



SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: City Clerk

Prepared by: Lindsay Lara, City Clerk

City Manager Approval: _____

TOPIC: ADA ACCESS ADVISORY COMMITTEE MEMBERSHIP COMPOSITION AND BYLAWS

SUBJECT: RESOLUTION AMENDING THE ADA ACCESS ADVISORY COMMITTEE BYLAWS

RECOMMENDATION:

Adopt the Resolution Amending the ADA Access Advisory Committee Bylaws.

BACKGROUND:

On June 6, 2022, the City Council approved changes to Boards, Commissions and Committees (BCC) which modified the composition of the City's advisory BCCs from 7 members to 5 members and created uniformity to BCC bylaws. At that time, the ADA Access Advisory Committee was inadvertently left out of the Commissions to be changed. The purpose of this recommended action is to amend the bylaws to be consistent with other advisory body BCCs.

ANALYSIS:

The ADA Access Advisory Committee is currently comprised of seven voting members. Staff is recommending changes to the membership of the ADA Access Advisory Committee in an effort to bring our advisory bodies to a total of five voting members. The purpose of this change is to have uniformity across our advisory committees, improve efficiencies in meetings, and have inclusivity of experiences in our members, while remaining manageable. If approved, the changes to membership will happen through attrition. As terms expire, staff will not fill the vacancies until the new membership number is reached. No current members will be removed to meet the new composition of the Committee.

Staff recommends amending the ADA Access Advisory Committee bylaws Section 2.6, Absence and Removal to include language used in other BCC bylaws which indicate unexcused absence from two consecutive Committee meetings shall be considered a voluntary resignation. Previously, this section required three unexcused absences for a voluntary resignation. With the ADA Access Advisory Committee meeting quarterly, staff is recommending two unexcused absences be required for voluntary resignation, and to remain silent on overall absences, unexcused or excused.

FOR CITY CLERK ONLY

Council Meeting:

Disposition:

Other recommended changes to sections of the bylaws will not have an impact to the Committee, but would bring the bylaws into uniformity with all other advisory BCCs.

FISCAL IMPACT:

There is no fiscal impact associated with this recommendation.

OPTIONS:

The City Council has the following options to consider on this matter:

1. Adopt resolution.
2. Adopt resolution with modifications.
3. Direct staff to return with more information.
4. Take no action.

RECOMMENDED ACTION:

Adopt the Resolution Amending the ADA Access Advisory Committee Bylaws.

ATTACHMENTS:

1. Resolution (ADA Access Advisory Committee) & Exhibit A – Bylaws

RESOLUTION NO. _____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL AMENDING
THE ADA ACCESS ADVISORY COMMITTEE BYLAWS**

WHEREAS, the ADA Access Advisory Committee is comprised of seven voting members; and

WHEREAS, in an effort to move the City's advisory bodies to a total of five voting members, staff is recommending the Committee be comprised of five regular members; and

WHEREAS, changes to membership will happen through attrition. As terms expire, staff will not fill vacancies until the new membership number is attained. No current members will be removed to meet the new composition of the Committee; and

WHEREAS, staff is recommending adoption of amended bylaws for the ADA Access Advisory Committee, set forth in Exhibit A attached and incorporated herein, to be consistent with recently approved bylaws of other City boards, to include information on appointments and compensation; and

WHEREAS, the rules and procedures in the proposed bylaws are consistent with the Committee's current practice; however, written bylaws will clarify the expectations for Committee members;

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby adopts the ADA Access Advisory Committee Bylaws as set forth in Exhibit A.

I, LINDSAY LARA, Clerk of the City of San Rafael, hereby certify that the foregoing Resolution was regularly introduced and adopted at a regular meeting of the City Council held on Monday, the 20th day of March 2023, by the following vote, to wit:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

Lindsay Lara, City Clerk

Attachment: ADA Access Advisory Committee Bylaws

AMERICANS WITH DISABILITIES ACT ACCESS ADVISORY COMMITTEE BYLAWS

ARTICLE I. NAME AND PURPOSE

Section 1.1. Name. The name of this body shall be the City of San Rafael Americans with Disabilities Act Access Advisory Committee, hereinafter referred to as the "ADA Access Advisory Committee," or the "Committee."

