

**MOORPARK CITY COUNCIL
AGENDA REPORT**

TO: Honorable City Council

FROM: Teri Davis, Senior Management Analyst 

DATE: June 9, 2010 (CC Meeting of June 16, 2010)

SUBJECT: Consider Resolution to Adopt the Americans with Disabilities Act (ADA) Transition Plan and Self-Evaluation

BACKGROUND AND DISCUSSION

Access to civic life by people with disabilities is a fundamental goal of the ADA. To ensure that this goal is met, Title II of the ADA requires State and local governments to make their programs, services, and activities accessible to persons with disabilities. All public entities, regardless of size, must comply with Title II's requirements. Title II of the ADA requires all cities to perform self-evaluations of programs and services provided by the cities to determine whether ADA requirements are being met. Should the self-evaluations reveal unmet requirements, cities must make modifications to comply with those unmet requirements. Whenever a city with fifty or more employees determines the need for modifications, that city must develop an ADA Transition Plan to delineate parameters for those modifications.

Cities were required to complete a self-evaluation of their facilities, programs, policies, and practices by January 26, 1993 to achieve compliance with ADA requirements. The City of Moorpark (City) previously conducted an analysis of required street and sidewalk improvements in the 1990s, and Community Development Block Grants were used to make accessibility improvements (such as curb ramps) where needed.

As ADA standards have changed over time, staff determined that a more thorough evaluation of facilities, programs, policies, services, and practices should be conducted to identify and determine what changes are necessary to meet the ADA requirements, identify physical barriers to accessibility based on current ADA standards, and document compliance with the self-evaluation and transition plan requirements of the ADA.

Facilities

City staff performed a self-evaluation in 2009 and 2010 and determined that there is a need for certain facility and infrastructure modifications to ensure compliance with the ADA. If a city that employs 50 or more persons decides to make structural changes to achieve program access, it must develop a transition plan that identifies those changes and sets a

schedule for implementing them; therefore, the attached Draft ADA Transition Plan and Self-Evaluation have been prepared (Attachment A). Both the Transition Plan and Self-Evaluation are required to be available to the public. The majority of the suggested ADA corrections listed in Attachment A are for facilities and parks that, when originally built, were considered by the City to be in compliance with ADA standards.

Staff prioritized the modifications so that a large number of modifications could be completed on a short timeline. The current budget appropriates \$69,200.00 for these modifications, which includes the \$60,000.00 ADA walkway to playground equipment at Arroyo Vista Community Park project. The budget for Fiscal Year 2010/11 is expected to appropriate \$66,204.00 for corrections and approximately \$34,000.00 will be appropriated in Fiscal Year 2011/12 and beyond, until all modifications are met.

Policies, Services, Programs, and Practices

The City evaluated current Municipal Code, City policies, services, and practices, to determine if any changes were necessary to meet the ADA requirements, and no accessibility changes were determined necessary at this time. Although the Self-Evaluation and Transition Plan identify recommended improvements to City buildings and facilities, all City buildings and facilities are currently accessible, including public meeting rooms, and no need for relocation of programs was identified. Persons with disabilities are able to participate in the activities of City government, such as public meetings, attending City functions, and participating in the City's various programs and services. When requested, the City evaluates individual requests to determine how City programs, such as recreation classes or day camps, can accommodate disabled persons. The City updated its website, in 2008, to achieve ADA standards for accessibility. Each public meeting agenda includes ADA compliance language including contact information for requesting special assistance to review an agenda or participate in the meeting, including whether any auxiliary aids or services are needed. The City has an adopted ADA Grievance Policy, which provides a procedure to be followed to respond to individuals, or a specific class of individuals, who believe they have been subject to discrimination on the basis of disability by the City. This ADA Grievance Policy provides a complaint procedure to permit the City to address any unintended accessibility problem. Further, this ADA Grievance Policy may be updated or revised, as needed, to comply with new practices, laws, or regulations.

FISCAL IMPACT

The cost for full implementation of the Draft ADA Transition Plan is estimated to be \$169,404.00.

STAFF RECOMMENDATION

Adopt Resolution 2010-_____.

Attachment: Resolution (including ADA Transition Plan and Self-Evaluation)

RESOLUTION NO. 2010-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA, ADOPTING THE CITY OF MOORPARK'S AMERICANS WITH DISABILITIES ACT TRANSITION PLAN AND SELF EVALUATION

WHEREAS, the City of Moorpark (City) is required by Title II of the Americans with Disabilities Act (ADA) to perform an ADA Self-Evaluation and develop an ADA Transition Plan, and

WHEREAS, City staff performed an ADA Self-Evaluation and prepared an ADA Transition Plan.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOORPARK DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The City Council hereby adopts the ADA Transition Plan including the Self-Evaluation for the City of Moorpark incorporated as an Exhibit to this resolution.

SECTION 2. The City Clerk shall certify to the adoption of this resolution and shall cause a certified resolution to be filed in the book of original resolutions.

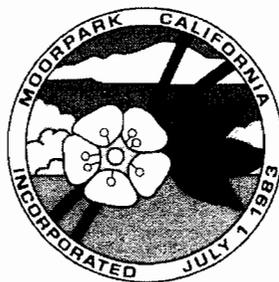
PASSED AND ADOPTED this ____th day of _____, 2010.

