



## STAFF REPORT

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**MEETING DATE:** January 11, 2023

**PRESENTER:** John Jansons, City Manager

**SUBJECT:** Consideration of Reasonable Accommodations Policy for City Meetings Subject to the Brown Act to Comply with AB 2449 (JAJ)

**RECOMMENDATION:** Council by motion approve resolution adopting reasonable accommodations policy for City meetings subject to the Brown Act to comply with Assembly Bill No. 2449.

**EXECUTIVE SUMMARY:**

On September 13, 2022, Assembly Bill No. 2449 was approved by Governor Newsom, amending, repealing, and adding sections 54953 and 54954.2 of the Government Code, relating to local government. Effective January 1, 2023, Government Code Section 54953(g) requires that all public agencies have and implement a procedure for receiving and swiftly resolving reasonable accommodation requests for individuals with disabilities, consistent with the Federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and resolving any doubt in favor of accessibility. Requests may be made by any individual that participates or conducts the meeting, including members of the public, staff, and members of the legislative body.

**DISCUSSION:**

Accommodations can be made for individuals with visual, audio or mobility impairments. The policy, which will go into effect upon adoption, outlines available accommodations in addition to the process to follow to request special accommodations. Accommodations should be requested as early as possible as additional time may be required in order to provide the requested accommodation. Note that an accommodation will be considered to be unreasonable and will not be provided if it imposes undue financial or administrative burdens on the City, or requires a fundamental alteration in the nature of a program. If a particular accommodation is unreasonable, the City will offer an alternative accommodation that is reasonable.

The Reasonable Accommodations Policy will be under further review to ensure the City includes as many feasible accommodations without posing a financial or administrative burden. If additional options including resources or equipment are identified this policy will be brought back to City Council for consideration.

City Agendas will now have the following language notifying of accommodation and compliance with Assembly Bill No. 2449:

*“The City has adopted a Reasonable Accommodations Policy that provides a procedure for receiving and resolving requests for accommodation to participate in this meeting. (See*

[www.cityofkerman.net](http://www.cityofkerman.net)). If you need assistance in order to attend the City Council meeting, or if you require auxiliary aids or services, e.g., hearing aids or signing services to make a presentation to the City Council, the City is here to assist you. Please contact the City Clerk's Office at (559) 846-9380 so such aids or services can be arranged.

Requests may also be made by email to the City Clerk at [mreyes@cityofkerman.org](mailto:mreyes@cityofkerman.org) or may be delivered/mailed to City Clerk, City of Kerman 850 S. Madera Ave. Kerman, CA 93630.

Accommodations should be requested as early as possible as additional time may be required in order to provide the requested accommodation; 72 hours in advance is suggested."

**FISCAL IMPACT:**

There is no immediate fiscal impact with reviewing and adopting the above referenced policy. Provision of exact services and the volume of accessibility will result in additional expense of an undetermined amount.

**ATTACHMENTS:**

A. Resolution w/Exhibit

**RESOLUTION NO. 23-\_\_**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KERMAN ADOPTING A REASONABLE ACCOMMODATIONS POLICY FOR COUNCIL AND OTHER MEETINGS SUBJECT TO THE BROWN ACT**

WHEREAS, effective January 1, 2023, Government Code Section 54953(g) requires that all public agencies have and implement a procedure for receiving and swiftly resolving reasonable accommodation requests for individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and resolving any doubt in favor of accessibility. Requests may be made by any individual that participates or conducts the meeting, including members of the public, staff, and members of the legislative body.

NOW THEREFORE, the City Council of the City of Kerman resolves as follows:

1. The foregoing recital is true and correct and is incorporated by reference.
2. The Council hereby adopts the Reasonable Accommodations Policy for Council Meetings and other meetings subject to the Brown Action as set forth in attached as Exhibit 'A' and incorporated by reference.

The foregoing resolution was considered by the City Council of the City of Kerman at a regular meeting of said Council held on the 11<sup>th</sup> day of January 2023, and adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

The foregoing resolution is hereby approved.

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Maria Pacheco  
Mayor

ATTEST:

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Marci Reyes  
City Clerk

Exhibit 'A'

**CITY OF KERMAN**

**REASONABLE ACCOMMODATIONS POLICY FOR CITY MEETINGS SUBJECT TO THE BROWN ACT**

Effective January 1, 2023, Government Code Section 54953(g) requires that all public agencies have and implement a procedure for receiving and swiftly resolving reasonable accommodation requests for individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and resolving any doubt in favor of accessibility. Requests may be made by any individual that participates or conducts the meeting, including members of the public, staff, and members of the legislative body.

