accessibility, such as videos that start automatically, missing alternative text for photos and available captioning. If the content is not fully accessible, but the entity choosing to link the content regardless, a disclaimer should be added that explains the limitations for the linked content to the user.
- Review third-party social media terms, conditions and limitations for accessibility compliance when determining whether to use the platform.

Acceptable Terminology

Terminology should be in "person first language" such as person with a disability or individual with a disability instead of "disabled person" or the term "handicapped." Other negative terms such as retarded, confined to a wheelchair, crippled and handicapped should not be used.

FINDINGS

Some documents reviewed contained the word "handicapped" instead of the more acceptable term "persons with disabilities." Examples include, but are not limited to, Housing and Human Services grant information, Home Occupations Permit and the Livermore Code for Special Events,

RECOMMENDATIONS

- City publications should be reviewed to see if the word “handicapped” is used. 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 City staff. Publications should be updated as they are reprinted. It is understood that the City does not have control over documents that are generated from other jurisdictions.
- It is recommended that the ADA/504 Coordinator disseminate information or provide training regarding acceptable terminology to be utilized by departments and staff.
- Branding policies or policies regarding document development and publications should include alternate language recommendations that do not use the term “handicapped.”

Staff and Community Training

Ongoing compliance with the ADA/504 can only be achieved if City staff and officials receive ongoing and updated training about the rights of persons with disabilities and the obligations of public employees under the ADA/504. Although training is not required by the ADA/504, training regarding the requirements of the ADA/504 is recommended. Staff that understand the requirements of the ADA and how to assist persons with disabilities are empowered to provide services to all stakeholders in a nondiscriminatory manner.

Ongoing compliance with the ADA is a process that occurs over time using an understanding of the ADA, responsibilities of City employees, appropriate terminology, and specific methods to assist persons with disabilities. A simple and easy to achieve compliance method is understanding and using appropriate terminology that provides information in a positive and nondiscriminatory manner. For example, the use of the term “handicapped” is not acceptable and the term “persons with disabilities” should be used instead. Another example of appropriate terminology is using the description of “person using a wheelchair” and not using the term “wheelchair bound.”

Findings

- ✓ The City has a record of staff training regarding federal and state accessibility requirements. A recent training was provided by Assistant City Engineer Mallika Ramachandran, P.E, QSD/QSP, LEED on September 21, 2021.

RECOMMENDATIONS

- The City should continue to provide ongoing training regarding the ADA/504 for facilities, public rights-of-way, and outdoor recreation standards. Suggested training topics should include, but are not limited to:
 - Requirements of the ADA/504 for the City of Livermore
 - Notice and Identity of the ADA/504 Coordinator
 - Notice and Rights Posted for Persons with Disabilities
 - Acceptable Terminology and Expressions
 - Noncompliance Consequences
 - Accessible vs. Compliant
 - Barriers – Programmatic or Physical
 - Providing Services for Persons with Disabilities
 - Inclusions of Persons with Disabilities
 - Service animals

- Leased Sites
 - Special Events and Voting
 - Accessible Locations for Meetings
 - Effective Communication, Auxiliary Aids and Services
 - Construction & Remodeling
 - Maintenance of Accessible Features
 - Community Donations and Construction Projects
 - Grievance/Complaint Procedures
 - Use of City Facilities by Organizations and Individuals
 - Reasonable Accommodations
 - Statement of Accommodations
 - Alternate and Accessible Formats
 - Accessible Websites
 - Volunteers
 - Accessibility Standards and Regulations (ADA, CBC, PROWAG, MUTCD, Caltrans)
- 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.
 - Handouts and training materials should be prepared, if needed, in alternate accessible formats.
 - The ADA/504 Coordinator should continue to provide or coordinate additional ADA/504 training to all management and staff who have regular contact with the public.

New Employee and Volunteer Orientation

Although the focus of the ADA/504 Self-Evaluation was not on employment, it is important to review employment practices to ensure that they comply with other applicable nondiscrimination requirements, including 504 and the ADA regulation issued by the Equal Employment Opportunity Commission. It is unlawful to discriminate against a qualified applicant based on disability in any aspect of employment including applications, interviewing, testing, hiring, evaluating, compensation, benefits, promotion, discipline, and termination.

FINDINGS

- ✓ Training for new employees and volunteers with content regarding the ADA was not found.