Janice S. Parvin, Mayor

ATTEST:

Deborah S. Traffenstedt, City Clerk

Exhibit: ADA Transition Plan (and Self-Evaluation)



CITY OF MOORPARK

Americans with Disabilities Act Transition Plan

**Approved by the City of Moorpark
City Council
on
June 16, 2010**

**City of Moorpark
799 Moorpark Avenue
Moorpark, California 93021**

Table of Contents

I.	BACKGROUND	4
II.	ADA COORDINATOR.....	4
III.	DEFINITIONS.....	4
IV.	EVALUATIONS AND APPROPRIATIONS.....	5
A.	Evaluations	5
B.	Appropriations.....	5
C.	Prioritization.....	6
D.	Limitations on Barrier Removal	6
E.	Barriers Under Control of Third Party Entities.....	6
V.	BUDGET	6
VI.	RIGHT OF WAY ACCESSIBILITY.....	6
A.	Street Overlays and Reconstruction.....	6
B.	City Monitoring of New Permitted Development and Alterations.....	6
C.	Sidewalk Maintenance Program.....	7
D.	Preventing Movable Barriers	7
E.	Slurry Seal.....	7
F.	Sidewalk Encumbrances (Other Agency Encroachments).....	7
VII.	ACCOMMODATION AND GRIEVANCE	7
A.	Requesting ADA Accommodation	7
B.	Filing ADA Grievance.....	8

Attachments

Attachment A

Self-Evaluation

Attachment B

City Council Policy 2.13

I. BACKGROUND

The 1990 Americans with Disabilities Act (ADA) provides comprehensive civil rights protections to individuals with disabilities in the areas of employment, public accommodations and government services.

Title II of the ADA protects persons with disabilities from discrimination by requiring equal access to programs, activities and services provided by local government agencies. Under Title II of the ADA, public entities must evaluate the services currently provided by that agency, along with the policies and practices, to determine the level of compliance with the regulations of the ADA. A self-evaluation is required which serves the purpose of identifying any physical barriers that may limit accessibility by the disabled. The self-evaluation also describes potential compliance solutions and the timeline in which those solutions might be implemented.

Any city with fifty or more employees is also required to develop a written ADA Transition Plan to identify pending modifications.

II. ADA COORDINATOR

The City Council of the City of Moorpark (City) has designated the Administrative Services Director as the ADA Coordinator. This position is responsible for coordinating accessibility issues within the City. The City's ADA Coordinator contact information is as follows:

Administrative Services Director
City of Moorpark
700 Moorpark Avenue
Moorpark, California 93021
(805) 517-6213
moorpark@ci.moorpark.ca.us

III. DEFINITIONS

As used in this Transition Plan (Plan), the following terms shall have the meaning ascribed in this section, which are consistent with those of existing federal and state law. Any term not expressly defined in this section or elsewhere in this Plan that has an expressly defined meaning under the ADA shall have the meaning ascribed to it by the ADA.

“ADA” means the Americans with Disabilities Act of 1990.

“Compliance Period” means the period of time for which this Plan will be in effect.

“Evaluations” or “Self-Evaluation” means the physical and written inspection of City-owned facilities with the intent to record any barrier.

“Mobility Disability” means, with respect to an individual, any physical or mental impairment or condition that substantially limits an individual's ability to move his or her body or a portion of his or her body and includes, but is not limited to, orthopedic

and neuromotor disabilities and any other impairment or condition that limits an individual's ability to walk, maneuver around objects, ascend or descend steps or slopes, or operate controls.

"Pedestrian Rights of Way" means all sidewalks over which the City has responsibility as well as all curb ramps, crosswalks, and other pedestrian pathways.

"Statutory Defense" means the City's right to assert under this Plan that removal of any barrier or installation of a curb ramp is not required because such barrier removal or curb ramp installation would be technically infeasible, structurally impracticable, or that it would constitute an undue burden or fundamental alteration.

"Third Party Entity" means an entity other than the City that controls certain barriers or elements of barriers.

IV. EVALUATION AND APPROPRIATIONS

A. Evaluation

City staff members inspected and evaluated City-owned facilities to determine where barriers are located. The evaluations were collected, categorized, and prioritized by corrective action. The evaluations are on file in the ADA Coordinator's office. A table summarizing the results of the evaluations, entitled "Self-Evaluation", is attached to this Plan (Attachment A).

The evaluations revealed 177 corrective actions needed, 38 of which have been or will be corrected in Fiscal Year 2009/10, 63 are scheduled for Fiscal Year 2010/11, and 30 will be addressed during Fiscal Year 2011/12 or at some point after June 2012. Of the 46 corrective actions remaining, 10 were determined to be onerous to correct, 27 were found to be in compliance with the ADA upon re-evaluation, and 9 were corrected at no cost to the City.

B. Appropriations

Appropriations have been dedicated in the Fiscal Year 2009/10 Operating Budget and Capital Improvement Budget to accommodate the corrective actions identified in the evaluations. It is anticipated that the corrective actions will also appear in the budgets for the next two fiscal years and, quite possibly, subsequent fiscal years; however, the vast majority of corrective actions will take place in the current and next fiscal years.