Section 1.2. Purpose. The ADA Access Advisory Committee provides valuable input in determining disability policy for the City of San Rafael. The ADA Access Advisory Committee provides input, advises the City on matters relating to people with disabilities, and is a primary public networking resource between persons with disabilities, disability service agencies, representatives from government agencies, and others. Members of the Committee represent a broad cross-section of members of the community with disabilities, reflecting multiple disabilities, and the cultural and gender diversity of the wider disability community. The ADA Access Advisory Committee works in conjunction with the City of San Rafael.

Section 1.3. Committee Responsibility. The ADA Access Advisory Committee's authority is advisory only. The ADA Access Advisory Committee has no power to act on behalf of the City of San Rafael or any other entity. The ADA Access Advisory Committee's responsibilities shall be in accord with these Bylaws, as amended from time-to-time by the City Council.

The ADA Access Advisory Committee may:

1. Act as a liaison between the City and the disabled community living and doing business in the City of San Rafael;
2. Assist the City with ADA projects including, but not limited to the: Self Evaluation, Transition Plan, publicity, website content, training, and emergency planning for persons with disabilities;
3. Solicit public input on city-related ADA projects and programs and provide a public forum for individuals with disabilities and groups representing people with disabilities;
4. Facilitate community awareness and advocacy by identifying and articulating common concerns;
5. Advise and educate members of the disability community, City staff, and the public about disability rights and accessibility issues;
6. Provide input to the City for the removal of physical barriers in City facilities, on City property, and the public rights-of-way based upon identified needs and

budget;

7. Work to improve accessibility for persons with disabilities throughout the community;
8. Promote emerging state and national disability issues relevant to the City;
9. Provide input for prioritizing barrier removal projects that are funded in the Capital Improvement Plan. The Director of Public Works shall have the final decision over the approval and authorization of projects;
10. Provide input on Disabled Access Hardship Applications submitted to the Building Division on permitted projects. The Chief Building Official shall have the final decision over the Disabled Access Hardship Application.

The ADA Access Advisory Committee is **not** involved in:

1. ADA compliance related to private development applications, approvals, or enforcement other than Disabled Access Hardship Applications as described above. 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.

Section 1.4. Brown Act. All meetings of the ADA Access Advisory Committee shall be open and public, and all persons shall be permitted to attend any meeting of the ADA Access Advisory Committee, except as otherwise provided in the Ralph M. Brown Act. (Government Code Sections 54950 et seq.) Meetings will be accessible to all, with accommodations for accessibility issues made upon request. Any person who disrupts the meeting may be asked to leave and be removed.

ARTICLE II. MEMBERSHIP

Section 2.1. Number of Members. The ADA Access Advisory Committee shall consist of ~~seven~~ five (75) voting members and ~~one (1) alternate member, and one (1)~~ non-voting City staff member who will act as the Committee Chairperson. The City Council has the authority to appoint alternates as needed. The City staff member will typically be the City's ADA Coordinator, but in all instances shall be the person appointed by the City Manager.

Section 2.2. Eligibility. The ~~seven~~ five (75) voting ADA Committee members and any alternate shall consist of the following, each having the same duties and responsibilities:

1. Persons who are, or family members of, City of San Rafael residents with disabilities; and/or
2. Individuals residing in the City of San Rafael serving persons with disabilities in Marin County; and/or
3. Property owners, business owners, or individuals residing in the City of San Rafael with expertise and/or affiliations with private or public organizations concerned with issues of accessibility and/or other issues of concern to persons with disabilities; and/or
4. One member of the Committee may represent the San Rafael business community interest.

Membership on the Committee shall not be limited based on race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex, age or sexual orientation. An effort will be made to ensure that the membership is balanced and diverse based on the eligibilities above.

Section 2.3. Appointment of Committee Members. Voting Committee members and any alternate member shall be appointed by the City Council. Appointments shall be published on the website for the City of San Rafael and as otherwise determined by the City Clerk. The City Manager shall appoint the non-voting City staff member.