RECOMMENDATIONS

- The City should consider adding assurances to applications for volunteers that would include assurances that the applicant will adhere to abide by all applicable state, federal and City policies and procedures.
- The City should consider adding nondiscriminatory practices to the Citywide Conduct Policies in the Citywide Volunteer program manual.
- The City should include information as to the identity, title, address, phone number and email address of the ADA/504 Coordinator to new employee orientation and volunteer information.

- New employees and volunteers should be provided materials and/or training regarding nondiscriminatory practice and the requirements for access to programs, services, and activities of the City.
- 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 persons with disabilities.

Distribution and Location of Publications

Publications, documents, and brochures are required to be accessible for persons with disabilities.

FINDINGS

- ✓ Some publications were not within acceptable reach ranges and on a clear path of travel.

RECOMMENDATIONS

- The ADA/504 Coordinator should continue to provide information to departments regarding the placement of brochures, pamphlets, and information in accessible locations and in accessible containers or displays for persons with disabilities. Including requirements for reach ranges and clear floor space to access publications would also be helpful.
- Counters and areas that are lowered for access by persons with disabilities should be maintained and kept clear of display and work items.
- Displays should also allow for retrieval of the information without utilizing a tight pinching or grasping motion and be within a compliant reach range.

Planning, Budgeting, Implementation and Strategies for Ongoing Compliance

There is not a specific requirement in the ADA or Section 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 City that is budgeting for ADA/504 barrier removal and to improve access to programs, services and activities shows intent to implement the barrier removal/transition plan and to enhance access to programs, services, activities, and facilities by persons with disabilities.

The City is required to provide a projected schedule with estimated dates for barrier removal in the ADA/504 Self-Evaluation and transition plan. The projected schedule is an estimate or planned date for barrier removal. Projected dates, however, may change due to a variety of factors. Developing an ADA plan and a schedule for implementation and removal of barriers provides clear documentation of the City's ongoing efforts to remove barriers and to provide access to City programs, services, and activities.

Implementation of the recommendations in the Self-Evaluation and transition plan will continue to require planning, resources, staff training, interdepartmental coordination and collaboration throughout the organizational structure and the public. As the City recognizes that compliance with the ADA is not a "one-time" event and requires strategic planning and an ongoing commitment to provide equal access to its programs, services, and activities to maintain and enhance compliance with the requirements of the ADA.

FINDINGS

- ✓ The Livermore City Council approved the FY 2020-2021 Housing and Human Services Grant Awards, which funded activities for persons with disabilities.
- ✓ The 20-year Capital Improvement Plan includes funding for the ADA, sidewalks, buildings, curbs, gutters and traffic control.

RECOMMENDATIONS

- The City should continue to maintain an ongoing barrier removal implementation plan and document the City's progress, initiatives and funds expended.
- In appropriate cases, it is recommended that the City contract for an independent review of plans, remodeling efforts and new construction for accessibility requirements for the Americans with Disabilities Act Standards (ADA) and Title 24 of the California Building Code. It is important and required that the accessibility barrier removal efforts meet federal and state accessibility codes.
- The ADA/504 Coordinator, or designated staff, should be empowered with the authority to make recommendations and monitor the current City of Livermore ADA/504 Self-Evaluation and Transition Plan.
- In addition to the removal of structural barriers, departments should consider budgeting for accessibility items, especially in communication, such as TTY/TDD's and alternate formats.
- Implementation of the recommendations in the Self-Evaluation will continue to require planning, resources, staff training, interdepartmental coordination and collaboration throughout the organizational structure and the public.

Conclusion

The City of Livermore has demonstrated an ongoing commitment to provide equal access for persons with disabilities to its programs, services, and activities to maintain and enhance compliance with the requirements of the Americans with Disabilities Act. The City continues to embrace a concept of full and equal access for all the people it serves. The findings from the updated City of Livermore ADA/504 Self-Evaluation and Transition Plan memorialize the City's compliance efforts.

The City has completed a significant amount of the required ADA compliance activities. Limited noncompliant findings were found overall. A summary of findings and recommendations is provided in this section, but it not intended to be totally inclusive of all findings and recommendations contained in the City of Livermore ADA/504 Self-Evaluation and Transition Plan.

The noncompliant findings overall for programmatic areas such as policies, programs, services and activities were not found to have a significant impact for access by persons with disabilities. Some areas, as noted in the executive summary report should be changed, updated or enhanced to provide a greater level of access by persons with disabilities. Noncompliant findings for physical barriers were found to have the potential to limit access by persons with disabilities.