In Fiscal Year 2009/10, \$60,000 in Capital Improvement funds were used for a new walkway added at Arroyo Vista Community Park. This walkway provides access from the parking lot to playground equipment. New playground equipment, at a cost of \$90,000, will be installed at the same location to replace existing playground equipment. Like the playground equipment being replaced, the new playground equipment will meet ADA requirements.

C. Prioritization

Essentially, the goal of implementing the highest number of corrective actions at the lowest cost in the smallest time table, was the guiding principle of prioritizing the corrective actions identified in Attachment A. Staff reviewed the list of corrective actions and determined which corrective actions would be the quickest and easiest to fix. Those corrective actions were identified with a 1 Priority, which is a corrective action scheduled to be taken in the current fiscal year. A 2 Priority is a corrective action anticipated to be scheduled for Fiscal Year 2010/11 and a 3 Priority is a corrective action that will be scheduled for Fiscal Year 2011/12.

D. Limitations on Barrier Removal

The City is not obligated to remove any barrier if removal of such barrier would create an undue burden, fundamental alteration, or if it would be technically infeasible or structurally impracticable. Should the City determine any barrier removal falls into one of these categories, the City shall provide, in detail, a report discussing the statutory defense.

E. Barriers Under Control of Third Party Entities

Certain barriers, primarily with respect to pedestrian right of way, involve elements under the control of entities other than the City. The City has no right to remove or modify such barriers.

V. BUDGET

A total of \$69,140.00, including a Capital Project, has been budgeted for corrective measures in the current fiscal year. It is anticipated that the budget for Fiscal Year 2010/11 will appropriate \$66,020.00 for corrective measures and approximately \$34,000.00 will be budgeted for Fiscal Year 2011/12 and beyond.

VI. RIGHT OF WAY ACCESSIBILITY

A. Street Overlays and Reconstruction

Whenever the City overlays or reconstructs a street, the City will continue to ensure that compliant curb ramps are installed at each intersection as part of the overlay project. This requirement does not pertain to slurry seals, cape seals, or base failure repairs. The City Engineer has confirmed that no additional curb ramps are currently needed for existing City streets.

B. City Monitoring of New Permitted Development and Alterations

The City will continue to monitor all permitted construction work affecting pedestrian rights of way to ensure compliance with this Plan. Should the City determine that compliance is not required, a detailed report, discussing any statutory defense shall be provided.

C. Sidewalk Maintenance Program

The City will perform, through the retention of a consultant, annual sidewalk inspections on City-owned sidewalks. These inspections result in either grinding or sidewalk replacement in trouble spots to maintain the City's goal of keeping the sidewalks in good condition.

D. Preventing Movable Barriers

The City will continue to take reasonable steps to prevent the placement of movable barriers on sidewalks, except as permitted by encroachment permit and where accessibility standards are met.

E. Slurry Seal

The City will continue to include in any slurry sealing work or cape sealing work the City performs, or permits to be performed, a requirement to look for excessive build up which can create an inaccessible lip in the curb ramp area(s). The City, or any entity the City permits to slurry seal or cape seal, will grind down any such lips subject to the City's inspection and approval. The City may determine that such grinding is subject to statutory defenses and if the City so determines, a detailed report, discussing the statutory defense shall be provided.

F. Sidewalk Encumbrances (Other Agency Encroachments)

There exists in the City, approximately eight (8) locations at which utility poles or fire hydrants encumber ADA accessibility. The utility companies responsible for placing these encumbrances along Millard Street, Nogales Avenue, and Avenida Colonia were notified and agreed to remove the encumbrances. The corrections are expected to be completed by March 2011.

VII. ACCOMMODATION AND GRIEVANCE

A. Requesting ADA Accommodation

Any request for accommodation should be made to the ADA Coordinator and include the name, address, and telephone number of the individual, and/or his/her designee, making the request. The request should contain the location of the program, service, activity, or facility where accommodation is desired and a description of why the accommodation is requested.

The ADA Coordinator will respond within fifteen calendar days to the individual requesting accommodation. If the ADA Coordinator does not resolve the issue, the individual making the request may file a grievance with the City.

B. Filing ADA Grievance

Information and the procedures for filing an ADA grievance are set forth City Council Policy 2.13. A copy of this Policy is attached (Attachment B).