**Readily Available Accommodations**

Any of the following accommodations can be provided for a publicly-noticed City meeting or meetings open to the public:

Agendas and staff reports: Upon request, any agendas or staff reports can be made available in appropriate alternative formats to persons with a disability, including hyperlinks where appropriate so that the user can access the linked information.

**For individuals with hearing loss: Upon request, accommodations can include the following:**

- Qualified interpreters on-site or through video remote interpreting (VRI) services;
- Assistive listening devices;
- Voice, text, and video-based telecommunications products and systems, including text telephones (TTYs), videophones, and captioned telephones, or equally effective telecommunications devices;

**For individuals with visual impairments: Upon request, accommodations can include the following:**

- Qualified readers;
- Audio recordings;
- Optical readers;
- Large print materials; and

Note that electronic agendas are available on the City's website at [www.cityofkerman.net](http://www.cityofkerman.net) in pdf format, which should be compatible with the screen readers that are commonly used by those who are visually impaired.

- For individuals with mobility impairments: Upon request, accommodations can include the following:
  - ADA accessible facilities, including ramps and elevators (if needed), to access Council chambers or other locations where public meetings are being held;
- Closed circuit broadcast/Zoom/Teams/telephone access.

## Process for Other Accommodations

Individuals who are deaf or hard of hearing, who are blind or have low vision, have mobility impairments, or have any other disability, may also request accommodations other than those readily available using the process outlined below. Accommodations should be requested as early as possible as additional time may be required in order to provide the requested accommodation. Note that an accommodation will be considered to be unreasonable and will not be provided if it imposes undue financial or administrative burdens on the City, or requires a fundamental alteration in the nature of a program. If a particular accommodation is unreasonable, the City will offer an alternative accommodation that is reasonable.

Process to request an additional accommodation: A request for an accommodation other than those listed above may be made as follows:

1. Make the request for the accommodation as soon as you can, preferably before the meeting you wish to attend, or at the meeting itself if necessary. The sooner the request is made, the more likely it is that the City can provide the additional accommodation or an alternative. You can make this request yourself, or someone can make it on your behalf with your permission.
2. Make the request orally or in writing, and submit it to the City Clerk so as to avoid delay in reviewing and processing the request. Requests can be made at either the following email address or mailing address:

City Clerk: Marci Reyes, (559) 846-9380 or by e-mail to: [mreyes@cityofkerman.org](mailto:mreyes@cityofkerman.org)

Mailing Address: City of Kerman, Attn: City Clerk  
850 S. Madera Ave.  
Kerman, CA 93630

3. The request for an accommodation must provide the following information:
  - (a) Identify the proposed accommodation. Tell us the type of accommodation you are seeking, and how the accommodation will allow you to access and participate in the meeting. The specific impairment does not need to be disclosed. Instead, a general statement of explanation of the type of need will suffice. A letter from a physician that the requested accommodation is required for you to access and participate in the meeting can also be submitted, but is not required.
  - (b) Contact information. Provide current contact information so we can respond in a timely manner. This can be a mailing address, an email address, or telephone number, for example. Note that if only a mailing address is provided, you need to make the request early enough that a mailed response can be timely provided.
  - (c) Identify the meeting where the additional accommodation is requested. Specify the specific meeting(s) where the accommodation is requested.

Procedures for City Staff: Once City staff have received a request for an additional accommodation, the following procedures will apply:

1. Any City staff member who receives, or believes they may have received; an accommodation request will promptly relay the request and the requestor's contact information to the City Clerk and City Manager.

2. The City Attorney may be requested to assist in the review of requests, and assist staff in providing a response to the requestor as soon as practicable.
3. All responses to written reasonable requests for additional accommodation shall be provided in writing, if the request was made sufficiently in advance such that a written response can be transmitted in a timely manner prior to the start of the specific meeting. Otherwise, City staff will provide an oral response if the requestor has provided sufficient contact information. Responses will identify whether the accommodation is granted or granted in the alternative, and will provide any instructions necessary for the accommodation to be accessed. If an additional accommodation request is denied, the response will identify the grounds for denial. City staff will document requests and responses provided orally.
4. Any doubt regarding whether a request is reasonable and feasible should be resolved in favor of accommodations. Staff will make reasonable efforts to communicate with requestors to obtain clarifications or to discuss whether alternative accommodations will be viable.

The City of Kerman will continue to identify and implement state of the art equipment and services to provide required accommodations.