Section 2.4. Terms of Appointment. Each Committee member shall serve a term of four (4) years but not more than two terms. An effort will be made to ensure that the terms are staggered, and not all of the appointments expire in the same year. ~~A Committee member whose term is expiring should notify the Chairperson at least ninety (90) days before the end of his/her term whether he/she wishes to continue his/her membership.~~

~~**Section 2.5. Term Limits.** Committee members shall be limited to two (2) consecutive four-year terms. Additional terms may be served if there is a break between terms.~~

~~**Section 2.5. Resignation.** All resignations from the ADA Access Advisory Committee shall be submitted in writing to the Chairperson. The resigning Committee member should provide as much notice as possible.~~

~~**Section 2.6. Absence and Removal.** An unexcused absence from two (2) consecutive Committee meetings without notification to the Chairperson shall be considered a voluntary resignation from the Commission. Previously dismissed Commissioners may be eligible for reappointment to the Commission. Commissioners shall be subject to removal by the affirmative vote of three members of the City Council.~~

~~**Section 2.6. Absence and Removal.** Attendance at any regularly scheduled meeting is a necessary part of being an effective Committee member. If a member is unable to attend a regularly scheduled meeting, the member should notify the Chairperson at least twenty-four (24) hours in advance of a regularly scheduled meeting to have an excused absence. An unexcused absence from three (3) consecutive ADA Committee meetings without notification to the Chairperson, or six absences (whether excused or unexcused) in any term, shall result in immediate review of Committee membership by the Committee. If agendaized for such action, the Committee may vote to remove the absent Committee member and declare the position to be vacant. Such voting may be on the same day as the review or at a future meeting. Previously dismissed Committee members may be eligible for reappointment to the Committee in accordance with Section 2.4.~~

~~**Section 2.7. Vacancies.** Vacancies, no matter how arising, shall be published on the website for the City of San Rafael and as otherwise determined by the City Clerk.~~

Section 2.87. Compensation. Committee members serve without compensation.

Section 2.98. Duties of the Chairperson. The Chairperson shall preside over all ADA Access Advisory Committee meetings and shall be responsible for preparing agendas, meeting minutes, and maintaining records of documents submitted to the Committee for consideration at the meeting. If the Chairperson is unable to attend a regularly scheduled meeting, the regularly scheduled meeting shall be cancelled and resumed at the next regularly scheduled meeting.

ARTICLE III. MEETINGS

~~**Section 3.1. Time and date of Regular Meeting.** Notification of meeting place, date, and time shall be rendered to the public through posting on the City of San Rafael website. The Commission shall meet quarterly, unless there is no business to conduct, and shall be scheduled annually. The schedule for the upcoming year will be set by December of the previous year.~~

~~**Section 3.1. Time and date of Regular Meeting.** Notification of meeting place, date, and time shall be rendered to the public through posting on the City of San Rafael website. Meetings shall be held quarterly on the first Wednesday of March, June, September and December at 2:00 p.m. at City Hall. If the regular meeting dates fall on a legal holiday, that meeting may be held on a date selected by the Committee at the regular meeting preceding the holiday.~~

~~**Section 3.2. Agenda.** Items may be placed on the agenda by the Chairperson or at~~

~~the request of a member if approved by the Chairperson. The Chairperson will be responsible for preparing an agenda item cover sheet and for the initial presentation at the meeting. Items to be included on the agenda should be submitted to the Chairperson no later than two weeks before the scheduled Committee meeting. Agenda packets for regular meetings will be provided to the Committee members at least two (2) business days before the scheduled meeting.~~

~~**Section 3.3. Special Meetings.** Special meetings may be called by the Chairperson.~~

~~**Section 3.4. Quorum.** Four (4) voting members of the Committee shall constitute a quorum for the transaction of business at any regular or special meeting of the ADA Access Advisory Committee.~~

~~**Section 3.5. Voting.** A majority vote of those present and constituting a quorum shall be required to agree to any business of the Committee, including making any recommendation that will be presented to the City Council, City Manager, Director of Public Works, or Chief Building Official, provided that any Committee member who abstains due to a legal conflict of interest shall not be counted in determining the existence of a quorum or a majority vote.~~

~~**ARTICLE IV. ADOPTION AND AMENDMENT**~~

~~**Section 4.1. Effective Date.** The Bylaws shall become effective immediately upon a majority vote of approval by the City Council.~~

~~**Section 4.2. Amendments.** These Bylaws may be amended by majority vote of the City Council at any regular meeting of the City Council. All proposed amendments to the Bylaws shall be made available to the membership at least ten (10) days prior to the meeting at which the City Council will vote on the proposed changes. The amendment shall become effective immediately upon a majority vote of approval by the City Council.~~