ATTACHMENT A

SELF-EVALUATION

Corrective Actions Needed for City Facilities resulting from ADA Self-Evaluation

Item	Location	Violation	Correction Needed	FY	Priority	Estimated Cost
70	Active Adult Center	Mens - centerline is not 18" from wall or grab bar	Move toilets (2)	11/12	3	\$5,750.00
71	Active Adult Center	Mens - clear floor space below lavatory exceeds 19"	Found to be in compliance	n/a		\$0.00
72	Active Adult Center	Mens - hot water/drain pipes are not insulated or covered	Install hot water pipe covering	09/10	1	\$135.00
73	Active Adult Center	Womens - stall is less than 56" w	Reposition partitions	10/11	2	\$280.00
74	Active Adult Center	Womens - clear floor space below lavatory exceeds 19"	Found to be in compliance	n/a		\$0.00
75	Active Adult Center	Womens - hot water/drain pipes are not insulated or covered	Install hot water pipe covering	09/10	1	\$135.00
20	Active Adult Center - Main Room	No signage	1-entrance; 1-exit; 4-emer. exit; 2-womens; 2-mens	10/11	2	\$675.00
35	Active Adult Center - Main Room	No wheelchair seating spaces	Not required – furniture is not permanent and can be moved to accommodate	09/10	1	\$0.00
17	Active Adult Center - Room 1	No signage	1-entrance; 1-exit	10/11	2	\$135.00
18	Active Adult Center - Room 1	More than 19" of 30" x 48" clear space is under table	Not required – furniture is not permanent	n/a		\$0.00
19	Active Adult Center - Room 2	No signage	1-entrance; 1-exit	10/11	2	\$135.00
34	Active Adult Center - Room 2	There are no amplification systems in assembly areas.	Found to be in compliance - Borrow AVRC's Portable Sound System	n/a		\$0.00
173	City Hall (CH) Annex 2	Space between handrails and walls exceed 1.5"	Install ADA compliant handrails	11/12	3	\$2,200.00
25	CH Annex 2 - Kitchen	No signage	2-entrance; 2-exit	10/11	2	\$270.00
122	CH Annex I	No accessible route linking public transit to building entrance.	Grandfather – onerous correction	n/a		\$0.00
172	CH Annex I	Ends of handrails do not have at least one treat width of sloping + 12" of level handrail	Install ADA compliant handrails	11/12	3	\$2,800.00
13	AVRC	No signs at lobby entrance	2-entrance; 2-exit; 4-gym entrance; 4-gym exit	10/11	2	\$810.00

Item	Location	Violation	Correction Needed	FY	Priority	Estimated Cost
14	AVRC	Sign characters do not contrast (no signs) at lobby entrance	Order ADA compliant signs and install	09/10	1	\$100.00
33	AVRC	There are no amplification systems in assembly areas.	Found to be in compliance - Borrow AVRC's Portable Sound System	na/	0	\$0.00
29	AVRC - dance	No signage	Included and installed in CIP work	09/10	1	\$130.00
39	AVRC - dance	There are no amplification systems in assembly areas.	Found to be in compliance - Borrow AVRC's Portable Sound System	n/a		\$0.00
30	AVRC - kitchen	No signage	Included and installed in CIP work	09/10	1	\$130.00
28	AVRC - multi	No signage	Included and installed in CIP work	09/10	1	\$130.00
32	AVRC - rec storage	No signage	Order ADA compliant signs and install	10/11	2	\$68.00
31	AVRC - sports storage	No signage	Order ADA compliant signs and install	10/11	2	\$68.00
115	AVRC Gym	Ped aisle is less than 5' x 20' rather it is 5' x 18'	Restripe	10/11	2	\$25.00
116	AVRC Gym	No curb ramp between ped aisle and vehicle space	Resurface and restripe in CIP work	10/11	2	\$75.00
117	AVRC Gym	Ped aisle is not level - slope exceeds 1:50	Adjust slope and resurface in CIP work	10/11	2	\$500.00
2	AVRC Office	Spaces and aisles have slope greater than 1:50	Adjust slope and resurface in CIP work	10/11	2	\$500.00
85	AVRC Office	Ped aisle is not 5' x 20' - it is 5' x 18'	Restripe	10/11	2	\$25.00
86	AVRC Office	Curb ramp is either not located where peds walk across OR it is not protected by hand rails nor does it have flared sides	Redesign and build	09/10	1	\$500.00
44	Campus Canyon Park Restroom	Mens - Door swings into required open space @ accessible area	Reverse door swing	09/10	1	\$25.00
45	Campus Canyon Park Restroom	Mens - Front partition does not have at least 9" toe clearance	Found to be in compliance when re-measured	n/a		\$0.00
46	Campus Canyon Park Restroom	Womens - Door swings into required open space @ accessible area	Reverse door swing	09/10	1	\$12.50
47	Campus Canyon Park Restroom	Womens - Front partition does not have at least 9" toe clearance	Found to be in compliance when re-measured	n/a		\$0.00
155	Campus Canyon Park	Phone next to street sidewalk is not working	Vendor was contacted and phone was removed	09/10	1	\$0.00
156	Campus Canyon Park Restroom	Phone does not have volume control	Vendor was contacted to repair or replace with volume control unit	09/10	1	\$0.00

