

RESOLUTION NO. 12851

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL CLARIFYING THE PURPOSE, QUALIFICATIONS AND TERMS OF THE ADA ACCESS ADVISORY COMMITTEE

WHEREAS, the City of San Rafael, as a government entity, is required to comply with all the aspects of the Americans with Disabilities Act (ADA), including related Federal and State laws, standards and regulations; and

WHEREAS, the City of San Rafael has entered into a Settlement Agreement with the Department of Justice, effective August 5, 2004, requiring that a number of ADA barriers to programs, facilities and services be removed as defined in said Agreement; and

WHEREAS, the City of San Rafael desires to involve the disabled community, including residents of our community as well as those who provide support services, to meet both our ADA obligations and the implementation of our Settlement Agreement with the DOJ; and

WHEREAS, by Resolution No. 11620, the City Council established an ADA Access Advisory Committee on September 7, 2004, to assist the City in complying with Federal and State ADA law and fulfilling our obligations under the DOJ Settlement Agreement; and

WHEREAS, the City Council wishes to clarify the Purpose, Qualifications and Terms of Service of ADA Access Advisory Committee members.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby adopts the ADA Access Advisory Committee Statement of Purpose, Qualifications, Time Commitment and Terms of Committee Members as outlined in Exhibit A attached.

I, ESTHER BEIRNE, Clerk of the City of San Rafael, hereby certify that the foregoing resolution was duly and regularly adopted by the City Council of the City of San Rafael, Marin County, California, at a regular meeting held on the 19th day of October 2009 by the following vote, to wit:

AYES:	Councilmembers:	Brockbank, Connolly, Heller, Miller & Mayor Boro
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

Esther Beirne

ESTHER BEIRNE, City Clerk

ADA ACCESS ADVISORY COMMITTEE

PURPOSE

The ADA Access Advisory Committee is established to review the City's progress in implementing its Settlement Agreement with the Department of Justice regarding Project Civic Access. The Committee shall serve an advisory role in assisting the City with creating or modifying procedures, policies, and standards that are necessary to bring San Rafael into compliance with both the Settlement Agreement and the ADA.

Currently, the City is required under numerous Federal and State laws to enforce and comply with all aspects of the Americans with Disabilities Act. In order to keep the purpose of this Committee clearly defined, it is equally important to define Committee limitations. The ADA Access Advisory Committee is not involved in:

1. ADA compliance related to private development applications, approvals or enforcement. This responsibility is carried out by the Community Development Department.
2. Grievances under the ADA directed toward the City. Anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the City of San Rafael shall fall under the provisions of the City's grievance procedure.
3. Project review and approval. Existing Boards or Commissions (such as the Design Review Board or Planning Commission) that are established for public or private project review and approval, which includes full ADA compliance, shall remain with those Boards and Commissions.
4. City bids, contracts and agreements. The City has full responsibility to ensure that all approved bids, contracts and agreements are in full compliance under the ADA.

QUALIFICATIONS

All members of the ADA Access Advisory Committee must be individuals with a strong interest and enthusiasm for bringing the City of San Rafael into compliance with the DOJ Settlement Agreement and the ADA. The Advisory Committee shall consist of nine (9) members. The majority of members of the Committee shall be residents of the City who have significant experience in the disability community.

At least five (5) members shall be both residents of San Rafael and persons with disabilities. Some members of advocacy groups or social service providers may also be appointed, but no more than three organizations will serve on the Committee. Also, one member of the Committee shall represent the San Rafael business community interest.

Committee members will be appointed by the City Council.

TIME COMMITMENT

The Advisory Committee shall meet at least quarterly per annum. Additional meetings may be scheduled in order to address issues in the DOJ Settlement Agreement. The meetings shall comply with all provisions of the Brown Act. Review of documents and materials may be required prior to scheduled meetings.

TERMS OF COMMITTEE MEMBERS

Initial appointees to the Committee will be five individuals who shall serve a three-year term. Four members will serve two-year terms upon initial appointment. This will allow a staggering of two-year terms, after initial appointments, over the life of the Committee.