1. ADA COMPLIANCE

Although not required, it is recommended that the City develop and distribute citywide an ADA Compliance Policy Statement that clearly describes the commitment and nondiscriminatory policies and practices of the City regarding recruitment, employment, policies, access to programs, services, events and facilities. The ADA Compliance Policy Statement does not have to be formally adopted but should at least be approved by executive management.

2. POLICY DEVELOPMENT AND UPDATES

Although the City is not required to develop a policy for each and every area of access to the City's programs, services and activities, it is general practice for public entities to develop policies and procedures in selected areas to ensure compliance with the accessibility requirements and standards. Although Citywide ADA primary compliance policies can be developed, it would be beneficial to have individual policies and procedures to fully understand and implement the accessibility requirements. For example, policies regarding service animals, ticket sales for events or other power-driven mobility devices may be countywide or specific to departments and divisions.

3. ADA/504 COORDINATOR

The identity and the role of the ADA and 504 Coordinator should be published using multiple methodologies to inform staff and members of the public. In addition, training should be provided to City staff. According to input from the public, the role of the ADA/504 Coordinator and the identity of the person was not readily known. Due to the required role of the ADA/504 Coordinator, it is important that interdepartmental coordination is enhanced to include project planning, funding and documentation of the barriers removed. A process should be developed by the City with departmental input to update the DACTrak accessibility management software program not only to implement the plan, but to document the removal of barriers.

Training should be provided to City staff regarding the role of the ADA and 504 Coordinator. Due to the required role of the ADA and 504 Coordinator, it is important that interdepartmental coordination is enhanced to include project planning, funding and documentation of the barriers removed.

4. PLAN TO REMOVE BARRIERS

It is important that the transition plan to remove the physical barriers include not only the public rights-of-way, but also include buildings, facilities, parks, recreational sites. Planning, funding and staff resources should include all areas of the transition plan.

5. ESTIMATED DATES FOR BARRIER REMOVAL

Following communication between departments and an analysis of not only currently available funding, but funding that will be needed in the future, the City should continue to update the projected dates of barrier removal in the DACTrak software in order to have "estimated dates" of barrier removal. The ADA/504 Self-Evaluation and transition plan is a fluid, planning document that is prioritized and phased in order to develop and maintain a plan for the removal of barriers to access facilities, programs, services and activities of the City. Projected and estimated dates may change due to accessibility needs, planned projects, projected projects, funding, complaints, claims, litigation and initiatives of the City. A process should be developed by departments to update the DACTrak accessibility management software program.

6. GRIEVANCE PROCEDURES AND FORMS

Grievance or uniform compliant procedures should be maintained and made available to members of the public. The City should develop a form for grievances. Although the Department of Justice uses the term "Grievance", the procedures and forms can be "Complaint and/or Grievance Procedures.

Staff should be trained regarding the requirements and methods for members of the public to access grievance procedures and forms. In addition, grievances should be tracked to document the date of the grievance, the action taken by the City (if any) and the resolution of the grievance.

7. STATEMENT OF ACCOMMODATIONS

Statements of accommodation or modifications should be provided on selected public facing documents such as agendas, meeting announcements, events and activities. It is recommended that the City develop a statement of accommodation that is consistent and provide procedures and training regarding the inclusion of the "statement of accommodation" on selected public-facing documents so that participants with disabilities that may need an accommodation to participate in the City's programs, services and activities can request reasonable accommodations.

8. CONSTRUCTION OVERSIGHT

The City should consider a more formalized construction oversight process to include accessibility plan reviews, proposal development for accessibility, construction reviews, post construction reviews and acceptance by the City.

9. STAKEHOLDER INPUT AND OUTREACH

The City may consider forming a disability access advisory group or committee that could serve as a liaison between stakeholders and the City to provide input and suggestions regarding access by persons with disabilities. Additional activities to enhance outreach and inclusion may include additional pictures of persons with disabilities in publications, information regarding accessibility provisions for City events and programs, accommodations to increase participation and increased participation of persons with disabilities on committees and advisory boards.

10. TRAINING

Ongoing and updated training should be provided for City staff and volunteers regarding the responsibilities of the City for ADA compliance, providing accommodations and providing programs, services, and activities for persons with disabilities.

11. PLANNING AND BUDGETING

The City should continue to plan and budget for barrier removal of items that may deny access for persons with disabilities. The most recent ADA/504 transition plan that was developed and updated for buildings, parks, recreational facilities and public rights-of-way will provide additional information regarding allocation of funds that are required during the barrier removal process.