Item	Location	Violation	Correction Needed	FY	Priority	Estimated Cost
166	Campus Canyon Park Restroom	Stairways do not have continous handrails on both sides of all steps - rather only one side has handrails and the other is a wall fence	Install ADA compliant handrails	09/10	1	\$1,000.00
167	Campus Canyon Park Restroom	Ends of handrails do not have at least one treat width of sloping + 12" of level handrail	Install ADA compliant handrails	09/10	1	\$1,600.00
48	Campus Park Restroom	Womens - no doors	Add doors (all Campus Park restroom items are in \$28,000 CIP work)	10/11	2	\$28,000.00
49	Campus Park Restroom	Womens - toilets are not accessible	Redesign and build	10/11		
50	Campus Park Restroom	Womens - Grab bar is higher than 36" from floor	Adjust grab bar height	10/11		
51	Campus Park Restroom	Womens - side bar is not installed correctly	Adjust side bar to be at least 42" long with front end 54" from back wall	10/11		
52	Campus Park Restroom	Womens - no grab bars on back wall	Install grab bars	10/11		
53	Campus Park Restroom	Womens - paper dispenser exceeds 36" from back wall or less than 19" from floor	Adjust paper dispenser	10/11		
54	Campus Park Restroom	Womens - flush control is neither automatic nor easily operable with one hand	Install new flush controls	10/11		
55	Campus Park Restroom	Womens - Sink surface exceeds 34" from floor	Adjust sink or install new fixture	10/11		
56	Campus Park Restroom	Womens - Clearance below sink is less than 29"	Adjust sink or install new fixture	10/11		
57	Campus Park Restroom	No side approach available for storage space	Redesign and build	10/11		
58	Campus Park Restroom	Mens - no doors	Add doors	10/11		
59	Campus Park Restroom	Mens - toilets are not accessible	Redesign and build	10/11		
60	Campus Park Restroom	Mens - Grab bar is higher than 36" from floor	Adjust grab bar height	10/11		
61	Campus Park Restroom	Mens - side bar is not installed correctly	Adjust side bar to be at least 42" long with front end 54" from back wall	10/11		
62	Campus Park Restroom	Mens - no grab bars on back wall	Install grab bars	10/11		
63	Campus Park Restroom	Mens - paper dispenser exceeds 36" from back wall or less than 19" from floor	Adjust paper dispenser	10/11		
64	Campus Park Restroom	Mens - flush control is neither automatic nor easily operable with one hand	Install new flush controls	10/11		
65	Campus Park Restroom	Mens - Sink surface exceeds 34" from floor	Adjust sink or install new fixture	10/11		

Item	Location	Violation	Correction Needed	FY	Priority	Estimated Cost
66	Campus Park Restroom	Mens - Clearance below sink is less than 29"	Adjust sink or install new fixture	10/11		
67	Campus Park Restroom	No side approach available for storage space	Redesign and build	10/11		
68	Campus Park Restroom	Urinal rim exceeds 17" from floor	Adjust urinal height	10/11		
69	Campus Park Restroom	Clear space by urinal is less than 30" x 48"	Modify clear space	10/11	1	1
87	Campus Park	Curb ramp is located where other vehicles can obstruct access	Paint curb red	09/10	1	\$35.00
88	Campus Park	Verticle clearance from vehicle route to loading zone is not marked	Signs installed	09/10	1	\$150.00
89	Campus Park	Verticle clearance at loading zone is not marked - s/b 114"	Sign pole and red curb added	09/10	1	\$175.00
129	Campus Park	Curb ramp is located where other vehicles can obstruct access	Painted curb red	09/10	1	\$60.00
27	CH Admin.	No signage	3-entrance; 3-exit; 1-womens; 1-mens; 1-breakrm; 1-conf rm; 1-emp entrance; 1-emerg exit	10/11	2	\$884.00
170	CH Admin.	Ends of handrails do not have at least one tread width of sloping + 12" of level handrail in front of bldg	No pedestrian access to front of bldg (middle rails are ADA; rails on wing walls are not)	n/a		\$0.00
171	CH Admin.	Space between handrails and walls exceed 1.5" in front of bldg	No pedestrian access to front of bldg	n/a		\$0.00
176	CH Admin.	Gate takes 14 lbs of pressure to open	Gate was adjusted (<5 lbs)	09/10	1	\$15.00
177	CH Admin.	Raised threshold is beveled above 1:2	Remove and replace concrete and adjust thresh	10/11	2	\$1,200.00
178	CH Admin.	Sliding doors hardware is usable from both sides when fully open	Found to be in compliance	n/a		\$0.00
4	College View Park Restroom	Parking accommodates only one accessible space - need two	Restripe to add additional accessible space	09/10	1	\$200.00
40	College View Park Restroom	Mens - Door swings into required open space @ accessible area	Reverse door swing	09/10	1	\$25.00
41	College View Park Restroom	Mens - Front partition does not have at least 9" toe clearance	Found to be in compliance upon re-inspection	n/a		\$0.00
42	College View Park Restroom	Womens - Door swings into required open space @ accessible area	Reverse door swing	09/10	1	\$25.00

Item	Location	Violation	Correction Needed	FY	Priority	Estimated Cost
43	College View Park Restroom	Womens - Front partition does not have at least 9" toe clearance	Found to be in compliance upon re-inspection	n/a		\$0.00
126	Comm. Center	Characters are not in sans serif font.	Order ADA compliant signs and install	10/11	2	\$136.00
127	Comm. Center	No accessible route linking streets & sidewalks to building	Grandfather – onerous correction	n/a		\$0.00
128	Comm. Center	No accessible route connecting facilities on same site.	Grandfather – onerous correction	n/a		\$0.00
22	Comm. Center - Apricot	No signage	2-entrance; 4-exit; 2-kitch ent; 4-kitch exit; 1-video	10/11	2	\$816.00
23	Comm. Center – Apricot	Hardware on storage doors locks and is not operable with one hand.	Door hardware is ADA compliance	n/a		\$0.00
37	Comm. Center - Apricot	No accessible route from seating area to performance stage	Purchase portable wheelchair lift (also use at theatre)	10/11	2	\$25,000.00
38	Comm. Center - Apricot	There are no amplification systems in assembly areas.	Found to be in compliance - Borrow AVRC's Portable Sound System	n/a		\$0.00
16	Comm. Center - Citrus	No signage	3-entrance; 3-exit	10/11	2	\$405.00
21	Comm. Center - Citrus	No signage	Order ADA compliant signs and install	09/10	1	\$100.00
36	Comm. Center - Citrus	There are no amplification systems in assembly areas.	Found to be in compliance - Borrow AVRC's Portable Sound System	n/a		\$0.00
15	Comm. Center - Foyer	No signage	3-entrance; 3-exit	10/11	2	\$405.00
157	Comm. Center - Foyer	Drinking Fountain is 40" not 36" from ground	Reposition drinking fountain	11/12	3	\$1,265.00
158	Comm. Center - Foyer	Rest rooms – fountain is at incorrect height and too close to wall	Reposition drinking fountain	11/12	3	\$1,265.00
24	Comm. Center - LCR	No signage	1-Conference Room	10/11	2	\$68.00
26	Comm. Devel.	No signage	2-entrance; 2-exit; 1-ramp ent; 1-ramp exit; 1-emp ent; 1-emp exit; 1-conf rm	10/11	2	\$584.00
123	Comm. Devel.	No accessible route linking public transit to building entrance.	Grandfather – onerous correction	n/a		\$0.00
124	Comm. Devel.	No accessible route linking streets & sidewalks to building	Grandfather – onerous correction	n/a		\$0.00
125	Comm. Devel.	No accessible route connecting facilities on same site.	Grandfather – onerous correction	n/a		\$0.00

Item	Location	Violation	Correction Needed	FY	Priority	Estimated Cost
174	Comm. Devel.	Projecting nosings are not beveled rather it is squared off	Install nailer and remove projecting nosings	10/11	2	\$840.00
175	Comm. Devel.	Ends of handrails do not have at least one treat width of sloping + 12" of level handrail	Install ADA compliant handrails	11/12	3	\$1,400.00
164	Country Trail Park	West ramp slope exceeds 1:12; however it is not a designated public entrance	Grandfather – onerous correction	n/a		\$0.00
165	Country Trail Park	Switchback ramp handrail is not continuous	Install ADA compliant handrails	11/12	3	\$4,700
168	Country Trail Park	Diameter of handrail is larger than 1.5" round	Install ADA compliant handrails	10/11	2	\$650.00
169	Country Trail Park	Handrail shape does not provide equivalent gripping surface (4.9.4)	Install ADA compliant handrails	10/11	2	\$650.00
143	Glenwood Park	Curb ramp is located where other vehicles can obstruct access	Restripe or paint curb red	09/10	1	\$60.00
153	Glenwood Park	Phone by playground is not working	Contacted vendor – removed phone	n/a		\$0.00
76	Library	Mens - Turning space is obstructed	Grandfather – onerous correction	n/a		\$0.00
77	Library Restroom	Mens - side approach floor space is less than 60" x 71"	Grandfather – onerous correction	n/a		\$0.00
78	Library Restroom	Mens - stall is less than 56" w	Grandfather – onerous correction	n/a		\$0.00
79	Library Restroom	Urinal rim exceeds 17" from floor	Adjust urinal height	11/12	3	\$2,530.00
80	Library Restroom	Mens - mirror bottom edge exceeds 40" from floor	Adjust mirror height	09/10	1	\$30.00
81	Library Restroom	Womens - stall is less than 56" w	Grandfather – onerous correction	n/a		\$0.00
82	Library Restroom	Womens - mirror bottom edge exceeds 40" from floor	Adjust mirror height	09/10	1	\$30.00
84	Library	Curb ramp is located where other vehicles can obstruct access	Restripe or paint curb red	09/10	1	\$100.00
121	Library	No interior signs for restroom, telephone, etc.	Order ADA compliant signs and install	09/10	1	\$200.00
159	Library	Fountain is 40" not 36" from ground	Reposition drinking fountain	11/12	3	\$2,530.00
160	Library	By rest rooms - phone does not have volume control	Contact vendor to repair or replace with unit that has volume control	11/12	3	\$1,610.00

Item	Location	Violation	Correction Needed	FY	Priority	Estimated Cost
90	Magnolia Park	No curb ramp between ped aisle and vehicle space	Place signs on northwesterly entrance by ramp, pointing to accessible route on northeasterly entrance to comply w/out other corrections	09/10	1	\$150.00
91	Magnolia Park	Ped aisle is not level - slope exceeds 1:50	Not needed with addition of signs			
92	Magnolia Park	Slope of curb ramp exceeds 1:12				
93	Magnolia Park	Abrupt changes in transition from ramp to walkway				
94	Magnolia Park	Slope of road adjoining ramp exceeds 1:20				
95	Magnolia Park	Width of curb ramp, not including flares, is less than 36"				
96	Magnolia Park	Curb ramp is either not located where peds walk across OR it is not protected by hand rails nor does it have flared sides				
97	Magnolia Park	Flared sides slope exceeds 1:10				
154	Miller Park	Telephone in front of restroom is not working - no volume control	Contacted vendor - removed	n/a		\$0.00
3	Peach Hill Park	Aisle does not connect directly or is not at least 96 inches wide	Connect aisle	09/10	1	\$250.00
148	Peach Hill Park	Trash can encroaches on 30"x48" space required by rest rooms	Moved trash can	09/10	1	\$12.50
149	Peach Hill Park	Wall unit in rest room is 12" deep rather than 17" deep	Replace wall units in mens and womens restrooms	09/10	1	\$2,875.00
150	Peach Hill Park	Trash can blocks path by restrooms	Reposition or reorder appropriate trash can	09/10	1	\$100.00
5	Poindexter Park	Spaces and aisles have slope greater than 1:50	Found to be in compliance upon re-inspection	n/a		\$0.00
151	Poindexter Park	Fountain #2 at restroom is not working	Purchase and install operative fountain	09/10	1	\$75.00
152	Poindexter Park	Phone is not working correctly	Removed	n/a		\$0.00
161	Police Services Center	Lobby-no phone books	Not an ADA requirement	n/a		\$0.00
162	Police Services Center	Lobby-phone does not have volume control	Contact vendor to repair or replace with unit that has volume control	11/12	3	\$1,610.00
163	Police Services Center	Lobby phone cord is 25", not 29"	Corrected by vendor	n/a		\$0.00

Item	Location	Violation	Correction Needed	FY	Priority	Estimated Cost
83	Service Facility	Womens - grab bar does not extend around 3 sides	Found to be in compliance, only 2 sides required for ADA,	n/a		\$0.00
147	Service Facility	No accessible route linking transit to entrance	No transit stop in vicinity	n/a		\$0.00
144	Tierra Rejada Park	No accessible route linking transit to entrance	No transit stop in vicinity	n/a		\$0.00
145	Tierra Rejada Park	No accessible route connection facilities on same site	Found to be in compliance – routes are connected	n/a		\$0.00
146	Tierra Rejada Park	Clear space in crosswalk at bottom of diagonal curb ramp is less than 48"	Restripe to provide 48" clear space	09/10	1	\$35.00
6	Villa Campesina Park	No accessible parking space	Add concrete pad for parking space up by westerly accessible path (all Villa Campesina Park items are in \$6,000 CIP work) add signage	11/12	3	\$6,000.00
7	Villa Campesina Park	Closest space is not marked accessible	Not accessible because of slope – new space will comply			
8	Villa Campesina Park	Closest space to pedestrian entrance is not marked accessible	Not accessible because of slope – new space will comply			
9	Villa Campesina Park	No space at least 96 inches wide with adjacent 60 inch aisle	New space will comply			
10	Villa Campesina Park	Aisle does not connect directly or is not at least 96 inches wide				
11	Villa Campesina Park	Spaces and aisles have slope greater than 1:50				
12	Villa Campesina Park	No accessible signage				
98	Villa Campesina Park	No sign for accessible passenger loading				
99	Villa Campesina Park	No ped aisle parallel to vehicle pull up space				
100	Villa Campesina Park	No 5' x 20' ped aisle				
101	Villa Campesina Park	No curb ramp between ped aisle and vehicle space				
102	Villa Campesina Park	Ped aisle is not level - slope exceeds 1:50				
103	Villa Campesina Park	Vehicle pull up space is not level - slope exceeds 1:50				
104	Villa Campesina Park	Ped aisle and pkg surface is not stable, firm, and slip-resistant				
105	Villa Campesina Park	Slope of curb ramp exceeds 1:12				

Item	Location	Violation	Correction Needed	FY	Priority	Estimated Cost
106	Villa Campesina Park	Transition from curb ramp to walkway has abrupt changes				
107	Villa Campesina Park	Slope of road adjoining ramp exceeds 1:20				
108	Villa Campesina Park	Width of curb ramp, not including flares, is less than 36"				
109	Villa Campesina Park	Curb ramp is not stable, firm, and slip-resistant				
110	Villa Campesina Park	Curb ramp is either not located where peds walk across OR it is not protected by hand rails nor does it have flared sides				
111	Villa Campesina Park	Flared sides slope exceeds 1:10				
112	Villa Campesina Park	No ped traffic prohibited by rails, shrubbery where sharp return curb cuts are present				
113	Villa Campesina Park	Built up curb ramps project into traffic lanes				
114	Villa Campesina Park	Curb ramp is located where other vehicles can obstruct access				
133	Villa Campesina Park	No accessible route linking passenger zone to building				
134	Villa Campesina Park	Slope of accessible pathway exceeds 1:20				
135	Villa Campesina Park	Cross slope of accessible pathway exceeds 1:50				
136	Villa Campesina Park	Curb ramp is located where other vehicles can obstruct access				
137	Villa Campesina Park	Slope of curb ramp exceeds 1:12				
138	Villa Campesina Park	Width of curb ramp, not including flares, is less than 36"				
139	Villa Campesina Park	Curb ramp is not stable, firm, and slip-resistant				
140	Villa Campesina Park	Curb ramp is either not located where peds walk across OR it is not protected by hand rails nor does it have flared sides				
141	Villa Campesina Park	Flared sides slope exceeds 1:10				
142	Villa Campesina Park	Flared diagonal curb ramp has less than 24" segment of straight curb on each side and within crosswalk lines				

Item	Location	Violation	Correction Needed	FY	Priority	Estimated Cost
130	Villa Campesina Park	No accessible route linking public transit to building entrance.	No transit stop in area	n/a		\$0.00
131	Villa Campesina Park	No accessible route linking streets & sidewalks to building	Found to be in compliance - sidewalk entrance off cul-de-sac	n/a		\$0.00
132	Villa Campesina Park	No accessible route connecting facilities on same site.	Found to be in compliance – continuous route	n/a		\$0.00
118	Virginia Colony	No sign displaying ADA passenger loading	Order ADA compliant signs and install	09/10	1	\$400.00
119	Virginia Colony Park	Curb ramp is located where other vehicles can obstruct access	Add ramp	10/11	2	\$3,000.00
120	Virginia Colony Park	Verticle clearance from vehicle route to loading zone is not marked	Order signs with poles and install with pour	09/10	1	\$200.00

Item Number refers to listing order in raw data table.

Summary by Fiscal Year

<u>Fiscal Year</u>	<u>Item Numbers</u>	<u>Est. Cost</u>
09/10 FY	3, 4, 14, 21, 28, 29, 30, 35, 40, 42, 44, 46, 72, 75, 80, 82, 84, 86, 87, 88, 89, 90, 118, 120, 121, 129, 143, 146, 148, 149, 150, 151, 155, 156, 166, 167, 176	\$ 9,200.00
	AVCP Playground walk way	\$ 60,000.00
		\$ 69,200.00
10/11 FY	2, 13, 15, 16, 17, 19, 20, 22, 24, 25, 26, 27, 31, 32, 37, 48, 73, 85, 115, 116, 117, 119, 126, 168, 169, 174, 177	\$ 66,204.00
11/12 FY	6, 70, 79, 157, 158, 160, 162, 165, 172, 173, 175	\$ 33,660.00
	Rounded to \$34,000	\$ 34,000.00
	Estimated TOTAL	\$ 169,404.00

ATTACHMENT B

CITY COUNCIL POLICY 2.13

Policy 2.13: Americans with Disabilities Act Grievance

1. Purpose

This policy has been created to comply with the Americans with Disabilities Act (ADA), 28 Code of Federal Regulations Part 35.107. This policy provides a procedure to be followed to respond to individuals, or a specific class of individuals, who believe they have been subject to discrimination on the basis of disability by the City, not including employment related discrimination complaints. The Competitive Service employees of the City of Moorpark are subject to the grievance procedures contained in the City Council adopted Personnel Rules, and all other City employees are subject to the discrimination complaint grievance procedures adopted in a City Manager approved administrative procedure.

2. Authority

This policy has been adopted by the City Council for use in all departments.

3. Definitions

The following terms are used in this policy:

- A. ADA: Americans with Disability Act of 1990.
- B. ADA Coordinator: Responsible employee with a working knowledge of the requirements of ADA and designated to coordinate the City's efforts to comply with and carry out the City's ADA responsibilities. The Administrative Services Director is the ADA Coordinator for the City of Moorpark.
- C. CFR: Code of Federal Regulations.
- D. TDD: Telecommunications Device for the Deaf.

4. Confidentiality

The ADA Coordinator maintains confidentiality with regard to complaints, consultations, mediations, and records, unless disclosure is notwithstanding the requirements of litigation and court proceedings. If the disclosure of information to another person is necessary to proceed with an investigation, the complainant or their designated representative will be advised first and consulted on whether and/or how to proceed.

5. Retaliation

Retaliation against a person who files a complaint of discrimination or harassment, participates in an investigation of such a complaint, or opposes an unlawful employment practice is prohibited by Federal and State law and City policy. Anyone who believes she or he has been retaliated against for filing a complaint of discrimination or harassment is encouraged to report the retaliatory actions to the ADA Coordinator.

6. Complaint Procedure

This procedure is established to meet the requirements of the Americans with Disabilities Act of 1990. This procedure shall be liberally construed to protect the substantial rights of interested persons, to meet appropriate due process standards, and to assure compliance with the ADA. It may be used by 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. The City's Personnel Rules govern employment-related complaints of disability discrimination for Competitive Service Employees. Policy No. 2.6 shall govern employment-related complaints of disability discrimination for all other employees.

All other discrimination complaints pertaining to compliance with the ADA should be in writing and contain information about the alleged discrimination, such as the name, address, and phone number of the complainant, and location, date, and description of the problem. Alternative means of filing a complaint, such as a personal interview, use of a TDD, or a tape recording of the complaint, will be made available for persons with disabilities upon request. A non-written complaint will only be accepted for disability accommodation.

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

Administrative Services Director, ADA Coordinator
City of Moorpark
799 Moorpark Avenue
Moorpark, CA 93021

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

7. Appeal

If the response by the ADA Coordinator or her/his designee does not satisfactorily resolve the issue, the complainant and/or her/his designee may appeal the decision within 15 calendar days after receipt of the response to the City Manager.

Within 15 calendar days after receipt of the appeal, the City Manager or his/her designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the City Manager will respond in writing, and, where appropriate, also respond in a format accessible to the complainant, with a final resolution of the complaint. Any appeal of the City Manager's decision would be pursuant to Section 2.04.080 of the City Municipal Code.

The file retention period for all written ADA complaints received by the City and responses from the City will be included in the City's Records Retention Schedule.